



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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

GOVERNOR'S INSTRUMENTS

ACT

Department of the Premier and Cabinet
Adelaide, 26 November 2020

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

No. 41 of 2020—Defamation (Miscellaneous) Amendment Act 2020
An Act to amend the Defamation Act 2005

By command,

STEVEN SPENCE MARSHALL
Premier

APPOINTMENTS

Department of the Premier and Cabinet
Adelaide, 26 November 2020

His Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Controlled Substances Advisory Council, pursuant to the provisions of the Controlled Substances Act 1984:

Member: from 26 November 2020 until 25 November 2023
Darren Rex Fielke

By command,

STEVEN SPENCE MARSHALL
Premier

HEAC-2020-00064

Department of the Premier and Cabinet
Adelaide, 26 November 2020

His Excellency the Governor in Executive Council has revoked the appointment of Gregory George Marshall, Director, Mining Regulation, Department for Energy and Mining, as the Chief Inspector of Mines, effective from 26 November 2020 - pursuant to the provisions of the Mines and Works Inspection Act 1920 and the Acts Interpretation Act 1915.

By command,

STEVEN SPENCE MARSHALL
Premier

MEM20-32CS

Department of the Premier and Cabinet
Adelaide, 26 November 2020

His Excellency the Governor in Executive Council has been pleased to appoint Daniel John Radulovic, Principal Mining Regulator - Olympic Dam and Uranium, Mineral Resources Division, Department for Energy and Mining, as the Chief Inspector of Mines commencing on 26 November 2020 - pursuant to Section 6 of the Mines and Works Inspection Act 1920.

By command,

STEVEN SPENCE MARSHALL
Premier

MEM20-32CS

Department of the Premier and Cabinet
Adelaide, 26 November 2020

His Excellency the Governor in Executive Council has been pleased to appoint Anna Louise Collyer as Chairperson of the Australian Energy Market Commission for a term of five years commencing on 1 February 2021 and expiring on 31 January 2026 subject to the provisions of the Australian Energy Market Commission Establishment Act 2004 (South Australia) and pursuant to the provisions of the Australian Energy Market Commission Establishment Act 2004 (South Australia).

By command,

STEVEN SPENCE MARSHALL
Premier

MEM20-31CS

Department of the Premier and Cabinet
Adelaide, 26 November 2020

His Excellency the Governor in Executive Council has been pleased to appoint Emily Rachel Strickland as the Acting Commissioner for Equal Opportunity on a temporary basis commencing on 28 November 2020 and expiring on 28 February 2021 pursuant to Section 8 of the Equal Opportunity Act 1984.

By command,

STEVEN SPENCE MARSHALL
Premier

AGO0185-20CS

PROCLAMATIONS

South Australia

Legal Practitioners (Senior and Queen's Counsel) Amendment Act (Commencement) Proclamation 2020

1—Short title

This proclamation may be cited as the *Legal Practitioners (Senior and Queen's Counsel) Amendment Act (Commencement) Proclamation 2020*.

2—Commencement of Act

The *Legal Practitioners (Senior and Queen's Counsel) Amendment Act 2020* (No 32 of 2020) comes into operation on 26 November 2020.

Made by the Governor

with the advice and consent of the Executive Council
on 26 November 2020

South Australia

Landscape South Australia Act (Commencement) Proclamation 2020

1—Short title

This proclamation may be cited as the *Landscape South Australia Act (Commencement) Proclamation 2020*.

2—Commencement of suspended provisions

The following provisions of the *Landscape South Australia Act 2019* (No 33 of 2019) come into operation on 1 January 2021:

- (a) section 15(4) and (5);
- (b) section 16.

Made by the Governor

with the advice and consent of the Executive Council
on 26 November 2020

South Australia

Statutes Amendment (Licence Disqualification) Act Commencement Proclamation 2020

1—Short title

This proclamation may be cited as the *Statutes Amendment (Licence Disqualification) Act Commencement Proclamation 2020*.

2—Commencement of Act

The *Statutes Amendment (Licence Disqualification) Act 2020* (No 20 of 2020) comes into operation on 30 November 2020.

Made by the Governor

with the advice and consent of the Executive Council
on 26 November 2020

REGULATIONS

South Australia

Electricity (General) (Retailer Energy Productivity Scheme) Variation Regulations 2020

under the *Electricity Act 1996*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Electricity (General) (Retailer Energy Productivity Scheme) Variation Regulations 2020*.

2—Commencement

These regulations come into operation on 1 January 2021.

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 *Electricity (General) Regulations 2012*

4—Substitution of Part 4

Part 4—delete the Part and substitute:

Part 4—Retailer Energy Productivity Scheme

Division 1—Preliminary

22—Application

- (1) The following provisions apply in relation to the application of this Part to a regulated entity authorised to sell electricity by retail (whether or not the entity is required to hold a licence under the Act):
 - (a) this Part applies in a calendar year to a regulated entity if, as at 30 June in the preceding year, the regulated entity sold electricity as a retailer to a number of residential customers within South Australia equal to or greater than the threshold set for the purposes of this paragraph;
 - (b) without derogating from paragraph (a), this Part, other than regulations 25 or 27, applies in a calendar year to a regulated entity if, during the preceding financial year, the regulated entity purchased a quantity of electricity, excluding designated electricity purchases, equal to or greater than the threshold set for the purposes of this paragraph for retailing to customers within South Australia.
- (2) For the purposes of subregulation (1)(a) and (b), the Minister must, by notice in the Gazette, set the relevant thresholds for a 5 year period at the time of setting the annual energy productivity targets for the purposes of this Part.
- (3) This regulation applies subject to the operation of regulations 26(5) and 27(4).

- (4) In this regulation—

designated electricity purchase means a purchase of electricity of a kind determined by the Minister by notice in the Gazette;

residential customer means a small customer—

- (a) who acquires electricity primarily for domestic use; and
- (b) who satisfies other criteria (if any) determined by the Commission for the purposes of this definition.

23—Interpretation

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

EPT—see regulation 24;

energy credit, in relation to energy productivity activities, means the difference between the amount of normalised gigajoules actually achieved by a retailer in a year through the conduct or acquisition of energy productivity activities under this Part and the EPT that applies to the retailer for that year (if the difference is positive);

energy productivity activity means an activity or measure determined by the Minister under regulation 28 to be an energy productivity activity for the purposes of this Part;

priority group household means residential premises in which a person of a class determined by the Minister for the purposes of these regulations resides;

relevant electricity retailer means a regulated entity within the ambit of regulation 22(1);

relevant gas retailer means a relevant gas retailer within the meaning of Part 4 of the *Gas Regulations 2012*;

retailer means a relevant electricity retailer or a relevant gas retailer.

- (2) For the purposes of this Part, an energy productivity activity undertaken in accordance with this Part will be taken to have been undertaken on the day on which the activity is reported to the Commission under regulation 33.

Division 2—Energy productivity activities

24—Energy productivity targets

- (1) The Minister must, by notice in the Gazette, set the annual energy productivity targets for the purposes of this Part, being the amount of normalised gigajoules required to be achieved by retailers through the carrying out of energy productivity activities in accordance with this Part and Part 4 of the *Gas Regulations 2012*.

- (2) The Minister must, for the purposes of subregulation (1), set annual energy productivity targets relating to each of the following 5 year periods:
 - (a) 2021 to 2025 (inclusive);
 - (b) 2026 to 2030 (inclusive).
- (3) The Commission must set an annual energy productivity target (*EPT*) for each retailer by apportioning the relevant annual target set by the Minister between retailers in accordance with any requirements of the Minister.

25—Primary and secondary subtargets

- (1) The Minister may, by notice in the Gazette, determine that a percentage or specified amount of an annual energy productivity target is to be achieved by any 1 or more of the following (a *primary subtarget*):
 - (a) the provision of energy productivity activities to a class of customers specified in the notice;
 - (b) the undertaking of a kind of energy productivity activity specified in the notice.
- (2) For the purposes of this Part, the Minister—
 - (a) must determine a primary subtarget in relation to priority group households; and
 - (b) may determine other primary subtargets.
- (3) A notice under this regulation may specify that a percentage or specified amount of a subtarget is to be achieved by any 1 or more of the following (a *secondary subtarget*):
 - (a) the provision of energy productivity activities to a class of customers specified in the notice;
 - (b) the undertaking of a kind of energy productivity activity specified in the notice.

Example—

The Minister determines (under subregulation (1)) that 50% of an annual energy productivity target must be achieved by retailers through the carrying out of energy productivity activities in households (the *household primary subtarget*). The Minister determines (under subregulation (3)) that 50% of the household primary subtarget must be achieved by retailers through the carrying out of "demand-response" energy productivity activities (specified by the Minister) (the *demand-response secondary subtarget*).

- (4) The Commission must, in accordance with any requirements of the Minister—
 - (a) set primary subtargets for each retailer by apportioning each primary subtarget determined by the Minister in accordance with any requirements of the Minister; and
 - (b) set secondary subtargets for each retailer by apportioning each secondary subtarget determined by the Minister (if any) in accordance with any requirements of the Minister.

26—Energy productivity activities

- (1) A retailer must, subject to subregulation (2), undertake energy productivity activities sufficient to achieve the EPT that applies to the retailer for that year (as adjusted to take into account any shortfall added under subregulation (3)).
- (2) A retailer will be taken not to have failed to achieve the EPT that applies to the retailer for a year if the retailer undertakes energy productivity activities in the year sufficient to achieve at least 90% of the EPT.
- (3) Despite subregulation (2), where a retailer fails to achieve its EPT in a year, the energy productivity shortfall must be added to a EPT that applies to the retailer in a subsequent year.
- (4) An energy productivity activity undertaken by a retailer for the purposes of achieving a primary subtarget or secondary subtarget under regulation 27 is taken to be included as an energy productivity activity undertaken by a retailer for the purpose of achieving its EPT under this regulation.
- (5) If—
 - (a) a retailer undertakes energy productivity activities in a year sufficient to achieve at least 90% of its EPT for that year but does not achieve its EPT; and
 - (b) in the subsequent calendar year this Part no longer applies to the retailer as a result of the operation of regulation 22(1),the retailer must undertake energy productivity activities in the subsequent year to account for its energy productivity shortfall from the previous year.
- (6) If—
 - (a) a retailer fails to achieve its EPT with respect to any year; and
 - (b) the retailer—
 - (i) pays a shortfall penalty in accordance with the requirements of section 94B of the Act with respect to that failure; or
 - (ii) is subject to a penalty on account of a prosecution in respect of that failure,the energy productivity shortfall to which the shortfall penalty or prosecution relates will no longer apply to the retailer.
- (7) In this regulation—

energy productivity shortfall means the difference between the EPT that applies to the retailer for a year and the amount of normalised gigajoules actually achieved (in accordance with this Part) by that retailer in that year through the conduct of energy productivity activities.

27—Energy productivity activities—subtargets

- (1) A retailer must, subject to subregulation (2), undertake energy productivity activities sufficient to achieve each primary subtarget and secondary subtarget applying to the retailer for a year (as adjusted to take into account any shortfall added under subregulation (3)).
- (2) A retailer will be taken not to have failed to achieve a primary subtarget or secondary subtarget applying to the retailer for a year if the retailer undertakes energy productivity activities in the year sufficient to achieve at least 90% of the primary subtarget or secondary subtarget (as the case requires).
- (3) Despite subregulation (2)—
 - (a) if a retailer fails to achieve a primary subtarget in a year, the Commission must ensure that the energy productivity shortfall is added—
 - (i) if an equivalent primary subtarget applies to the retailer in the subsequent year—to that primary subtarget; or
 - (ii) in any other case—to the EPT that applies to the retailer in a subsequent year; and
 - (b) if a retailer fails to achieve a secondary subtarget in a year, the Commission must ensure that the energy productivity shortfall is added—
 - (i) if an equivalent secondary subtarget applies to the retailer in the subsequent year—to that secondary subtarget; or
 - (ii) in any other case—to the EPT that applies to the retailer in a subsequent year.
- (4) If—
 - (a) a retailer undertakes energy productivity activities in a year sufficient to achieve at least 90% of a primary subtarget or secondary subtarget for that year but does not achieve the primary subtarget or secondary subtarget (as the case requires); and
 - (b) in the subsequent calendar year this Part no longer applies to the retailer as a result of the operation of regulation 22(1),

the retailer must undertake energy productivity activities in the subsequent year to account for its energy productivity shortfall (for the relevant the primary subtarget or secondary subtarget) from the previous year.

- (5) If—
- (a) a retailer fails to achieve a primary subtarget or secondary subtarget that applies to the retailer for a year; and
 - (b) the retailer—
 - (i) pays a shortfall penalty in accordance with the requirements of section 94B of the Act with respect to that failure; or
 - (ii) is subject to a penalty on account of a prosecution in respect of that failure,

the energy productivity shortfall to which the shortfall penalty or prosecution relates will no longer apply to the retailer.

- (6) In this regulation—

energy productivity shortfall means—

- (a) in the case of a failure by a retailer to achieve a primary subtarget applying to the retailer in a year—the difference between the primary subtarget and the amount of normalised gigajoules actually achieved by that retailer in that year by undertaking energy productivity activities to achieve that primary subtarget; or
- (b) in the case of a failure by a retailer to achieve a secondary subtarget applying to the retailer in a year—the difference between the secondary subtarget and the amount of normalised gigajoules actually achieved by that retailer in that year by undertaking energy productivity activities to achieve that secondary subtarget.

28—Determination of activities or measures that constitute energy productivity activities

- (1) The Minister may, by notice in the Gazette, on the Minister's own initiative or by application, determine 1 or more activities or measures that may be undertaken by retailers to be energy productivity activities for the purposes of this Part.
- (2) An application under subregulation (1) must be made in a manner and form determined by the Minister.
- (3) A determination may be of general application or limited (according to criteria determined by the Minister) in its application to a particular retailer or particular retailers.

- (4) A notice published under this regulation must set out relevant information relating to an activity or measure that constitutes an energy productivity activity, including—
 - (a) a description of the activity or measure that constitutes the energy productivity activity; and
 - (b) the minimum specification in accordance with which the activity or measure that constitutes the energy productivity activity must be performed; and
 - (c) the amount of normalised gigajoules taken to be achieved, or the method of calculating such an amount, if the activity or measure that constitutes the energy productivity activity is undertaken; and
 - (d) any other matter the Minister thinks fit.
- (5) The Minister may, by notice in the Gazette, vary or revoke a determination made under this regulation.

Division 3—Other matters

29—Administration

- (1) The Commission has such functions and powers as are necessary or expedient to give effect to the retailer energy productivity scheme including the following functions:
 - (a) to administer the scheme;
 - (b) to ensure that retailers comply with the relevant requirements of this Part;
 - (c) to report to the Minister—
 - (i) at the end of each year as to the administration of the scheme and the progress of retailers in achieving the targets set by this Part; and
 - (ii) from time to time on any other matter relating to this Part as required by the Minister;
 - (d) to include the following information in its annual report under the *Essential Services Commission Act 2002*:
 - (i) information relating to energy productivity activities and measures being undertaken under this Part, including the kind, number and average cost of such activities and measures;
 - (ii) any other information required by the Minister or considered relevant by the Commission.

- (2) The Commission (in the case of a relevant electricity retailer required to hold a licence under the Act)—
 - (a) is required to impose a condition on the licence of the retailer under the Act that the retailer comply with the relevant provisions of this Part, pursuant to section 21(2) of the Act (so that a failure to comply with a relevant provision of this Part will constitute a contravention of a condition of the licence); and
 - (b) is to vary conditions of the licence of the retailer under the Act to ensure that the retailer complies with the relevant provisions of this Part as required from time to time, pursuant to section 27(1) of the Act (so that a failure to comply with a relevant provision of this Part will constitute a contravention of a condition of the licence).

30—Notification and adjustment of targets

- (1) The Commission must, in relation to each calendar year in which the retailer energy productivity scheme is to apply, notify in writing each retailer of any annual—
 - (a) EPT; and
 - (b) primary subtarget; and
 - (c) secondary subtarget,that applies to the retailer for that year.
- (2) The Commission may adjust a target that would otherwise apply to a retailer after taking into account any energy productivity shortfall under regulation 26 or 27 from a previous year that must be added to the target in accordance with regulation 26 or 27 (as the case requires).
- (3) The Commission may, in accordance with any requirements of the Minister, also adjust a target that would otherwise apply to a retailer in 2021 to reflect any amount to be added to the target under a notice published by the Minister under old regulation 35A (approving an alternative arrangement relating to the retailer).
- (4) If the customers of 1 retailer (in this regulation referred to as the *first retailer*) are transferred during a year to another retailer (in this regulation referred to as the *acquiring retailer*) by the sale, transmission or assignment of the whole or part of the business or undertaking of the first retailer, the Commission may adjust the targets of both the first retailer and the acquiring retailer for that year on a pro rata basis taking into account the date on which the customers were transferred.

- (5) If—
- (a) this Part and Part 4 of the *Gas Regulations 2012* did not apply to the acquiring retailer before the transfer of customers to the acquiring retailer as a result of the operation of regulation 22(1); and
 - (b) as a result of the transfer of customers the acquiring retailer has at least the threshold number of customers set for the purposes of regulation 22(1)(a) or the threshold amount set for the purposes of regulation 22(1)(b),
- this Part and Part 4 of the *Gas Regulations 2012* apply with immediate effect to the acquiring retailer and the Commission must—
- (c) in accordance with subregulation (1), notify the acquiring retailer of its targets under this Part; and
 - (d) adjust the targets that apply to both the first retailer and the acquiring retailer for that year on a pro rata basis taking into account the date on which the transfer of customers occurred.
- (6) Subject to subregulation (7), if a retailer accrues an energy credit in a year and does not transfer the credit under regulation 31, the Commission must, on application by the relevant retailer, take the credit into account in determining whether the retailer has met a target that applies to the retailer in any subsequent year.
- (7) The Minister may, by notice in the Gazette, determine the maximum energy credit that a retailer may apply to have taken into account in determining whether the retailer has met a target that applies to the retailer in the subsequent year.
- (8) The Minister must publish a notice under subregulation (7) in the Gazette on or before 31 December in the year preceding the year in which the energy credit may be accrued.

Example—

The Minister publishes a notice in December 2021 determining the maximum energy credit that a retailer may apply in 2023 to have taken into account in determining whether the retailer has met a target applying to the retailer (in 2023).

- (9) In this regulation—
- old regulation 35A* means regulation 35A of these regulations as in force immediately before 1 January 2021.

31—Retailers may enter into arrangements

- (1) If a retailer accrues an energy credit, the retailer may, at any time, transfer the credit to another retailer.
- (2) A retailer may enter into an arrangement with another person (including another retailer) for that person to undertake energy productivity activities on its behalf.
- (3) Despite any arrangement entered into under subregulation (2), a retailer remains liable for any offence or penalty arising from a failure to meet an EPT, primary subtarget or secondary subtarget that applies to the retailer under this Part.

32—Energy productivity activities acquisition scheme

- (1) The Minister may adopt a scheme providing for—
 - (a) energy productivity activities to be performed by persons or bodies in accordance with the scheme; and
 - (b) retailers to acquire energy productivity activities performed by such persons or bodies under the scheme in connection with achieving targets under this Part; and
 - (c) procedural and other matters related to the operation of the scheme.
- (2) A scheme adopted under this regulation must be published by the Minister in the manner determined by the Minister.
- (3) A reference in this regulation to an *energy productivity activity* includes a reference to any activity or measure relating to energy productivity determined by the Minister for the purposes of this regulation (in addition to an activity or measure determined by the Minister under regulation 28).

33—Compliance and reporting

- (1) A retailer must, as required from time to time by the Commission, submit to the Commission a compliance plan for the purposes of this Part in accordance with a code published by the Commission under Part 4 of the *Essential Services Commission Act 2002*.
- (2) A retailer must, as required from time to time by the Commission, report on compliance with this Part in accordance with a code published by the Commission under Part 4 of the *Essential Services Commission Act 2002*.
- (3) A code published under this regulation must comply with any requirements of the Minister.

34—Energy productivity shortfalls

- (1) For the purposes of section 94B of the Act, a *relevant electricity retailer* is a retailer who is subject to the application of this Part (including on account of regulation 26(5) or 27(4)).
- (2) For the purposes of section 94B(13)(a) of the Act, the requirements imposed under this Part on a retailer—
 - (a) to undertake energy productivity activities under regulation 26 sufficient to achieve the relevant EPT; and
 - (b) to undertake energy productivity activities under regulation 27 sufficient to achieve any relevant primary subtarget or secondary subtarget,

constitute the activities relating to energy productivity in which a relevant electricity retailer must engage, and for the purposes of that section the retailer must engage in those activities to the extent necessary to achieve compliance with regulation 26(2) or 27(2) (as the case requires).

- (3) For the purposes of section 94B(13)(b) of the Act, the extent of an energy productivity shortfall with respect to a particular year—
 - (a) will be determined in relation to each of the activities referred to in subregulation (2)(a) and (b); and
 - (b) will be as follows:
 - (i) in relation to energy productivity activities under regulation 26—an amount equal to the energy productivity shortfall applying to the retailer for that year;
 - (ii) in relation to energy productivity activities under regulation 27 relating to a primary subtarget or secondary subtarget—an amount equal to the energy productivity shortfall for the primary subtarget or secondary subtarget (as the case requires) applying to the retailer for that year.
- (4) For the purposes of section 94B(2)(a) of the Act, the prescribed base penalty is \$10 000 for each category of shortfall identified under subregulation (3).
- (5) For the purposes of subsection (2)(b) of section 94B of the Act, the amount payable under that subsection will be—
 - (a) in the case of an energy productivity shortfall under subregulation (3)(b)(i)—the amount constituting the energy productivity shortfall (expressed in normalised gigajoules) multiplied by \$21.45; or
 - (b) in the case of an energy productivity shortfall under subregulation (3)(b)(ii)—the amount constituting the energy productivity shortfall for the relevant primary subtarget or secondary subtarget (expressed in normalised gigajoules) multiplied by \$21.45.

35—Review

- (1) The Minister must cause a review of the operation of this Part to be conducted and a report on the results of the review to be submitted to the Minister before 31 December 2029.
- (2) The review must consider whether the scheme should continue and any other matter the Minister considers should be considered in the review.
- (3) The Minister must, within 12 sitting days after receiving the report, cause copies of the report to be laid before both Houses of Parliament.

36—Expiry

This Part will expire on 31 December 2030.

5—Variation of regulation 44A—NERL retailers to comply with code provisions and other requirements

Regulation 44A(b)—delete "efficiency" and substitute:

productivity

Schedule 1—Transitional provisions

1—Interpretation

In this Schedule

new Part 4 means Part 4 of the *Electricity (General) Regulations 2012* (as substituted by these regulations);

old Part 4 means Part 4 of the *Electricity (General) Regulations 2012* as in force immediately before the commencement of these regulations.

2—Energy credits

- (1) Despite the revocation of old Part 4 by these regulations, energy credits accrued by a retailer before that revocation (other than a credit transferred under regulation 33 of old Part 4) up to an amount equivalent to 20% of the energy efficiency target applying to the retailer for 2020 (under old Part 4) will, on the commencement of new Part 4, be taken to be an energy credit for the purposes of new Part 4.
- (2) The Commission must, in accordance with any requirements of the Minister, apply an energy credit referred to in subclause (1) to a retailer's EPT, or (if relevant) a primary subtarget or secondary subtarget applying to the retailer, under new Part 4.

3—Energy efficiency shortfalls from 2020

For the purposes of regulation 30(2) of new Part 4, the Commission may adjust a target that would otherwise apply to a retailer in 2021 after taking into account any energy efficiency shortfall of a retailer under regulation 26 or 27 of old Part 4.

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

with the advice and consent of the Executive Council
on 26 November 2020

No 304 of 2020

South Australia

Gas (Retailer Energy Productivity Scheme) Variation Regulations 2020

under the *Gas Act 1997*

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- 5 Variation of regulation 36A—NERL retailers to comply with code provisions and other requirements

Schedule 1—Transitional provisions

- 1 Interpretation
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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Gas (Retailer Energy Productivity Scheme) Variation Regulations 2020*.

2—Commencement

These regulations come into operation on 1 January 2021.

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 *Gas Regulations 2012*

4—Substitution of Part 4

Part 4—delete the Part and substitute:

Part 4—Retailer Energy Productivity Scheme

Division 1—Preliminary

16—Application

- (1) The following provisions apply in relation to the application of this Part to a regulated entity authorised to sell gas by retail (whether or not the entity is required to hold a licence under the Act):
 - (a) this Part applies in a calendar year to a regulated entity if, as at 30 June in the preceding year, the regulated entity sold gas as a retailer to a number of residential customers within South Australia equal to or greater than the threshold set for the purposes of this paragraph;
 - (b) without derogating from paragraph (a), this Part, other than regulations 19 or 21, applies in a calendar year to a regulated entity if, during the preceding financial year, the regulated entity purchased a quantity of gas, excluding designated gas purchases, equal to or greater than the threshold set for the purposes of this paragraph for retailing to customers within South Australia.
- (2) For the purposes of subregulation (1)(a) and (b), the Minister must, by notice in the Gazette, set the relevant thresholds for a 5 year period at the time of setting the annual energy productivity targets for the purposes of this Part.
- (3) This regulation applies subject to the operation of regulations 20(5) and 21(4).

- (4) In this regulation—

designated gas purchase means a purchase of gas of a kind determined by the Minister by notice in the Gazette;

residential customer means a small customer—

- (a) who acquires gas primarily for domestic use; and
- (b) who satisfies other criteria (if any) determined by the Commission for the purposes of this definition.

17—Interpretation

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

EPT—see regulation 18;

energy credit, in relation to energy productivity activities, means the difference between the amount of normalised gigajoules actually achieved by a retailer in a year through the conduct or acquisition of energy productivity activities under this Part and the EPT that applies to the retailer for that year (if the difference is positive);

energy productivity activity means an activity or measure determined by the Minister under regulation 22 to be an energy productivity activity for the purposes of this Part;

priority group household means residential premises in which a person of a class determined by the Minister for the purposes of these regulations resides;

relevant electricity retailer means a regulated entity within the ambit of Part 4 of the *Electricity (General) Regulations 2012*;

relevant gas retailer means a relevant gas retailer within the meaning of regulation 16(1);

retailer means a relevant electricity retailer or a relevant gas retailer.

- (2) For the purposes of this Part, an energy productivity activity undertaken in accordance with this Part will be taken to have been undertaken on the day on which the activity is reported to the Commission under regulation 27.

Division 2—Energy productivity activities

18—Energy productivity targets

- (1) The Minister must, by notice in the Gazette, set the annual energy productivity targets for the purposes of this Part, being the amount of normalised gigajoules required to be achieved by retailers through the carrying out of energy productivity activities in accordance with this Part and Part 4 of the *Electricity (General) Regulations 2012*.

- (2) The Minister must, for the purposes of subregulation (1), set annual energy productivity targets relating to each of the following 5 year periods:
 - (a) 2021 to 2025 (inclusive);
 - (b) 2026 to 2030 (inclusive).
- (3) The Commission must set an annual energy productivity target (*EPT*) for each retailer by apportioning the relevant annual target set by the Minister between retailers in accordance with any requirements of the Minister.

19—Primary and secondary subtargets

- (1) The Minister may, by notice in the Gazette, determine that a percentage or specified amount of an annual energy productivity target is to be achieved by any 1 or more of the following (a *primary subtarget*):
 - (a) the provision of energy productivity activities to a class of customers specified in the notice;
 - (b) the undertaking of a kind of energy productivity activity specified in the notice.
- (2) For the purposes of this Part, the Minister—
 - (a) must determine a primary subtarget in relation to priority group households; and
 - (b) may determine other primary subtargets.
- (3) A notice under this regulation may specify that a percentage or specified amount of a subtarget is to be achieved by any 1 or more of the following (a *secondary subtarget*):
 - (a) the provision of energy productivity activities to a class of customers specified in the notice;
 - (b) the undertaking of a kind of energy productivity activity specified in the notice.

Example—

The Minister determines (under subregulation (1)) that 50% of an annual energy productivity target must be achieved by retailers through the carrying out of energy productivity activities in households (the *household primary subtarget*). The Minister determines (under subregulation (3)) that 50% of the household primary subtarget must be achieved by retailers through the carrying out of "demand-response" energy productivity activities (specified by the Minister) (the *demand-response secondary subtarget*).

- (4) The Commission must, in accordance with any requirements of the Minister—
 - (a) set primary subtargets for each retailer by apportioning each primary subtarget determined by the Minister in accordance with any requirements of the Minister; and
 - (b) set secondary subtargets for each retailer by apportioning each secondary subtarget determined by the Minister (if any) in accordance with any requirements of the Minister.

20—Energy productivity activities

- (1) A retailer must, subject to subregulation (2), undertake energy productivity activities sufficient to achieve the EPT that applies to the retailer for that year (as adjusted to take into account any shortfall added under subregulation (3)).
- (2) A retailer will be taken not to have failed to achieve the EPT that applies to the retailer for a year if the retailer undertakes energy productivity activities in the year sufficient to achieve at least 90% of the EPT.
- (3) Despite subregulation (2), where a retailer fails to achieve its EPT in a year, the energy productivity shortfall must be added to a EPT that applies to the retailer in a subsequent year.
- (4) An energy productivity activity undertaken by a retailer for the purposes of achieving a primary subtarget or secondary subtarget under regulation 21 is taken to be included as an energy productivity activity undertaken by a retailer for the purpose of achieving its EPT under this regulation.
- (5) If—
 - (a) a retailer undertakes energy productivity activities in a year sufficient to achieve at least 90% of its EPT for that year but does not achieve its EPT; and
 - (b) in the subsequent calendar year this Part no longer applies to the retailer as a result of the operation of regulation 16(1),

the retailer must undertake energy productivity activities in the subsequent year to account for its energy productivity shortfall from the previous year.

- (6) If—
 - (a) a retailer fails to achieve its EPT with respect to any year; and
 - (b) the retailer—
 - (i) pays a shortfall penalty in accordance with the requirements of section 91A of the Act with respect to that failure; or
 - (ii) is subject to a penalty on account of a prosecution in respect of that failure,

the energy productivity shortfall to which the shortfall penalty or prosecution relates will no longer apply to the retailer.

- (7) In this regulation—

energy productivity shortfall means the difference between the EPT that applies to the retailer for a year and the amount of normalised gigajoules actually achieved (in accordance with this Part) by that retailer in that year through the conduct of energy productivity activities.

21—Energy productivity activities—subtargets

- (1) A retailer must, subject to subregulation (2), undertake energy productivity activities sufficient to achieve each primary subtarget and secondary subtarget applying to the retailer for a year (as adjusted to take into account any shortfall added under subregulation (3)).
- (2) A retailer will be taken not to have failed to achieve a primary subtarget or secondary subtarget applying to the retailer for a year if the retailer undertakes energy productivity activities in the year sufficient to achieve at least 90% of the primary subtarget or secondary subtarget (as the case requires).
- (3) Despite subregulation (2)—
 - (a) if a retailer fails to achieve a primary subtarget in a year, the Commission must ensure that the energy productivity shortfall is added—
 - (i) if an equivalent primary subtarget applies to the retailer in the subsequent year—to that primary subtarget; or
 - (ii) in any other case—to the EPT that applies to the retailer in a subsequent year; and
 - (b) if a retailer fails to achieve a secondary subtarget in a year, the Commission must ensure that the energy productivity shortfall is added—
 - (i) if an equivalent secondary subtarget applies to the retailer in the subsequent year—to that secondary subtarget; or
 - (ii) in any other case—to the EPT that applies to the retailer in a subsequent year.
- (4) If—
 - (a) a retailer undertakes energy productivity activities in a year sufficient to achieve at least 90% of a primary subtarget or secondary subtarget for that year but does not achieve the primary subtarget or secondary subtarget (as the case requires); and
 - (b) in the subsequent calendar year this Part no longer applies to the retailer as a result of the operation of regulation 16(1),

the retailer must undertake energy productivity activities in the subsequent year to account for its energy productivity shortfall (for the relevant the primary subtarget or secondary subtarget) from the previous year.

- (5) If—
- (a) a retailer fails to achieve a primary subtarget or secondary subtarget that applies to the retailer for a year; and
 - (b) the retailer—
 - (i) pays a shortfall penalty in accordance with the requirements of section 91A of the Act with respect to that failure; or
 - (ii) is subject to a penalty on account of a prosecution in respect of that failure,

the energy productivity shortfall to which the shortfall penalty or prosecution relates will no longer apply to the retailer.

- (6) In this regulation—

energy productivity shortfall means—

- (a) in the case of a failure by a retailer to achieve a primary subtarget applying to the retailer in a year—the difference between the primary subtarget and the amount of normalised gigajoules actually achieved by that retailer in that year by undertaking energy productivity activities to achieve that primary subtarget; or
- (b) in the case of a failure by a retailer to achieve a secondary subtarget applying to the retailer in a year—the difference between the secondary subtarget and the amount of normalised gigajoules actually achieved by that retailer in that year by undertaking energy productivity activities to achieve that secondary subtarget.

22—Determination of activities or measures that constitute energy productivity activities

- (1) The Minister may, by notice in the Gazette, on the Minister's own initiative or by application, determine 1 or more activities or measures that may be undertaken by retailers to be energy productivity activities for the purposes of this Part.
- (2) An application under subregulation (1) must be made in a manner and form determined by the Minister.
- (3) A determination may be of general application or limited (according to criteria determined by the Minister) in its application to a particular retailer or particular retailers.

- (4) A notice published under this regulation must set out relevant information relating to an activity or measure that constitutes an energy productivity activity, including—
 - (a) a description of the activity or measure that constitutes the energy productivity activity; and
 - (b) the minimum specification in accordance with which the activity or measure that constitutes the energy productivity activity must be performed; and
 - (c) the amount of normalised gigajoules taken to be achieved, or the method of calculating such an amount, if the activity or measure that constitutes the energy productivity activity is undertaken; and
 - (d) any other matter the Minister thinks fit.
- (5) The Minister may, by notice in the Gazette, vary or revoke a determination made under this regulation.

Division 3—Other matters

23—Administration

- (1) The Commission has such functions and powers as are necessary or expedient to give effect to the retailer energy productivity scheme including the following functions:
 - (a) to administer the scheme;
 - (b) to ensure that retailers comply with the relevant requirements of this Part;
 - (c) to report to the Minister—
 - (i) at the end of each year as to the administration of the scheme and the progress of retailers in achieving the targets set by this Part; and
 - (ii) from time to time on any other matter relating to this Part as required by the Minister;
 - (d) to include the following information in its annual report under the *Essential Services Commission Act 2002*:
 - (i) information relating to energy productivity activities and measures being undertaken under this Part, including the kind, number and average cost of such activities and measures;
 - (ii) any other information required by the Minister or considered relevant by the Commission.

- (2) The Commission (in the case of a relevant gas retailer required to hold a licence under the Act)—
 - (a) is required to impose a condition on the licence of the retailer under the Act that the retailer comply with the relevant provisions of this Part, pursuant to section 25(2) of the Act (so that a failure to comply with a relevant provision of this Part will constitute a contravention of a condition of the licence); and
 - (b) is to vary conditions of the licence of the retailer under the Act to ensure that the retailer complies with the relevant provisions of this Part as required from time to time, pursuant to section 29(1) of the Act (so that a failure to comply with a relevant provision of this Part will constitute a contravention of a condition of the licence).

24—Notification and adjustment of targets

- (1) The Commission must, in relation to each calendar year in which the retailer energy productivity scheme is to apply, notify in writing each retailer of any annual—
 - (a) EPT; and
 - (b) primary subtarget; and
 - (c) secondary subtarget,that applies to the retailer for that year.
- (2) The Commission may adjust a target that would otherwise apply to a retailer after taking into account any energy productivity shortfall under regulation 20 or 21 from a previous year that must be added to the target in accordance with regulation 20 or 21 (as the case requires).
- (3) The Commission may, in accordance with any requirements of the Minister, also adjust a target that would otherwise apply to a retailer in 2021 to reflect any amount to be added to the target under a notice published by the Minister under old regulation 29A (approving an alternative arrangement relating to the retailer).
- (4) If the customers of 1 retailer (in this regulation referred to as the *first retailer*) are transferred during a year to another retailer (in this regulation referred to as the *acquiring retailer*) by the sale, transmission or assignment of the whole or part of the business or undertaking of the first retailer, the Commission may adjust the targets of both the first retailer and the acquiring retailer for that year on a pro rata basis taking into account the date on which the customers were transferred.

- (5) If—
- (a) this Part and Part 4 of the *Electricity (General) Regulations 2012* did not apply to the acquiring retailer before the transfer of customers to the acquiring retailer as a result of the operation of regulation 16(1); and
 - (b) as a result of the transfer of customers the acquiring retailer has at least the threshold number of customers set for the purposes of regulation 16(1)(a) or the threshold amount set for the purposes of regulation 16(1)(b),
- this Part and Part 4 of the *Electricity (General) Regulations 2012* apply with immediate effect to the acquiring retailer and the Commission must—
- (c) in accordance with subregulation (1), notify the acquiring retailer of its targets under this Part; and
 - (d) adjust the targets that apply to both the first retailer and the acquiring retailer for that year on a pro rata basis taking into account the date on which the transfer of customers occurred.
- (6) Subject to subregulation (7), if a retailer accrues an energy credit in a year and does not transfer the credit under regulation 25, the Commission must, on application by the relevant retailer, take the credit into account in determining whether the retailer has met a target that applies to the retailer in any subsequent year.
- (7) The Minister may, by notice in the Gazette, determine the maximum energy credit that a retailer may apply to have taken into account in determining whether the retailer has met a target that applies to the retailer in the subsequent year.
- (8) The Minister must publish a notice under subregulation (7) in the Gazette on or before 31 December in the year preceding the year in which the energy credit may be accrued.

Example—

The Minister publishes a notice in December 2021 determining the maximum energy credit that a retailer may apply in 2023 to have taken into account in determining whether the retailer has met a target applying to the retailer (in 2023).

- (9) In this regulation—
- old regulation 29A** means regulation 29A of these regulations as in force immediately before 1 January 2021.

25—Retailers may enter into arrangements

- (1) If a retailer accrues an energy credit, the retailer may, at any time, transfer the credit to another retailer.
- (2) A retailer may enter into an arrangement with another person (including another retailer) for that person to undertake energy productivity activities on its behalf.
- (3) Despite any arrangement entered into under subregulation (2), a retailer remains liable for any offence or penalty arising from a failure to meet an EPT, primary subtarget or secondary subtarget that applies to the retailer under this Part.

26—Energy productivity activities acquisition scheme

- (1) The Minister may adopt a scheme providing for—
 - (a) energy productivity activities to be performed by persons or bodies in accordance with the scheme; and
 - (b) retailers to acquire energy productivity activities performed by such persons or bodies under the scheme in connection with achieving targets under this Part; and
 - (c) procedural and other matters related to the operation of the scheme.
- (2) A scheme adopted under this regulation must be published by the Minister in the manner determined by the Minister.
- (3) A reference in this regulation to an *energy productivity activity* includes a reference to any activity or measure relating to energy productivity determined by the Minister for the purposes of this regulation (in addition to an activity or measure determined by the Minister under regulation 22).

27—Compliance and reporting

- (1) A retailer must, as required from time to time by the Commission, submit to the Commission a compliance plan for the purposes of this Part in accordance with a code published by the Commission under Part 4 of the *Essential Services Commission Act 2002*.
- (2) A retailer must, as required from time to time by the Commission, report on compliance with this Part in accordance with a code published by the Commission under Part 4 of the *Essential Services Commission Act 2002*.
- (3) A code published under this regulation must comply with any requirements of the Minister.

28—Energy productivity shortfalls

- (1) For the purposes of section 91A of the Act, a *relevant gas retailer* is a retailer who is subject to the application of this Part (including on account of regulation 20(5) or 21(4)).
- (2) For the purposes of section 91A(13)(a) of the Act, the requirements imposed under this Part on a retailer—
 - (a) to undertake energy productivity activities under regulation 20 sufficient to achieve the relevant EPT; and
 - (b) to undertake energy productivity activities under regulation 21 sufficient to achieve any relevant primary subtarget or secondary subtarget,

constitute the activities relating to energy productivity in which a relevant gas retailer must engage, and for the purposes of that section the retailer must engage in those activities to the extent necessary to achieve compliance with regulation 20(2) or 21(2) (as the case requires).

- (3) For the purposes of section 91A(13)(b) of the Act, the extent of an energy productivity shortfall with respect to a particular year—
 - (a) will be determined in relation to each of the activities referred to in subregulation (2)(a) and (b); and
 - (b) will be as follows:
 - (i) in relation to energy productivity activities under regulation 20—an amount equal to the energy productivity shortfall applying to the retailer for that year;
 - (ii) in relation to energy productivity activities under regulation 21 relating to a primary subtarget or secondary subtarget—an amount equal to the energy productivity shortfall for the primary subtarget or secondary subtarget (as the case requires) applying to the retailer for that year.
- (4) For the purposes of section 91A(2)(a) of the Act, the prescribed base penalty is \$10 000 for each category of shortfall identified under subregulation (3).
- (5) For the purposes of subsection (2)(b) of section 91A of the Act, the amount payable under that subsection will be—
 - (a) in the case of an energy productivity shortfall under subregulation (3)(b)(i)—the amount constituting the energy productivity shortfall (expressed in normalised gigajoules) multiplied by \$21.45; or
 - (b) in the case of an energy productivity shortfall under subregulation (3)(b)(ii)—the amount constituting the energy productivity shortfall for the relevant primary subtarget or secondary subtarget (expressed in normalised gigajoules) multiplied by \$21.45.

29—Review

- (1) The Minister must cause a review of the operation of this Part to be conducted and a report on the results of the review to be submitted to the Minister before 31 December 2029.
- (2) The review must consider whether the scheme should continue and any other matter the Minister considers should be considered in the review.
- (3) The Minister must, within 12 sitting days after receiving the report, cause copies of the report to be laid before both Houses of Parliament.

30—Expiry

This Part will expire on 31 December 2030.

5—Variation of regulation 36A—NERL retailers to comply with code provisions and other requirements

Regulation 36A(1)(b)—delete "efficiency" and substitute:
productivity

Schedule 1—Transitional provisions

1—Interpretation

In this Schedule

new Part 4 means Part 4 of the *Gas Regulations 2012* (as substituted by these regulations);

old Part 4 means Part 4 of the *Gas Regulations 2012* as in force immediately before the commencement of these regulations.

2—Energy credits

- (1) Despite the revocation of old Part 4 by these regulations, energy credits accrued by a retailer before that revocation (other than a credit transferred under regulation 27 of old Part 4) up to an amount equivalent to 20% of the energy efficiency target applying to the retailer for 2020 (under old Part 4) will, on the commencement of new Part 4, be taken to be an energy credit for the purposes of new Part 4.
- (2) The Commission must, in accordance with any requirements of the Minister, apply an energy credit referred to in subclause (1) to a retailer's EPT, or (if relevant) a primary subtarget or secondary subtarget applying to the retailer, under new Part 4.

3—Energy efficiency shortfalls from 2020

For the purposes of regulation 24(2) of new Part 4, the Commission may adjust a target that would otherwise apply to a retailer in 2021 after taking into account any energy efficiency shortfall of a retailer under regulation 20 or 21 of old Part 4.

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

with the advice and consent of the Executive Council
on 26 November 2020

No 305 of 2020

South Australia

Landscape South Australia (Water Register) Regulations 2020

under the *Landscape South Australia Act 2019*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Landscape South Australia (Water Register) Regulations 2020*.

2—Commencement

- (1) Subject to subregulation (2), these regulations come into operation on the day on which they are made.
- (2) The following regulations come into operation on the day on which Schedule 4 Parts 3 and 4 of the Act come into operation:
 - (a) regulation 4(1)(i) and (2);
 - (b) Part 3 to Part 6 (inclusive);
 - (c) regulations 32 and 33;
 - (d) regulations 35, 36 and 37;
 - (e) regulations 39, 40 and 41.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Landscape South Australia Act 2019*;

bundled water licence means a water licence that does not make express provision for a water access entitlement in the manner contemplated by section 121(2) of the Act;

caveatable interest means an interest held by virtue of being 1 of the following in relation to a relevant entitlement:

- (a) the holder of an interest in a relevant entitlement;
- (b) the holder of a security interest that relates to an interest in a relevant entitlement;
- (c) a party to a dealing, or prospective dealing, that relates to an interest in a relevant entitlement;
- (d) a person entitled, or claiming to be entitled, to be registered as the holder of an interest in a relevant entitlement;
- (e) a person who is the representative, by virtue of an appointment or order made under statute or otherwise by the operation of any law, of the holder of—
 - (i) an interest in a relevant entitlement; or
 - (ii) a security interest that relates to an interest in a relevant entitlement;
- (f) a person who has an interest that is otherwise related to a relevant entitlement;

caveator means a person who has the benefit of a caveat registered under Part 5 and includes the Minister when the Minister has registered a caveat on the Minister's own initiative;

register means The Water Register;

related body corporate, in relation to a particular entity (being a body corporate), is a body corporate that is related to the entity under section 50 of the *Corporations Act 2001* of the Commonwealth;

relevant entitlement means—

- (a) a water licence (or an interest in a water licence); or
- (b) a water access entitlement, or part of a water access entitlement;

water access entitlement includes a quantity of water included as part of a water licence that is taken to be a water access entitlement under regulation 13 of the *Landscape South Australia (Transitional Provisions) Regulations 2019*.

Part 2—Information on register

4—Information to be recorded on register

- (1) For the purposes of Schedule 4 clause 6(g) of the Act, the following information (in detail determined by the Minister) is prescribed:
 - (a) information about each application made to the Minister under Part 8 of the Act, and the status of the application;
 - (b) in relation to a Schedule 4 entitlement, water resource works approval or site use approval—information about any condition attached to the Schedule 4 entitlement or approval;
 - (c) in relation to a Schedule 4 entitlement—information about any devolution of the Schedule 4 entitlement;
 - (d) in relation to a water licence—information about—
 - (i) the nature of the holding of the water licence (and if there are 2 or more holders of the water licence as tenants in common, the proportions of their respective interests); and
 - (ii) the consumptive pool or consumptive pools to which the water licence relates; and
 - (iii) any subdivision of the water licence, or any consolidation of the water licence with another water licence; and
 - (iv) in the case of a bundled water licence—the site with which the water licence is associated; and
 - (v) the nature or effect of any variation of the water licence, the reason for the variation, and the date of the variation; and
 - (vi) any transfer of the water licence, distinguishing between an absolute transfer and a transfer for a limited period, and including information about the reason for the transfer, the date of the transfer, and the price (if any) paid for the transfer; and
 - (vii) the surrender of the water licence; and
 - (viii) the exercise of any power of sale over the licence;
 - (e) in relation to a water access entitlement—information about—
 - (i) the water licence to which it relates; and
 - (ii) the basis on which the water access entitlement is determined under the relevant water allocation plan, as provided under section 53(5) of the Act, including, as relevant, the number of shares, maximum volume or other value of the water access entitlement; and
 - (iii) any classification assigned to the water access entitlement by or under the relevant water allocation plan; and
 - (iv) the nature or effect of any variation of, or reduction in, a water access entitlement, the reason for the variation, and the date of the variation; and

- (v) any transfer of the water access entitlement, distinguishing between an absolute transfer and a transfer for a limited period, and including information about the reason for the transfer, the date of the transfer, and the price (if any) paid for the transfer; and
 - (vi) the exercise of any power of sale over the water access entitlement;
- (f) in relation to a water allocation—information about—
 - (i) the amount of water allocated on account of any water access entitlement from time to time; and
 - (ii) any amount of water permitted as carryover from time to time; and
 - (iii) the consumption or volume of allocated water used; and
 - (iv) any variation of, or reduction in, the allocation made from time to time, the reason for the variation, and the date of the variation; and
 - (v) any transfer of the water allocation, including information about the reason for the transfer, the date of the transfer, and the price (if any) paid for the transfer; and
 - (vi) any tagging of the water allocation in connection with an Interstate Water Entitlements Transfer Scheme;
- (g) in relation to a water resource works approval or a site use approval—information about—
 - (i) the certificate of title (or other legal description) of the land where the works are to be located or the water is to be used (as the case may be); and
 - (ii) the maximum volume of water that may be taken, collected, diverted, extracted or used under the approval (as applies in the appropriate case); and
 - (iii) in the case of a water resource works approval—the works that are authorised under the approval; and
 - (iv) in the case of a site use approval—the purpose or purposes for which the water may be used; and
 - (v) any water allocation, and associated water licence, under which water may be taken or used on account of the relevant approval;
- (h) in relation to a forest water licence—information about—
 - (i) the amount of water attached to the licence; and
 - (ii) the purpose or purposes for which the water may be used;
- (i) in relation to a security interest registered under Schedule 4—
 - (i) the contact details of the person who has the benefit of the security interest; and
 - (ii) if relevant, the interest of a tenant in common to which the security interest applies; and
 - (iii) the order of priority that applies in relation to the security interest; and
 - (iv) the date and time of any discharge of the security interest; and
 - (v) if so determined by the Minister, any instrument reference number assigned to the instrument evidencing the security interest;

- (j) in relation to any water levy, penalty, fee or charge that relates to a Schedule 4 entitlement—
 - (i) the amount of the levy, penalty, fee or charge; and
 - (ii) information about the person who is liable for payment (including in relation to any interest on an unpaid amount);
 - (k) in relation to a permit granted for a water affecting activity—information about—
 - (i) the name and contact details of the person to whom the permit is issued; and
 - (ii) the date of issue; and
 - (iii) the activity authorised under the permit; and
 - (iv) any condition to which the permit is subject; and
 - (v) the land with which the permit is associated; and
 - (vi) the date of any variation of the permit; and
 - (vii) the date of expiry, surrender or revocation.
- (2) For the purposes of Schedule 4 clause 6(f) of the Act, the following information (in detail determined by the Minister) is prescribed in relation to any caveat registered under Part 4 of that Schedule:
- (a) the name and contact details of the caveator or caveators;
 - (b) the date and time of registration;
 - (c) the nature of the caveat and caveatable interest (determined according to criteria adopted by the Minister);
 - (d) if so determined by the Minister, any instrument reference number assigned to an instrument evidencing a caveatable interest;
 - (e) if the caveat applies in relation to part of a water access entitlement—the interest to which it relates;
 - (f) the dealings forbidden by the caveat and, if relevant, any dealings permitted under the terms of the caveat or by the caveator;
 - (g) the date of an application to remove the caveat;
 - (h) the period of the caveat, or other information about the expiry, lapsing or removal of the caveat.

5—Priority of registration

- (1) This regulation applies in relation to instruments lodged for registration on the register under Part 8 and Schedule 4 of the Act, and these regulations.

- (2) The priority of instruments to which this regulation applies lodged for registration, as between themselves, is according to the time and date of lodgement with the Minister unless some other order of priority is indicated by the parties at the time of lodgement of 2 or more instruments.
- (3) A registration takes effect at the time the registration is made.
- (4) Subregulations (2) and (3) do not affect—
 - (a) the operation of a caveat insofar as it relates to an interest protected by the registration of the caveat before the registration of a subsequent interest; or
 - (b) the operation of any other regulation which provides for the effect of recording anything on the register.
- (5) In this regulation—

instrument includes an application and any supporting documentation;
registration includes recording.

6—Application to alter details on register

- (1) A person may apply to the Minister for an alteration to be made to the register—
 - (a) to record any dealing, transaction or other action or circumstance that affects information registered or recorded on the register; or
 - (b) otherwise to change any information on the register.
- (2) An application under subregulation (1)—
 - (a) must be in a form approved by the Minister; and
 - (b) must be accompanied by the prescribed fee.
- (3) The Minister may give effect to the application if satisfied (in such manner as the Minister thinks fit) that the alteration should be made.

Part 3—Transfers

7—Registration of transfers

- (1) In connection with the operation of Schedule 4 clause 7 of the Act, the Minister gives effect to a transfer under section 125 of the Act—
 - (a) by registering the transfer on the register after approving the transfer on application made in accordance with section 125 of the Act; or
 - (b) subject to the operation of this regulation, by—
 - (i) approving the transfer on application made in accordance with section 125 of the Act; and
 - (ii) registering the transfer on a separate application made for the purposes of this paragraph within the period applying under subregulation (4).

- (2) The holder of a designated entitlement may, at the time of making an application under section 125 for a designated transfer, request the Minister to give effect to the transfer—
 - (a) under subregulation (1)(a); or
 - (b) under subregulation (1)(b).
- (3) If a request is not made at the time of application, it will be taken that the Minister is to give effect to the transfer under subregulation (1)(a).
- (4) An application for the registration of a transfer under subregulation (1)(b)(ii) must be made within 2 months after the Minister grants approval to the transfer under the relevant designated section.
- (5) For the purposes of Schedule 4 clause 7 of the Act—
 - (a) subregulation (1)(a) is recognised as the procedure for the purposes of clause 7(2)(a); and
 - (b) the period under subregulation (4) is the prescribed period that applies under clause 7(2)(b); and
 - (c) a designated transfer is a transfer of a prescribed kind for the purposes of clause 7(3) (in a case where subregulation (1)(b) applies).
- (6) In this regulation—

designated entitlement means—

 - (a) a water licence; or
 - (b) a water access entitlement, or part of a water access entitlement;

designated transfer means a permanent transfer of a designated entitlement.

8—Co holders

- (1) If 2 or more persons hold a water licence or water access entitlement as joint tenants, the consent of each person is required in connection with the transfer of the licence or water access entitlement (or an interest in the licence or a part of the water access entitlement), as the case may be, to another person.
- (2) A tenant in common may transfer their interest in a water licence or water access entitlement (or a part of a water access entitlement) without the consent of any other tenant in common.
- (3) This regulation applies from a day determined by the Minister.
- (4) A determination under subregulation (3) must be published in the Gazette.

Part 4—Security interests

9—Creation of security interest—tenants in common

- (1) A tenant in common holding an interest in respect of a water licence or a water access entitlement (or part of a water access entitlement) may create a security interest over that interest without the consent of a tenant in common holding another interest in the same water licence or water access entitlement.
- (2) This regulation applies from a day determined by the Minister.
- (3) A determination under subregulation (2) must be published in the Gazette.

10—Consent to register security interest

The consent of each of the following persons is required in order to register a security interest over a water licence or water access entitlement (or part of a water access entitlement):

- (a) a person who holds an interest in the water licence or water access entitlement (or part of a water access entitlement);
- (b) a person who has the benefit of the security interest.

11—Minister not required to consider legal effect

Subject to the requirements of Schedule 4 clause 8(4) of the Act, the Minister is to proceed to register a security interest on the receipt of an instrument under Schedule 4 clause 8(2) of the Act without inquiring into, or being concerned with, the legal effect of the security interest.

12—Certain dealings not to be registered

- (1) For the purposes of Schedule 4 clause 8(4)(b) of the Act, the Minister must not register a security interest if the application is being made in relation to a water licence or a water access entitlement that is being, or has been, transferred for a limited period.
- (2) The Minister must not register a transfer of a water licence or a water access entitlement (or part of a water access entitlement) for a limited period if—
 - (a) the water licence or water access entitlement (as the case may be) is subject to a registered security interest; and
 - (b) the security interest is not being discharged before the registration of the transfer under these regulations.
- (3) Subregulation (2) does not apply if—
 - (a) the transfer is for part of a water access entitlement; and
 - (b) the security interest does not, or will not at the time of the registration of the transfer, apply in relation to the part of the water access entitlement that is being transferred.

13—Registration not to impact certain matters

The registration of a security interest—

- (a) does not warrant or confirm the validity of the security interest to which the registration relates; and
- (b) does not limit or affect any action that the Minister may take in relation to a water licence or a water access entitlement under the Act, any regulations or a water allocation plan, or in the exercise of any other statutory function or power; and
- (c) does not prevent or require the holder of the security interest to consent to any transfer of a water allocation during a particular water use year; and
- (d) does not affect or prevent any transfer, variation, or surrender of a water licence, or any water access entitlement, required by law or by an order of a court or tribunal constituted by law; and
- (e) does not prevent the expiry of a water licence or water access entitlement, or any associated water allocation or other authorisation under the Act.

14—Effect of security interest

The registration of a security interest under Schedule 4—

- (a) provides for a record to be made of the security that has been provided by the holder of the interest in the water licence or water access entitlement to which the security interest relates; and
- (b) secures the payment of a debt or the performance of some other obligation under a contract or other legally enforceable arrangement to which the security interest relates; and
- (c) if so provided by a specific provision of the Act or these regulations—gives rise to the requirement that certain dealings relating to the water licence or water access entitlement to which the security interest relates requires the consent of the holder of the security interest; and
- (d) ensures that a transfer of the interest subject to the security interest will take effect subject to the security interest unless the security interest is discharged before the transfer occurs; and
- (e) gives priority to the security interest over other security interests registered after the security interest, and over all unregistered interests; and
- (f) provides the holder of the security interest with a scheme for the enforcement of the security interest in the case of a default by the holder of the interest in the water licence or water access entitlement to which the security interest relates.

15—Priority of interests

- (1) For the purposes of Schedule 4 clause 9(2) of the Act, an application to vary the priority between registered security interests—
 - (a) must set out the order of priority of interests, as it will apply after the variation; and
 - (b) must be made with the consent of each party to a registered security interest that will be affected by the change in the order of priority.
- (2) For the purposes of Schedule 4 clause 9(4)(a) of the Act, a caveat applying to an unregistered security interest is a caveat of a prescribed kind.

16—Transfers

For the purposes of Schedule 4 clause 11(1) of the Act, the interest of the holder of a security interest, or of a part interest in a security interest, is prescribed.

17—Discharge of registered security interests

- (1) For the purposes of Schedule 4 clause 12(1) of the Act, the interest of a person holding a security interest, or a part interest in a security interest, is prescribed.
- (2) For the purposes of Schedule 4 clause 12(2) of the Act, the Minister may discharge the registration of a security interest—
 - (a) on account of an order of a court or tribunal constituted by law; or
 - (b) if a power of sale has been exercised under Schedule 4 clause 13 of the Act in accordance with these regulations; or
 - (c) if otherwise required by or under any other Act or law.

18—Enforcement of security interests

- (1) This regulation applies if—
 - (a) a registered security interest secures the payment of a debt; and
 - (b) the holder of an interest in the water licence or water access entitlement that is subject to the security interest is in default in relation to that payment (the *defaulter*); and
 - (c) a person who is the holder of the security interest (the *claimant*) determines to initiate action under Schedule 4 clause 13 of the Act to enforce the registered security interest.
- (2) In a case where this regulation applies, the claimant must first serve a notice of the proposed enforcement action on the following persons:
 - (a) the defaulter;
 - (b) any other person who is the holder of an interest in the water licence and, if the security interest relates to a water access entitlement, of an interest in the water access entitlement, and who is registered under the Act;
 - (c) any other person who is the holder of a registered security interest in respect of the water licence or, if the security interest relates to a water access entitlement, in respect of the water access entitlement (whether or not having greater priority);
 - (d) any person who is the holder of a caveat registered in relation to the water licence and, if the security interest relates to a water access entitlement, of a caveat registered in relation to the water access entitlement;
 - (e) the Minister.
- (3) A notice under subregulation (2)—
 - (a) must be in a form determined or approved by the Minister for the purposes of this regulation; and
 - (b) must be served in accordance with section 222 of the Act.
- (4) If the defaulter does not rectify the default within 30 days of service of a notice under subregulation (3) (or within such longer period as the claimant may allow), the claimant may proceed to offer the relevant interest in the water licence (in the case of a security interest registered in respect of a licence) or the water access entitlement (in the case of a security interest registered in respect of a water access entitlement) for sale.

- (5) However, before acting under subregulation (4), the claimant must serve a notice of their proposed course of action under that subregulation in accordance with section 222 of the Act.
- (6) After taking the steps envisaged by subregulations (4) and (5), the claimant may apply to the Minister—
 - (a) in the case of a sale—for the transfer of the interest in the water licence or water access entitlement (or part of the water access entitlement) to the purchaser; or
 - (b) in the event that the claimant has been unable to effect a sale within a reasonable time for a reasonable price—for the transfer of the interest in the water licence or water access entitlement (or part of the water access entitlement) to the claimant.
- (7) An application under subregulation (6) must be made in accordance with section 125 of the Act (and the provisions of that section relating to the payment of an application fee, and the grounds on which the Minister may decide to grant or refuse approval for the transfer of a licence or water access entitlement (or part of a water access entitlement), will apply).
- (8) However, it is declared that the requirement to obtain the consent of a person recorded on the register as having an interest in a water licence under section 125(10) of the Act will not apply.
- (9) Any purchase money obtained by the exercise of a power of sale under this regulation will be applied as follows:
 - (a) firstly—in discharging any liability for any outstanding levy, fee or charges payable under the Act in relation to the water licence or water access entitlement;
 - (b) secondly—in paying the costs of any sale and any other costs incurred by the claimant in proceeding under this regulation;
 - (c) thirdly—in discharging any liabilities secured by any registered security interests, or unregistered security interests protected by a registered caveat under Schedule 4 clause 9(4)(a) of the Act, in order of their priority;
 - (d) fourthly—in payment to the defaulter.
- (10) On the transfer of an interest in a water licence or water access entitlement (or part of the water access entitlement) under this regulation, all security interests and caveats registered in respect of that interest or water access entitlement (or part of the water access entitlement), as the case may be, are to be discharged by the Minister.
- (11) The transfer of an interest in a water licence or water access entitlement (or part of the water access entitlement) under this regulation does not affect—
 - (a) any condition, requirement or other obligation applying in relation to the relevant water licence (unless the Minister varies a condition under section 125 of the Act); or
 - (b) any other action that the Minister may take in relation to a transfer, or proposed transfer, of a water licence or water access entitlement (or part of the water access entitlement); or
 - (c) the operation or affect of a water allocation plan as it relates to the relevant water licence or any water access entitlement (or part of a water access entitlement).

- (12) A person who is entitled to receive a notice under subregulation (2) may apply to the ERD Court for an order—
- (a) that a sale should not proceed under subregulation (4); or
 - (b) that a transfer should not proceed under subregulation (6); or
 - (c) that compensation should be paid to the person on the ground that the claimant did not take reasonable steps to secure the highest possible amount by way of a power of sale under this regulation.
- (13) An application to the ERD Court under subregulation (12) must be made—
- (a) in the case of an application under subregulation (12)(a)—within 21 days after a notice is given under subregulation (2); or
 - (b) in the case of an application under subregulation (12)(b)—within 14 days after an application is made to the Minister under subregulation (6); or
 - (c) in the case of an application under subregulation (12)(c)—within 6 months after an application is made to the Minister under subregulation (6).
- (14) The ERD Court may—
- (a) on an application under subregulation (12)(a)—order that any action under subregulation (4) not proceed if the court is satisfied that there has been no default under the terms of the security interest, or that the default has been rectified; and
 - (b) on an application under subregulation (12)(b)—order that a transfer of a water licence not proceed if the court is satisfied that there has been a failure to comply with a relevant regulation or provision of the Act; and
 - (c) in any case—
 - (i) order that a claimant pay compensation for any loss or damage suffered because the claimant acted to enforce the security interest without reasonable cause, failed to comply with a requirement under these regulations or a provision of the Act, or failed to take reasonable steps to secure the highest possible amount by way of a power of sale under this regulation;
 - (ii) make any consequential or ancillary order or direction, or impose any condition, that the court considers necessary or expedient.

19—Expiry of registered security interests

- (1) Unless discharged at an earlier time, the registration of a security interest under Schedule 4 of the Act expires at the end of the period of 15 years from the date of its registration (subject to any extension under this regulation).
- (2) The parties to a security interest registered under Schedule 4 may apply to the Minister to extend the period of registration of a security interest.
- (3) An application under subregulation (2)—
- (a) must be made not later than 14 business days before the expiration of the period of the registration; and
 - (b) must be in a form determined by the Minister; and
 - (c) must be accompanied by the prescribed fee.

- (4) The Minister may, on application under this regulation, extend the period of registration of a security interest for a further period of 7 years (and any such period may be extended from time to time by further applications under this regulation).
- (5) If an application for the extension of a registration is not decided before the date of expiry or if the Minister, on application under this regulation or on the Minister's own motion, in the Minister's discretion, extends the time by which an application for an extension must be made, the registration continues in operation until the application is decided and, if the registration is extended, the extension dates from the time on which the registration would, but for this subregulation, have expired.

Part 5—Caveats

20—Registration of caveat on application

- (1) Subject to this regulation, a caveat may relate to a caveatable interest.
- (2) An application for the registration of a caveat under this Part may be made by a person claiming a caveatable interest.
- (3) An application for the registration of a caveat—
 - (a) must be in a form determined by the Minister; and
 - (b) must be accompanied by the prescribed fee.
- (4) The Minister may require a person to provide evidence or other information, in a manner determined by the Minister, that relates to any interest or other matter that is relevant to an application under this regulation.
- (5) Without limiting subregulation (4), the Minister may require that a person applying for the registration of a caveat include a statutory declaration as to the truthfulness and accuracy of any matter specified by the person in the application.
- (6) If a caveat is registered without the express consent of the holder of the relevant entitlement, the Minister must notify the holder of the relevant entitlement of the registration of the caveat.
- (7) A notification under subregulation (6)—
 - (a) will be made in a manner and form determined by the Minister; and
 - (b) must include advice about the processes available under regulation 23 to have the caveat removed.
- (8) Subject to the preceding subregulations, the Minister may register a caveat without inquiring into, or being concerned with, the legal effect of any instrument or agreement that relates to the interest being claimed under the caveat.

21—Registration of caveat by Minister

The Minister may register a caveat—

- (a) on behalf of the Crown; or
- (b) for the prevention of fraud or an improper dealing; or
- (c) if it appears to the Minister that an error has been made in an instrument; or
- (d) for the protection of a person who has a legal disability or is otherwise impaired or incapacitated in any way; or
- (e) if the Minister considers it is in the public interest to do so.

22—Effect of caveat

- (1) Subject to subregulation (2), a caveat that has been registered under this Part may (according to its terms) forbid the registration of—
 - (a) a transfer of a relevant entitlement; or
 - (b) a variation of a relevant entitlement; or
 - (c) a security interest that relates to a relevant entitlement; or
 - (d) a surrender of a relevant entitlement,unless—
 - (e) the caveator consents to the registration; or
 - (f) the relevant dealing is expressly stated to be subject to the interest claimed by the caveator; or
 - (g) the relevant dealing is a dealing, or is a dealing of a class, specified in the caveat.
- (2) The registration of a caveat under this Part—
 - (a) does not warrant or confirm the validity of any interest to which the caveat relates; and
 - (b) does not limit or affect any action that the Minister may take in relation to a water licence or a water access entitlement under the Act, any regulations or a water allocation plan, or in the exercise of any other statutory function or power; and
 - (c) does not have the effect of requiring the consent of the caveator to any transfer of a water allocation during a particular water use year; and
 - (d) does not affect or prevent any transfer, variation, or surrender of a water licence, or any water access entitlement, required by law or by an order of a court or tribunal constituted by law; and
 - (e) does not affect or prevent the registration of any security interest required by law or by an order of a court or tribunal constituted by law; and
 - (f) does not prevent the expiry of a water licence or water access entitlement, or any associated water allocation or other authorisation under the Act; and
 - (g) does not prevent or affect the exercise of a power of sale under Schedule 4 clause 13 of the Act (as provided by these regulations).

23—Lapsing of registration

- (1) A caveat registered under this Part will lapse—
 - (a) on the withdrawal of the caveat by the caveator; or
 - (b) on the expiration of the caveat—
 - (i) on a date of expiry; or
 - (ii) at the end of a period; or
 - (iii) on the occurrence of an event,as specified by the caveator in the application to register the caveat under this Part; or
 - (c) if the Minister receives a copy of an order of the ERD Court, or of any other court or tribunal constituted by law, that provides for the lapsing of the caveat; or
 - (d) if the caveat lapses under subregulation (2).
- (2) If—
 - (a) a caveat is registered without the express consent of the holder of the relevant water licence; and
 - (b) the holder of the relevant water licence, within 28 days after receiving the notification required under regulation 20(6), applies to the Minister for the lapsing of the caveat under this subregulation,then—
 - (c) the Minister must give notice of the application to the caveator; and
 - (d) the caveat will lapse at the expiry of 21 days after service of the notice on the caveator unless the caveator, within that period—
 - (i) obtains an order of the ERD Court under regulation 25 that provides that the caveat should continue to be registered; and
 - (ii) provides the order to the Minister in accordance with any requirements determined by the Minister for the purposes of this regulation.

24—Application to ERD Court to lapse caveat or obtain compensation

- (1) A person who—
 - (a) has an interest in a relevant entitlement that is subject to a caveat registered under this Part; or
 - (b) has an interest that is directly affected by a caveat registered under this Part,may apply to the ERD Court under this regulation.
- (2) An application may be made for 1 or more of the following:
 - (a) a declaration that—
 - (i) an interest claimed by the caveator is not a valid interest for the registration of a caveat; or
 - (ii) a caveat should not have been registered under this Part for any other reason;

- (b) an order that a caveat lapse;
 - (c) an order that a transfer, variation or surrender relating to a relevant entitlement be registered despite the registration of a caveat under this Part;
 - (d) an order that a security interest relating to a relevant entitlement be registered despite the registration of a caveat under this Part;
 - (e) an order that a caveator pay compensation for any loss or damage suffered because a caveat registered under this Part does not relate to a valid interest for the registration of a caveat.
- (3) Any compensation payable under an order under subregulation (2)(e) may be recovered as if it were a debt due to the person in whose favour the order is made in a court of competent jurisdiction.

25—Application to ERD Court to preserve caveat

- (1) A caveator who has received a notice from the Minister under regulation 23(2) may apply to the ERD Court under this regulation.
- (2) The ERD Court may, on application under this regulation, if it considers that there are reasonable grounds to do so, make an order that the caveat should continue to be registered.
- (3) An order under subregulation (2) may provide that the caveat should continue—
 - (a) for a further period specified by the Court; or
 - (b) until a further order of the Court; or
 - (c) until the occurrence of an event specified by the Court; or
 - (d) until the caveat lapses under another provision of these regulations.
- (4) The ERD Court may make an order under this regulation subject to such conditions as the Court thinks fit.
- (5) The ERD Court should only make an order under subregulation (2) if the caveator has made application under this regulation in sufficient time for the Court to make an order that can be provided to the Minister under regulation 23(2).
- (6) The ERD Court has jurisdiction to make any further order in connection with the operation of this Part as the Court thinks fit.

26—Limit on applications for second or subsequent caveats

If—

- (a) a caveat is registered in respect of a relevant entitlement; and
- (b) the caveat lapses,

the caveator or any related body corporate may not apply to register a second or subsequent caveat relating to the same interest in the relevant entitlement without the approval of the ERD Court, or unless the second or subsequent caveat is being registered with the express consent of the holder of the relevant entitlement.

Part 6—Notice of prescribed events

27—Notice of prescribed events

- (1) A person with a registered interest in a water licence or a water access entitlement may apply to the Minister to participate in a scheme under which the person, or an agent or other person nominated by the person with the registered interest, will be notified of the occurrence of a prescribed event at the relevant time under subregulation (4).
- (2) An application under subregulation (1)—
 - (a) must be made with the consent of the holder of the water licence or water access entitlement; and
 - (b) must be in a form determined by the Minister; and
 - (c) must be accompanied by the prescribed fee.
- (3) The Minister may cease to provide notifications to a person under the scheme if—
 - (a) the holder of the water licence or water access entitlement withdraws their consent under the scheme; or
 - (b) the person ceases to have a registered interest in the water licence or water access entitlement.
- (4) For the purposes of this regulation as it applies in relation to a water licence or water access entitlement, the following are prescribed events (with the relevant times that apply to those events):
 - (a) the service of a notice on the holder of the water licence under section 80(1) or (2) of the Act, with the relevant time being when the notice is provided to the holder of the licence;
 - (b) the receipt of an application to vary the water licence under section 124(1)(a) of the Act, with the relevant time being when the application is received by the Minister;
 - (c) the receipt of an application to vary the conditions as to the volume of water that may be taken, collected, diverted, extracted or used under the water licence, or under a water resource works approval or site use approval associated with the licence, with the relevant time being when the application is received by the Minister;
 - (d) the service of a notice on the holder of the water licence under section 157(1) or (3) of the Act, with the relevant time being when the notice is provided to the holder of the licence;
 - (e) the registration of a security interest or caveat under these regulations, with the relevant time being when registration occurs;
 - (f) a correction to the register that has a material impact on the person's registered interest, with the relevant time being when the correction is made.

Part 7—Electronic lodgement network

28—Minister may establish an electronic lodgement network

- (1) The Minister may establish and maintain an electronic lodgement network for the purpose of lodging electronic documents for registration on the register.
- (2) The Minister may, from time to time, make specifications as to the requirements for the electronic lodgement network or otherwise in relation to its administration, which may include—
 - (a) conditions of access to the electronic lodgement network; and
 - (b) requirements for eligible users of the network to comply with specifications relating to the verification of identity or authority, and for the authentication of information or documents including requirements as to the certification, or electronic certification, of documents or relevant matters; and
 - (c) requirements for the retention of documents supporting or authenticating electronic documents, including periods of retention; and
 - (d) insurance requirements; and
 - (e) provision for the audit of eligible users in connection with the use of the electronic lodgement network, including as to whether they have met specifications relating to the electronic lodgement network and for restricting access in relevant circumstances.
- (3) In this regulation—
registration includes recording.

29—Notification scheme

- (1) The Minister may establish a scheme under which a person with an interest in a water licence or water access entitlement, or an agent or other person nominated by the person with the interest, is notified of the occurrence of a transaction using an electronic lodgement network established under this Part.
- (2) A scheme under subregulation (1) may—
 - (a) apply to the extent determined by the Minister; and
 - (b) include conditions of access to the scheme; and
 - (c) require a person to apply to the Minister, in a manner and form determined by the Minister, in order to participate in the scheme.

30—Evidence of transactions

- (1) On the application of any person, the Minister may produce a document in writing recording—
 - (a) information that has been registered or recorded on the register as a result of an electronic document; or
 - (b) information contained in an electronic document that has been lodged for registration or recording on the register.

- (2) The Minister may determine that a class of information registered or recorded on the register will only be provided to—
 - (a) the holder or holders of interests of that class; or
 - (b) some other limited class of persons.
- (3) A document produced under subregulation (1) may be certified by the Minister in such manner as the Minister may determine.
- (4) An application under this regulation—
 - (a) must be made in a form determined by the Minister; and
 - (b) must be accompanied by the prescribed fee.

31—Electronic certification of electronic documents

- (1) The Minister may produce in an electronic form a representation of any electronic document lodged in the electronic lodgement network.
- (2) The Minister may certify the electronic representation in any manner determined by the Minister.

Part 8—Related initiatives to facilitate administration of entitlements or related processes

Division 1—Subdivision and consolidation of water licences

32—Subdivision of water licences

- (1) The holder of a water licence may apply to the Minister for the subdivision of the water licence by cancelling the licence and granting 2 or more licences in its place.
- (2) An application under subregulation (1)—
 - (a) must be made in a form determined by the Minister; and
 - (b) must be accompanied by the prescribed fee.
- (3) If—
 - (a) a water licence is held by 2 or more persons; and
 - (b) 1 or more of those persons are unwilling to make an application under this regulation,

an application may nevertheless be made under this regulation with the approval of the ERD Court.

- (4) The ERD Court may, on an application made for the purposes of subregulation (3)—
 - (a) give its approval if satisfied that it is just and equitable to do so; and
 - (b) if an approval is given—make any consequential or ancillary order or direction, or impose any condition, that the court considers necessary or expedient.

- (5) Water licences arising from a subdivision of a water licence may only be granted—
- (a) with combined water access entitlements or quantity of water taken to be a water access entitlement no greater than the corresponding entitlements or allocations of the cancelled water licence; and
 - (b) subject to the same conditions as those to which the cancelled water licence was subject, subject to any consequential alterations (if any) made by the Minister; and
 - (c) if relevant, for a period no greater than the residue of the period for which the cancelled water licence would have had effect if it had not been cancelled.
- (6) Subject to subregulation (5)—
- (a) the holder, or holders, of each of the water licences arising from the subdivision will be—
 - (i) the holder of the cancelled water licence; or
 - (ii) if there were 2 or more holders of the cancelled licence—those holders, or those holders in any combination in relation to any of the water licences; and
 - (b) any water access entitlement or volume of water to apply in relation to the water licences arising from the subdivision will be,
as determined or allocated in accordance with—
 - (c) the request of the applicant or applicants in the application under subregulation (1) (unless an application has been made under subregulation (3)); or
 - (d) an order of the ERD Court under subregulation (4).
- (7) If a security interest is registered in relation to a water licence that is sought to be subdivided under this regulation, an application under this regulation may only be made with the consent of the person who has the benefit of the security interest.
- (8) Any registered security interest or caveat applying in relation to a water licence cancelled under this regulation will apply (and be registered) in relation to the new licences granted under this regulation unless the person who has the benefit of the security interest or caveat (as the case may be) has consented to the discharge of the security interest or the withdrawal of the caveat with respect to 1 or more of the licences to be created under this regulation.

33—Consolidation of water licences

- (1) The holder of a water licence may apply to the Minister for the consolidation of 2 or more water licences by cancelling the licences and granting a single licence in their place.
- (2) An application under subregulation (1)—
- (a) must be made in a form determined by the Minister; and
 - (b) must be accompanied by the prescribed fee.

- (3) An application may only be granted if—
 - (a) the water licences to be consolidated relate to the same prescribed water resource and, if relevant, the same consumptive pool, and that the classification of water access entitlements (if relevant) are compatible; and
 - (b) the water licence arising from a consolidation of the water licences will be consistent with the relevant water allocation plan; and
 - (c) the Minister is satisfied as to any other matter determined to be relevant by the Minister.
- (4) In relation to the water licence arising from a consolidation of water licences—
 - (a) the water licence will be subject to the same conditions as those to which the cancelled water licences were subject, subject to any consequential alterations (if any) made by the Minister; and
 - (b) if relevant, the period of the water licence will be a period no greater than the residue of the earliest expiring period for which the cancelled water licences would have had effect if they had not been cancelled, subject to any alternative period determined by the Minister, after consultation with the holder of the licences.
- (5) If a security interest is registered in relation to a water licence that is sought to be part of the consolidation of licences under this regulation, an application under this regulation may only be made with the consent of the person who has the benefit of the security interest.
- (6) Any registered security interest or caveat applying in relation to a water licence cancelled under this regulation will apply (and be registered) in relation to the new licence granted under this regulation unless the person who has the benefit of the security interest or caveat (as the case may be) has consented to the discharge of the security interest or the withdrawal of the caveat with respect to the licence to be created under this regulation.
- (7) The order of priority between 2 or more security interests registered with respect to the new licence will be an order specified by the person or persons who have provided their consent under subregulation (5) (and if an agreement cannot be reached between those persons who have the benefit of the security interests then a consolidation cannot proceed under this regulation).

Division 2—Verification information

34—Verification information

- (1) The Minister may require any person who—
 - (a) makes an application that will result in any matter to be recorded, registered or altered on the register; or
 - (b) is required to give or provide any consent or information in connection with a matter associated with the register; or
 - (c) applies to access information on the register,to provide prescribed verification information in a manner (and to an extent) determined by the Minister.

- (2) The Minister is not required to record or register any matter on the register, or to take other action associated with the register, if the Minister is not satisfied as to 1 or both of the following:
 - (a) the identity of any person by or on behalf of whom a document relevant to the matter has been executed;
 - (b) the authority of a particular person to act in relation to the matter.
- (3) The Minister may require or permit the identity or authority of a person to be verified by a person, or a person of a class, determined or approved by the Minister for the purposes of this regulation.
- (4) In this regulation—

prescribed verification information means information for the purpose of verifying—

 - (a) proof of identity of any person; or
 - (b) proof of authority to enter into any dealing, to take any step or to undertake any action associated with the operation of the Act or the register.

Division 3—Agent trading

35—Agent trading

- (1) The holder of the licence may appoint another person (the holder of the licence's ***agent***) to act on their behalf in relation to any trading of—
 - (a) a water access entitlement, or part of a water access entitlement, under the licence; or
 - (b) a water allocation associated with the licence.
- (2) An appointment under subregulation (1)—
 - (a) must be made in a manner and form determined by the Minister; and
 - (b) must be accompanied by the prescribed fee.
- (3) An appointment under this regulation—
 - (a) may be made for—
 - (i) an indefinite period; or
 - (ii) a specified period; and
 - (b) is revocable at will by the person who made the appointment (including in a case where a specified period under paragraph (a)(ii) is still running); and
 - (c) may be made subject to conditions; and
 - (d) does not derogate from the ability of the person who made the appointment to act in any matter.
- (4) While an appointment is in place under this regulation, an act of an agent in relation to the transfer of a water access entitlement (or part of a water access entitlement), or water allocation, on behalf of the person who made the appointment will be taken to be an act of the relevant person.
- (5) An appointment under this regulation takes effect when recorded by the Minister on the register.

Part 9—Miscellaneous

36—Joint ownership—general provisions

- (1) If a water licence is to be held by 2 or more persons, they must specify in the relevant application to the Minister—
 - (a) whether they are to hold the licence as joint tenants or tenants in common; and
 - (b) if they are to be tenants in common—the proportions to be held by each person.
- (2) In the case of a water licence held by 2 or more persons in existence immediately before the day determined by the Minister under subregulation (9), they may apply to the Minister, in a form determined by the Minister, to have a record made on the register indicating whether they hold the licence as joint tenants or tenants in common.
- (3) No fee will apply in relation to an application under subregulation (2) if it is made within 2 years after the day determined by the Minister under subregulation (9).
- (4) The proportions applying in relation to tenants in common must be specified—
 - (a) as a specified number of shares that form part of a water access entitlement; or
 - (b) as a specified share of water that may be available for allocation; or
 - (c) in some other way approved by the Minister.
- (5) Even if a water licence is held by tenants in common, the consent of all holders of the licence will be required in respect of any application or dealing relating to a water allocation associated with the licence.
- (6) If a Schedule 4 entitlement is held by 2 or more persons, a holder of the licence may appoint another holder of the entitlement (the holder of the licence's *nominee*) to act on their behalf (and the same person may be the nominee of more than 1 other holder of the entitlement).
- (7) An appointment under subregulation (6)—
 - (a) must be made in a manner and form determined by the Minister; and
 - (b) may be revoked by the person who made the appointment by complying with any requirement determined by the Minister.
- (8) While an appointment is in place under subregulation (6), a consent of a nominee given on behalf of the person who made the appointment will be taken to be a consent of the relevant person.
- (9) This regulation applies from a day determined by the Minister.
- (10) A determination under subregulation (9)—
 - (a) may only be made when the Minister is satisfied that systems are in place to support the operation of this regulation; and
 - (b) must be published in the Gazette.

37—Changes in tenancy arrangements

- (1) If a water licence is held by 2 or more persons (whether as joint tenants or tenants in common), a holder of the licence may apply to the Minister to record an alteration in a way in which the licence is held by those persons (the *co-holders tenancy arrangement*) in the register.
- (2) An application under subregulation (1)—
 - (a) must be made in a form determined by the Minister; and
 - (b) must be accompanied by the prescribed fee.
- (3) The alteration to the co-holders tenancy arrangement takes effect when the Minister records the alteration in the register.
- (4) The Minister must not record the alteration unless—
 - (a) each holder of the water licence whose interest is affected by the alteration has consented to it being recorded; and
 - (b) any holder of a security interest over the water licence or a holding in the water licence whose interest is affected by the alteration has consented to it being recorded.
- (5) In the case of an alteration from joint tenants to tenants in common, the application must specify the proportions to be held by each person.
- (6) The Minister may require that an applicant verify any information provided for the purposes of this regulation.
- (7) This regulation applies from a day determined by the Minister.
- (8) A determination under subregulation (7)—
 - (a) may only be made when the Minister is satisfied that systems are in place to support the operation of this regulation; and
 - (b) must be published in the Gazette.

38—Details for service of notices

For the purposes of Schedule 4 clause 19 of the Act—

- (a) the Minister may serve or give a notice to a person in connection with the operation or administration of the register by using the contact details supplied by the person and recorded on the register (and without being required to determine whether those details are up-to-date); and
- (b) if a notice is sent by post or email to an address recorded on the register and the relevant letter or email is returned with a notification that it has not been delivered, the Minister may, as the Minister thinks fit—
 - (i) direct any further notice to be given; or
 - (ii) direct substituted service; or
 - (iii) proceed without notice under these regulations.

39—Devolution

- (1) A person to whom an interest in a designated entitlement has devolved by operation of law may apply to the Minister to be recorded in the register as the holder of the relevant interest.
- (2) On the death of a person recorded on the register with another person as joint owners of an interest in a designated entitlement, the survivor may apply to the Minister for a record of the transmission to the survivor to be made in the register.
- (3) The transmission of an interest in a prescribed entitlement by devolution does not have any force or effect for the purposes of the Act until it is registered, on application made to the Minister, on the register.
- (4) Without limiting any other provision, a legal personal representative may apply to the Minister for the recording of the transmission—
 - (a) to the legal personal representative of—
 - (i) the ownership of a prescribed entitlement; or
 - (ii) the ownership of an interest in a prescribed entitlement; or
 - (b) to the beneficiary of the relevant estate of—
 - (i) the ownership of a prescribed entitlement; or
 - (ii) the ownership of an interest in a prescribed entitlement.
- (5) On the making of a recording in a case where subregulation (4)(a)(i) applies—
 - (a) the legal personal representative becomes the owner of the prescribed entitlement in respect of the interest of the deceased owner of the prescribed entitlement; and
 - (b) the legal personal representative holds the prescribed entitlement subject to all interests to which the deceased owner was subject in relation to the prescribed entitlement, but for the purposes of any dealing with the prescribed entitlement under the Act, is the owner of the prescribed entitlement; and
 - (c) the status of the legal personal representative as owner of the prescribed entitlement relates back to, and is taken to have arisen on, the death of the owner of the prescribed entitlement as if there has been no interval of time between the death and the recording.
- (6) On the making of a recording in a case where subregulation (4)(a)(ii) applies—
 - (a) the legal personal representative becomes the owner of the interest of the deceased owner in the prescribed entitlement; and
 - (b) the status of the legal personal representative as owner of the interest in the prescribed entitlement relates back to, and is taken to have arisen on, the death of the owner of the interest as if there has been no interval of time between the death and the recording.
- (7) On the making of a recording in a case where subregulation (4)(b)(i) applies—
 - (a) the beneficiary becomes the owner of the prescribed entitlement in respect of the interest to which the application relates; and
 - (b) the beneficiary holds the prescribed entitlement subject to all interests in relation to the prescribed entitlement applying at the time of the transmission.

- (8) On the making of a recording in a case where subregulation (4)(b)(ii) applies, the beneficiary becomes the owner of the interest in the prescribed entitlement to which the application relates.
- (9) An application under this regulation—
 - (a) must be in a form determined by the Minister; and
 - (b) must be accompanied by the prescribed fee.
- (10) The Minister may require a person to provide evidence or other information, in a manner determined by the Minister, that relates to any interest or other matter that is relevant to an application under this regulation.
- (11) In this regulation—

designated entitlement means—

 - (a) a water access entitlement; or
 - (b) a water allocation attached to a forest water licence; or
 - (c) a delivery capacity entitlement;

prescribed entitlement means—

 - (a) a water licence; or
 - (b) a water allocation; or
 - (c) a designated entitlement.

40—Recording of trustee of bankruptcy

- (1) The trustee in bankruptcy of an owner of—
 - (a) a prescribed entitlement; or
 - (b) an interest in a prescribed entitlement,may apply to the Minister for the recording of the transmission to the trustee of the prescribed entitlement or interest, as the case may be.
- (2) On the making of a recording in a case where subregulation (1)(a) applies—
 - (a) the trustee in bankruptcy becomes the owner of the prescribed entitlement in respect of the interest of the owner of the prescribed entitlement; and
 - (b) the trustee in bankruptcy holds the prescribed entitlement subject to all interests to which the owner was subject in relation to the prescribed entitlement, but for the purposes of any dealing with the prescribed entitlement under the Act, is the owner of the prescribed entitlement.
- (3) On the making of a recording in a case where subregulation (1)(b) applies, the trustee in bankruptcy becomes the owner of the interest in the prescribed entitlement.
- (4) An application under this regulation—
 - (a) must be in a form determined by the Minister; and
 - (b) must be accompanied by the prescribed fee.

- (5) The Minister may require a person to provide evidence or other information, in a manner determined by the Minister, that relates to any interest or other matter that is relevant to an application under this regulation.
- (6) This regulation applies subject to any law of the Commonwealth of Australia relating to bankruptcy.
- (7) In this regulation—
prescribed entitlement means—
 - (a) a water licence; or
 - (b) a water access entitlement; or
 - (c) a water allocation; or
 - (d) a delivery capacity entitlement.

41—Recording of administrator of a body corporate

- (1) This regulation applies in relation to a body corporate that is the owner of—
 - (a) a prescribed entitlement; or
 - (b) an interest in a prescribed entitlement.
- (2) The administrator of a body corporate may apply to the Minister for the recording of the vesting of a prescribed entitlement, or an interest in a prescribed entitlement, in the administrator.
- (3) On the making of recording in a case where subregulation (1)(a) applies—
 - (a) the administrator becomes the owner of the prescribed entitlement in respect of the interest of the owner of the prescribed entitlement; and
 - (b) the administrator holds the prescribed entitlement subject to all interests to which the owner was subject in relation to the prescribed entitlement, but for the purposes of any dealing with the prescribed entitlement under the Act, is the owner of the prescribed entitlement.
- (4) On the making of a recording in a case where subregulation (1)(b) applies, the administrator becomes the owner of the interest in the prescribed entitlement.
- (5) An application under this regulation—
 - (a) must be in a form determined by the Minister; and
 - (b) must be accompanied by the prescribed fee.
- (6) The Minister may require a person to provide evidence or other information, in a manner determined by the Minister, that relates to any interest or other matter that is relevant to an application under this regulation.
- (7) This regulation applies subject to any law of the Commonwealth of Australia relating to the administration or liquidation of corporations.

- (8) In this regulation—
- administrator* includes a liquidator of a corporation;
- prescribed entitlement* means—
- (a) a water licence; or
 - (b) a water access entitlement; or
 - (c) a water allocation; or
 - (d) a delivery capacity entitlement.

42—Statutory declarations

Without limiting any other regulation, the Minister may require that any information to be provided for the purposes of the register be given by statutory declaration.

43—Amendments or corrections

The Minister may amend or correct the register if required to do so by virtue of an order of a court or tribunal constituted by law.

44—Transition of bills of sale

- (1) A prescribed bill of sale will, on the designated date, be taken to be a security interest registered under Schedule 4 clause 8 of the Act.
- (2) The term of a security interest under subregulation (1) will be equal to the balance of the term of the bill of sale, as determined on the designated date.
- (3) The order of priority between 2 or more bills of sale that relate to the same water licence and that are to be registered under this regulation will be an order that corresponds to their order of priority under the *Bills of Sale Act 1886*.
- (4) In this regulation—

designated date means the date on which Schedule 4 Part 3 of the Act comes into operation;

expiration date, in relation to a bill of sale, means the date that is 5 years after the last registration or renewal of registration (as the case may be) of the bill of sale under the *Bills of Sale Act 1886*;

prescribed bill of sale means a bill of sale over a water licence registered under the *Bills of Sale Act 1886* immediately before the designated date with an expiration date under the *Bills of Sale Act 1886* that is on or after the designated date.

45—Transition of interests recorded under repealed Act

- (1) An interest noted on The Water Register against a water licence will, on the designated date, be taken to be a security interest registered under Schedule 4 clause 8 of the Act if—
 - (a) the holder of the interest has confirmed to the Minister that the interest is current and should be registered on The Water Register under Schedule 4 clause 8 of the Act; or
 - (b) the Minister determines that the interest should be registered on The Water Register despite not having received confirmation that the interest is current.

- (2) If 2 or more interests are to be registered under this regulation on the designated date in relation to the same water licence, the order of priority of registration will be—
- (a) unless paragraph (b) applies—an order that corresponds to the order of notation of the relevant interests on The Water Register immediately before the designated date; or
 - (b) on application to the Minister—an order agreed between the holder of the water licence and the holder or holders of the interests noted on The Water Register.
- (3) A confirmation provided under subregulation (1) or an application under subregulation (2)—
- (a) must be made in response to an invitation from the Minister for the purposes of this regulation to confirm that an interest noted against a water licence should continue as a security interest registered under the Act (effective from the designated date); and
 - (b) must be in a form approved by the Minister.
- (4) If—
- (a) 1 or more interests are taken to be registered on the designated date in relation to a water licence under this regulation; and
 - (b) 1 or more bills of sale are also taken to be registered on the designated date in relation to the same water licence under regulation 44,

the bill of sale or bills of sale will be registered ahead of the corresponding security interest or security interests.

- (5) In this regulation—

designated date means the date on which Schedule 4 Part 3 of the Act comes into operation.

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

with the advice and consent of the Executive Council
on 26 November 2020

No 306 of 2020

STATE GOVERNMENT INSTRUMENTS

DEVELOPMENT ACT 1993

SECTION 25(17)

City of Marion and City of Holdfast Bay— Seacliff Park Residential and Centre Development Plan Amendment

Preamble

1. The Seacliff Park Residential and Centre Development Plan Amendment (the Amendment) by the City of Marion and the City of Holdfast Bay has been finalised in accordance with the provisions of the *Development Act 1993*.
2. The Minister for Planning and Local Government has decided to approve the Amendment.

PURSUANT to section 25 of the Development Act 1993, I—

- (a) approve the Amendment; and
- (b) fix the day on which this notice is published in the Gazette as the day on which the Amendment will come into operation.

Dated: 18 November 2020

VICKIE CHAPMAN MP
Minister for Planning and Local Government

EDUCATION AND CHILDREN'S SERVICES REGULATIONS 2020

Notice of Policy by the Minister for Education

PURSUANT to regulation 12 (1) of the *Education and Children's Services Regulations 2020*, I, the Minister for Education publish the following Capacity Management Plan for the purposes of the enrolment of a child at the Brighton Secondary School:

CAPACITY MANAGEMENT PLAN

Brighton Secondary School

This Capacity Management Plan sets out the conditions for enrolment at Brighton Secondary School ("the school").

Brighton Secondary School zone

A school zone is a defined area from which the school accepts its core intake of students. Brighton Secondary School operates a school zone within the area bounded by:

Jetty Road (Glennelg), Maxwell Terrace, Buttrose Street, Wilson Terrace, Frederick Street, Gillespie Street, McGilp Avenue, Ranelagh Street, Mocalta Street, Bells Road, Stevens Street, Baker Street, Diagonal Road, Morphet Road, Sturt Road, Laurence Street, Gemmell Street, Oraston Avenue, Gregory Street, Brighton Road, Wheatland Street and the coastline.

An online map of the Brighton Secondary School zone and a search tool to indicate if an applicant's home address is within the school zone is available at <https://www.education.sa.gov.au/findaschool>.

Student Enrolment Numbers

Due to the transition of Year 7 to High School there will be an intake of Year 7 and Year 8 students in 2022. From 2023 onwards Year 7 will be the only intake year level.

Year 7

The student enrolment ceiling for Year 7 is limited to **300**, unless there are more applications that have met the enrolment criteria below.

Year 8

The student enrolment ceiling for Year 8 in 2022 is limited to **300**, unless there are more applications that have met the enrolment criteria below.

Selective Entry Special Interest Programs

The school's special interest programs (music, volleyball, Bright Programs) are limited as follows:

- Maximum of **65** out of zone enrolments in each year level across all special interest programs, depending on in-zone enrolment demand.

The special interest numbers are included in the 300 Year 7 enrolment ceiling (and 300 Year 8 enrolment ceiling in 2022).

Entries to the program are subject to the eligibility requirements published by the school, available from:

<https://www.brightonss.sa.edu.au/special-interest-programs/>

International Education Program

The maximum number of international students who can be offered enrolment at the school in the International Education Program is limited to **24** students per year in year levels 9-12.

Enrolment Criteria—By Year Level

YEAR LEVEL: 7 (and 8 in 2022)

Applications for enrolment from parents of prospective Year 7 (and Year 8 in 2022) students require that the student must be enrolled in a government or non-government school in South Australia at the time the parents apply for enrolment through the state-wide registration of interest process (coordinated by the Department for Education).

The applicant must meet one of the following requirements to be eligible for a Year 7 (and Year 8 in 2022) allocation through the registration of interest process for the coming school year:

- the child is living in the Brighton Secondary School zone
- the child has received and accepted an offer for selective entry by the school to participate in their selective entry special interest programs
- the child identifies as Aboriginal and/or Torres Strait Islander through the Enter for Success program (by the end of term 4)
- the child has been granted enrolment due to special or extenuating circumstances, including but not limited to a child in care where there is a custody or guardianship order made under the *Children and Young People (Safety) Act 2017*.

Application for Year 7 (and Year 8 in 2022) from students living outside the zone with siblings currently at the school

There is no automatic entry to the school for Year 7 (and Year 8 in 2022) students who live outside the school's zone and have older siblings who currently attend the school.

Late applications for Year 7 (and Year 8 in 2022) from students living in the school zone

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

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

The school will notify parents by the beginning of week 1, term 4 if a vacancy is available for their child to attend the following school year.

If no vacancies exist, the applicants will be placed on the enrolment register and referred for enrolment to other neighbouring schools.

YEAR LEVEL: 8 - 12 (9 - 12 in 2022)**Application for Year 8 to 12 (9 - 12 in 2022) from students living in the school zone**

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

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

The school will notify parents by the beginning of week 1, term 4 if a vacancy is available for their child to attend the following school year.

If no vacancies exist the applicants will be encouraged to remain at their current high school, or referred for enrolment to other neighbouring schools, and upon an applicant's request will be placed on the school's enrolment register.

Out of zone applications with siblings currently at the school

There is no automatic entry to the school for Year 8 to 12 students (9 - 12 in 2022) who live outside the school's zone and have siblings who currently attend the school.

*Enrolment Criteria—General***Special Circumstances**

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

*Enrolment Process***Enrolment Register**

Parents whose child's name has been placed on the enrolment register will be contacted if vacancies become available.

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

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

Monitoring and enforcement

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

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

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

This Capacity Management Plan will be reviewed as required.

Dated: 23 November 2020

JOHN GARDNER
Minister for Education

EDUCATION AND CHILDREN'S SERVICES REGULATIONS 2020*Notice of Policy by the Minister for Education*

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

CAPACITY MANAGEMENT PLAN*Henley High School*

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

Henley High School zone

A school zone is a defined area from which the school accepts its core intake of students. Henley High School operates a school zone within the area bounded by:

Grange Road, Tapleys Hill Road, Milton Avenue, Debney Street, Motley Avenue, the River Torrens, Tapleys Hill Road, Anderson Avenue and the Gulf St Vincent Coast.

An online map of the Henley High School zone and a search tool to indicate if an applicant's home address is within the school zone is available at <https://www.education.sa.gov.au/findaschool>.

Student Enrolment Numbers

Due to the transition of Year 7 to High School there will be an intake of Year 7 and Year 8 students in 2022. From 2023 onwards Year 7 will be the only intake year level.

Year 7

The student enrolment ceiling for Year 7 is limited to **260**, unless there are more applications that have met the enrolment criteria below.

Year 8

The student enrolment ceiling for Year 8 in 2022 is limited to **260**, unless there are more applications that have met the enrolment criteria below.

Special Interest Program—Sports

The school's special interest sports program is limited to 70 places in each year level, with a maximum of **45** out of zone enrolments in each year level, depending on in-zone enrolment demand.

The special interest numbers are included in the 260 Year 7 enrolment ceiling (and 260 Year 8 enrolment ceiling in 2022).

Entries to the program are subject to the eligibility requirements published by the school, available from:

<http://www.henleyhs.sa.edu.au/section/programs/henley-sports-academy/program-entry-information>

International Education Program

The maximum number of international students who can be offered enrolment at the school in the International Education Program is limited to **75** students across all year levels.

Supported learning centre

The school's supported learning centre is a regional facility catering for a maximum of **24** students with disability.

Placement in the supported learning centre is determined through the department's state-wide panel process for placement in an inclusive education option.

*Enrolment Criteria—By Year Level***YEAR LEVEL: 7 (and 8 in 2022)**

Applications for enrolment from parents of prospective Year 7 (and Year 8 in 2022) students require that the student must be enrolled in a government or non-government school in South Australia at the time the parents apply for enrolment through the state-wide registration of interest process (coordinated by the Department for Education).

The applicant must meet one of the following requirements to be eligible for a Year 7 (and Year 8 in 2022) allocation through the registration of interest process for the coming school year:

- the child is living in the Henley High School zone
- the child has received and accepted an offer for selective entry by the school to participate in their special interest sports program
- the child identifies as Aboriginal and/or Torres Strait Islander through the Enter for Success program (by the end of term 4)
- the child has been granted enrolment due to special or extenuating circumstances, including but not limited to a child in care where there is a custody or guardianship order made under the *Children and Young People (Safety) Act 2017*.

Application for Year 7 (and Year 8 in 2022) from students living outside the zone with siblings currently at the school

There is no automatic entry to the school for Year 7 (and Year 8 in 2022) students who live outside the school's zone and have older siblings who currently attend the school.

Late applications for Year 7 (and Year 8 in 2022) from students living in the school zone

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

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

The school will notify parents by the beginning of week 1, term 4 if a vacancy is available for their child to attend the following school year.

If no vacancies exist, the applicants will be placed on the enrolment register and referred for enrolment to other neighbouring schools.

YEAR LEVEL: 8 - 12 (9 - 12 in 2022)**Application for Year 8 to 12 (9 - 12 in 2022) from students living in the school zone**

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

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

The school will notify parents by the beginning of week 1, term 4 if a vacancy is available for their child to attend the following school year.

If no vacancies exist the applicants will be encouraged to remain at their current high school, or referred for enrolment to other neighbouring schools, and upon an applicant's request will be placed on the school's enrolment register.

Out of zone applications with siblings currently at the school

There is no automatic entry to the school for Year 8 to 12 students (9 - 12 in 2022) who live outside the school's zone and have siblings who currently attend the school.

*Enrolment Criteria—General***Special Circumstances**

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

*Enrolment Process***Enrolment Register**

Parents whose child's name has been placed on the enrolment register will be contacted if vacancies become available.

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

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

Monitoring and enforcement

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

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

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

This Capacity Management Plan will be reviewed as required.

Dated: 23 November 2020

JOHN GARDNER
Minister for Education

HOUSING IMPROVEMENT ACT 2016

Rent Control Revocations

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

Address of Premises	Allotment Section	Certificate of Title Volume/Folio
16A Francis Street, Balaklava SA 5461	Allotment 2 Deposited Plan 36750 Hundred of Balaklava	CT 5122/680
Flat 1, 143 Port Road, Queenstown SA 5014	Allotment 821 Filed Plan 210797 Hundred of Yatala	CT5778/200
Unit 2, 143 Port Road, Queenstown SA 5014	Allotment 821 Filed Plan 210797 Hundred of Yatala	CT5778/200
76 Wileman Street, Whyalla SA 5600	Allotment 725 Town Plan 560501 Hundred of Randell	CT4380/99 CT5606/219
63 Lacey Street, Whyalla SA 5600	Allotment 1189 Town Plan 560501 Hundred of Randell	CT1790/132 CT5721/522
51 Peters Street, Whyalla Playford SA 5600	Allotment 1331 Town Plan 560501 Hundred of Randell	CT5356/108
386 Prospect Road, Kilburn SA 5084	Allotment 78 Filed Plan 110557 Hundred of Yatala	CT1421/165 CT5752/299 CT6090/501
30 Karingal Road, Dernancourt SA 5075	Allotment 5 Deposited Plan 7467 Hundred of Yatala	CT5189/20 CT6213/596 CT6213/597 CT6213/598

Dated: 26 November 2020

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

JUSTICES OF THE PEACE ACT 2005

SECTION 4

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

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

For a period of ten years for a term commencing on 16 December 2020 and expiring on 15 December 2030:

Rebecca Anne ZYWECK
Lei XU
Ken Maurice VICKERY
Darryl John VENNING
Glenn William SPEAR
Anita Hermine ROWLAND
Sharyn Lee ROBERTS
Teresa Mary RAMSEY
David Francis PEDLER
Aimee PEDLER
Stephen ORR
Bill O'BRIEN
Angela NAYDA
Desma MOSHOU
Corey Robert MILLER
Terry Dean MASTERS
Agnieszka MALKOWSKA
Dianna Marie LY
Ross Gordon KENNEDY
Darren Brian HOSKING
Steven Carl HAMPEL
Margaret Isabel GROCKE
Katie Joanne GRIFFITHS
Jenene Mandy CREASEY
Gaylene Joy CRANE
Denise Margaret CLARK
Marie Lana CIMASKO
Robyn CATIONS
Maxine BOLLAND
Maree Patricia BLAESS
Sandra Elizabeth BAYLEY
Ashlee Jayne BARRY
Gerald Stewart ADAMS

Dated: 23 November 2020

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

LIQUOR LICENSING ACT 1997

Ministerial Notice

I, VICKIE CHAPMAN, Attorney-General, pursuant to section 131AA(2) of the *Liquor Licensing Act 1997*, declare that the liquor product known as 'Emodka' is prohibited.

I am satisfied under subsection 131AA(3)(a) of the *Liquor Licensing Act 1997*, that the liquor is likely to have a special appeal to minors.

The effect of this Notice is the prohibition of the manufacture, sale or supply of Emodka in South Australia for a period of 42 days.

This Notice commences with immediate effect on 26 November 2020.

Dated: 20 November 2020

VICKIE CHAPMAN
Attorney-General

MENTAL HEALTH ACT 2009

Authorised Mental Health Professional

NOTICE is hereby given in accordance with Section 94(1) of the *Mental Health Act 2009*, that the Chief Psychiatrist has determined the following persons as an Authorised Mental Health Professional

Paula Larsen

A person's determination as an Authorised Mental Health Professional expires three years after the commencement date.

Dated: 26 November 2020

DR J. BRAYLEY
Chief Psychiatrist

NATIONAL PARKS AND WILDLIFE ACT 1972

Management Plan Amendments

I, David Speirs, Minister for Environment and Water, hereby give notice under the provisions of section 38 of the *National Parks and Wildlife Act 1972* that, on 24 October 2020, I adopted the following amended plans of management:

- Coorong National Park Management Plan Amendment 2020
- Dhillba Guuranda-Innes National Park Management Plan Amendment 2020
- Little Dip Conservation Park Management Plan Amendment 2020
- Parks of the Coffin Bay Area Management Plan Amendment 2020

These amendments may be inspected or obtained at the Department for Environment and Water website:

<https://www.parks.sa.gov.au/park-management/management-plans>

Dated: 24 October 2020

DAVID SPEIRS MP
Minister for Environment and Water

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Grant of Associated Activities Licence—AAL 292
(Adjunct to Petroleum Production Licence PPL 269)*

Notice is hereby given that the undermentioned Associated Activities Licence has been granted with effect from 24 November 2020, under the provisions of the *Petroleum and Geothermal Energy Act 2000*, pursuant to delegated powers dated 29 June 2018.

No of Licence	Licencees	Locality	Area in km ²	Reference
AAL 292	Leigh Creek Operations Pty Ltd	Telford Basin	3.91	MER-2020/0435

Description of Area

All that part of the State of South Australia, being within Out of Hundreds (Copley), bounded as follows:

Commencing a point on the south-western boundary of Section 416, Out of Hundreds (Copley) to its intersection with a straight line, or prolongation of such, westerly between Longitude 138.385778 East, Latitude 30.474531 South and Longitude 138.389586 East, Latitude 30.473794 South; then in straight lines passing through the following coordinate points:

Longitude East	Latitude South
138.389586	30.473794
138.391747	30.473900
138.397772	30.474669
138.399247	30.474692
138.400092	30.474808
138.401200	30.475122
138.402442	30.475519
138.405161	30.476681
138.406639	30.477117
138.407703	30.477475
138.409156	30.477850
138.409778	30.478150
138.411897	30.478900
138.413317	30.479544
138.414358	30.479833
138.417283	30.482606
138.418658	30.484003
138.419358	30.485342
138.420722	30.488408
138.421261	30.488217
138.421986	30.487219
138.422742	30.485942
138.423317	30.485300
138.424342	30.485006
138.425011	30.485111
138.426411	30.485961
138.427978	30.486672
138.430108	30.484714
138.428653	30.481786
138.426442	30.479319
138.424867	30.477744
138.423383	30.476692
138.420017	30.474806
138.418364	30.471833
138.417553	30.469903
138.403858	30.469058
138.394714	30.468047
138.389542	30.467711
138.386181	30.467850
138.386181	30.467847
138.383114	30.468508

then westerly in a straight line, or prolongation of such, between Longitude 138.383114 East, Latitude 30.468508 South and Longitude 138.379764 East, Latitude 30.469419 South to its intersection with the south-western boundary of Section 416, Out of Hundreds (Copley); then south-easterly along the south-western boundary of said Section 416 to the point of commencement.

Excluded areas

Sections 486, Out of Hundreds (Copley)

Reference datum

Geographical coordinates are referenced to the Geocentric Datum of Australia 2020 (GDA2020), in decimal degrees.

AREA: **3.91** square kilometres approximately.

Dated: 24 November 2020

BARRY A. GOLDSTEIN
Executive Director
Energy Resources Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Grant of Petroleum Production Licence—PPL 269

Pursuant to section 92 (1) of the *Petroleum and Geothermal Energy Act 2000*, notice is hereby given that the undermentioned Petroleum Production Licence has been granted under the provisions of the *Petroleum and Geothermal Energy Act 2000*, pursuant to delegated powers dated 29 June 2018.

No of Licence	Licencees	Locality	Area in km2	Reference
PPL 269	Leigh Creek Operations Pty Ltd	Telford Basin	4.98	MER-2020/0319

Description of Area

All that part of the State of South Australia, being within Out of Hundreds (Copley), bounded as follows:

Commencing a point on the eastern boundary of Section 418, Out of Hundreds (Copley) and its intersection with a straight line, or prolongation of such, south-easterly between Longitude 138.417458 East, Latitude 30.468108 South and Longitude 138.433542 East, Latitude 30.483225 South, then beginning south-westerly and generally northerly along the eastern, southern, and western boundaries of said Section 418 to a point on the south-eastern boundary of Section 321, Out of Hundreds (Copley); south-westerly and north-westerly along the south-eastern and south-western boundaries of said Section 321 to its intersection with the production easterly of the southern boundary of Section 324, Out of Hundreds (Copley); westerly along said production to the south-eastern-most corner of Section 324, Out of Hundreds (Copley); generally westerly and north-westerly along the southern and south-western boundary of said Section 324 to the southern-most corner of Section 416, Out of Hundreds (Copley); north-westerly along the south-western boundary of said Section 416 to its intersection with a straight line, or prolongation of such, westerly between Longitude 138.385778 East, Latitude 30.474531 South and Longitude 138.389586 East, Latitude 30.473794 South; then in straight lines passing through the following coordinate points:

Longitude East	Latitude South
138.389586	30.473794
138.391747	30.473900
138.397772	30.474669
138.399247	30.474692
138.400092	30.474808
138.401200	30.475122
138.402442	30.475519
138.405161	30.476681
138.406639	30.477117
138.407703	30.477475
138.409156	30.477850
138.409778	30.478150
138.411897	30.478900
138.413317	30.479544
138.414358	30.479833
138.417283	30.482606
138.418658	30.484003
138.419358	30.485342
138.420722	30.488408
138.421261	30.488217
138.421986	30.487219
138.422742	30.485942
138.423317	30.485300
138.424342	30.485006
138.425011	30.485111
138.426411	30.485961
138.427978	30.486672
138.430108	30.484714
138.428653	30.481786
138.426442	30.479319
138.424867	30.477744
138.423383	30.476692
138.420017	30.474806
138.418364	30.471833
138.417553	30.469903
138.403858	30.469058
138.394714	30.468047
138.389542	30.467711
138.386181	30.467850
138.383114	30.468508

then westerly in a straight line, or prolongation of such, westerly between Longitude 138.383114 East, Latitude 30.468508 South and Longitude 138.379764 East, Latitude 30.469419 South to its intersection with the south-western boundary of Section 416, Out of Hundreds (Copley); then north-westerly along portion of the south-western boundary of said Section 416 to its intersection with a straight line, or prolongation of such, south-westerly between Longitude 138.378867 East, Latitude 30.468672 South and Longitude 138.385667 East, Latitude 30.466878 South; then in straight lines passing through the following coordinate points:

Longitude East	Latitude South
138.385667	30.466878
138.389675	30.466706
138.390853	30.466717
138.392614	30.466789
138.397439	30.466692
138.404647	30.466725

then south-easterly to the southern-most corner of Section 444, Out of Hundreds (Copley); then south-easterly in a straight line to a point Longitude 138.417458 East, Latitude 30.468108; then south-easterly in a straight line to the point of commencement.

Excluded areas

Sections 444, 485 and 486, Out of Hundreds (Copley) and Portion Q6001 of Deposited Plan 114607.

Reference datum

Geographical coordinates are referenced to the Geocentric Datum of Australia 2020 (GDA2020), in decimal degrees.

AREA: **4.98** square kilometres approximately.

Dated: 24 November 2020

BARRY A. GOLDSTEIN
Executive Director
Energy Resources Division
Department for Energy and Mining
Delegate of the Minister for Energy and Mining

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 42

Practice Directions

Preamble

The State Planning Commission may issue a practice direction for the purposes of this Act.

A practice direction may specify procedural requirements or steps in connection with any matter arising under this Act.

A practice direction must be notified in the Gazette and published on the SA planning portal.

NOTICE

PURSUANT to section 42(4) of the Planning, Development and Infrastructure Act 2016, I, Michael Lennon, State Planning Commission Chairperson:

- (a) issue the State Planning Commission Practice Direction 13 (Notification of Crown Development Applications) 2020.
- (b) fix the day on which the Practice Direction is published on the South Australian Planning Portal as the day on which the Practice Direction will come into operation.

Dated: 19 November 2020

MICHAEL LENNON
State Planning Commission Chairperson

RADIATION PROTECTION AND CONTROL ACT 1982

SECTION 44

Notice by Delegate of the Minister for Environment and Water

PURSUANT to section 44 of the *Radiation Protection and Control Act 1982*, I, Perry Roberts, Acting Team Leader, Radiation Health, Mining and Radiation Branch of the Environment Protection Authority, being a person to whom the powers of the Minister under that section have been delegated under the Act, exempt diagnostic radiographers from the requirements of Regulation 39 of the *Radiation Protection and Control (Ionising Radiation) Regulations 2015*, subject to the following conditions:

1. This exemption only applies to the exposure of a person to ionising radiation:
 - (a) for the purposes of diagnostic radiography of the abdomen by plain radiography; and
 - (b) where the exposure has been authorised by a Neonatal Nurse Practitioner while employed and engaged in the capacity of a Neonatal Nurse Practitioner.
2. The authorisation referred to in Condition 1, except in the case of an emergency, must:
 - (a) be in writing; and
 - (b) contain details of the examination or treatment being undertaken that is to be authorised; and
 - (c) contain the clinical indications for the examination or treatment; and
 - (d) be signed by the Neonatal Nurse Practitioner giving the authorisation; and
 - (e) be given before the examination or treatment that is the subject of the authorisation has been given.

3. In the case of an emergency, the authorisation referred to in Condition 1 must:
- be given before the examination or treatment that is the subject of the authorisation has been given; and
 - the authorising Neonatal Nurse Practitioner must confirm the authorisation, in accordance with Condition 2 (a), (b), (c), and (d), within 24 hours of the examination or treatment.

This exemption shall take effect commencing on the date of publication of this Notice in the Government Gazette.

Dated: 18 November 2020

P. I. ROBERTS
Delegate of the Minister for Environment and Water

RADIATION PROTECTION AND CONTROL ACT 1982

SECTION 44

Notice by Delegate of the Minister for Environment and Water

PURSUANT to section 44 of the *Radiation Protection and Control Act 1982*, I, Perry Roberts, Acting Team Leader, Radiation Health, Mining and Radiation Branch of the Environment Protection Authority, being a person to whom the powers of the Minister under that section have been delegated under the Act, exempt owners of the Vatech EzRay Air Wall VEX-S300W, Vatech EzRay Air Vet P (VEX-P300) and Vatech EzRay Vet Cart (VEX-S300M) dental X-ray apparatus from the requirements of Regulation 90, subregulation 5, of the *Radiation Protection and Control (Ionising Radiation) Regulations 2015*, subject to the following condition:

- the X-ray tube housing must be fitted with a beam limiting device that limits the maximum dimension of the useful beam in a plane at right angles to the central ray of the beam located at the end of that cone or diaphragm to a length not exceeding 60 millimetres.

This exemption shall take effect commencing on the date of publication of this Notice in the Government Gazette.

Dated: 18 November 2020

P. I. ROBERTS
Delegate of the Minister for Environment and Water

SUMMARY OFFENCES ACT 1953

DECLARED PUBLIC PRECINCTS

Notice of Ministerial Declaration

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

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

will be a declared public precinct for a period of 12 hours from 6:00 pm on each Friday and for a period of 12 hours from 6:00 pm on each Saturday commencing at 6:00 pm Friday, 27 November 2020 local time and reoccurring for each described day and time of the week until declared otherwise or until 6:00 am Sunday, 21 November 2021, whichever occurs sooner.

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

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

MADE at Adelaide on this 17th day of November 2020

VICKIE CHAPMAN
Attorney-General

LOCAL GOVERNMENT INSTRUMENTS

ADELAIDE PLAINS COUNCIL

Review of Elector Representation

NOTICE is hereby given that the Adelaide Plains Council is undertaking a review to determine whether a change of arrangements are required in respect to elector representation, so as to ensure that the electors of the area are being adequately and fairly represented.

Pursuant to Section 12(7) of the *Local Government Act 1999*, notice is hereby given that Council has prepared a Representation Options Paper which examines the advantages and disadvantages of the various options available in regards to the composition and structure of Council, and the division of the Council area into wards.

A copy of the Representation Options Paper is available on the Council's website (www.apc.sa.gov.au/representationreview). Interested persons may also obtain a hardcopy of the Representation Options Paper during opening hours at the Mallala Principal Office at 2A Wasleys Road, Mallala and the Two Wells Service Centre at 69 Old Port Wakefield Road, Two Wells.

Written submissions are invited from interested persons from Wednesday, 25 November 2020 and should be directed to the Chief Executive Officer, Adelaide Plains Council, PO Box 18, Mallala SA 5502, or emailed to info@apc.sa.gov.au by close of business on Friday, 29 January 2021. Alternatively, electronic submissions can be made via the Council website (www.apc.sa.gov.au/representationreview).

Note: Written submissions will become public record, including forming part of a report to Council.

Information regarding the elector representation review can be obtained by contacting Sheree Schenk, General Manager – Governance and Executive Office, on telephone (08) 8527 0200 or email info@apc.sa.gov.au.

Dated: 26 November 2020

JAMES MILLER
Chief Executive Officer

DISTRICT COUNCIL OF COOBER PEDY

Adoption of Valuations and Declaration of Rates

Notice is hereby given that at its meeting of 20 October 2020 the District Council of Coober Pedy adopted its valuations and declared its rates for the 2020/21 financial year.

Adoption of Valuations

Council adopted for rating purposes and effective from 1 July 2020 valuations of the Valuer-General of the Capital Value of land within the Council's area totalling \$165,050,400.

Declaration of Differential General Rates

Council declared differential general rates on all rateable land within its area as follows:

Land Use 1	Residential	0.6571 cents in the dollar
Land Use 2	Commercial—Shop	1.4107 cents in the dollar
Land Use 3	Commercial—Office	1.4107 cents in the dollar
Land Use 4	Commercial—Other	1.4107 cents in the dollar
Land Use 5	Industry—Light	1.4107 cents in the dollar
Land Use 6	Industry—Other	1.4107 cents in the dollar
Land Use 8	Vacant Land	0.6571 cents in the dollar
Land Use 9	Other	1.4107 cents in the dollar

Council declared that a fixed charge of \$300.00 will apply to all rateable land within the Council's area for the financial year ending 30 June 2021.

Adoption of Regional Landscape Levy

Council declared a separate rate based on a fixed charge of \$71.30 in respect of all rateable land within the area of the Council and of the South Australian Arid Lands Natural Resource Management Board for the year ending 30 June 2021 to recover the levy payable to the Board.

Adoption of Water Annual Service Charge

Council declared an annual service charge for the financial year ending 30 June 2021 on land within the Council's area to which the Council provides or makes available the provision of water of \$271.40.

Declaration of Sewerage Service Rate

Council declared a service rate in respect of all land within the Sewerage Scheme Area for the financial year ending 30 June 2021 of 0.4169 cents in the dollar.

Payment of Rates

Council resolved that for the financial year ending 30 June 2021 rates are payable in four equal or approximately equal instalments to be received on or before the 4 December 2020, 5 February 2021, 1 April 2021 and 4 June 2021.

Dated: 26 November 2020

D. MILLER
Chief Executive Officer

DISTRICT COUNCIL OF ELLISTON

Liquor Licensing (Dry Areas) Notice 2020

Under section 131 (1a) of the Liquor Licensing Act 1997

1—Short title

This notice may be cited as the *Liquor Licensing (Dry Areas) Notice 2019*.

2—Commencement

This notice comes into operation on 31 December 2020.

3—Interpretation

(1) In this notice—

Principal notice means the *Liquor Licensing (Dry Areas) Notice 2015* published in the Gazette on 5.1.15, as in force from time to time.

(2) Clause 3 of the principal notice applies to this notice as if it were the principal notice.

4—Consumption etc of liquor prohibited in dry areas

(1) Pursuant to Section 131 of the Act, the consumption and possession of liquor in the area described in the Schedule is prohibited in accordance with the provisions of the Schedule.

(2) The prohibition has effect during the periods specified in the Schedule.

(3) The prohibition does not extend to private land in the area described in the Schedule.

(4) Unless the contrary intention appears, the prohibition of the possession of liquor in the area does not extend to—

(a) a person who is genuinely passing through the area if—

(i) the liquor is in the original container in which it was purchased from licensed premises; and

(ii) the container has not been opened; or

(b) a person who has possession of the liquor in the course of carrying on a business or in the course of his or her employment by another person in the course of carrying on a business; or

(c) a person who is permanently or temporarily residing at premises within the area or on the boundary of the area and who enters the area solely for the purpose of passing through it to enter those premises or who enters the area from those premises for the purpose of leaving the area.

Schedule—Elliston Area 1**1—Extent of prohibition**

The consumption of liquor is prohibited and the possession of liquor is prohibited.

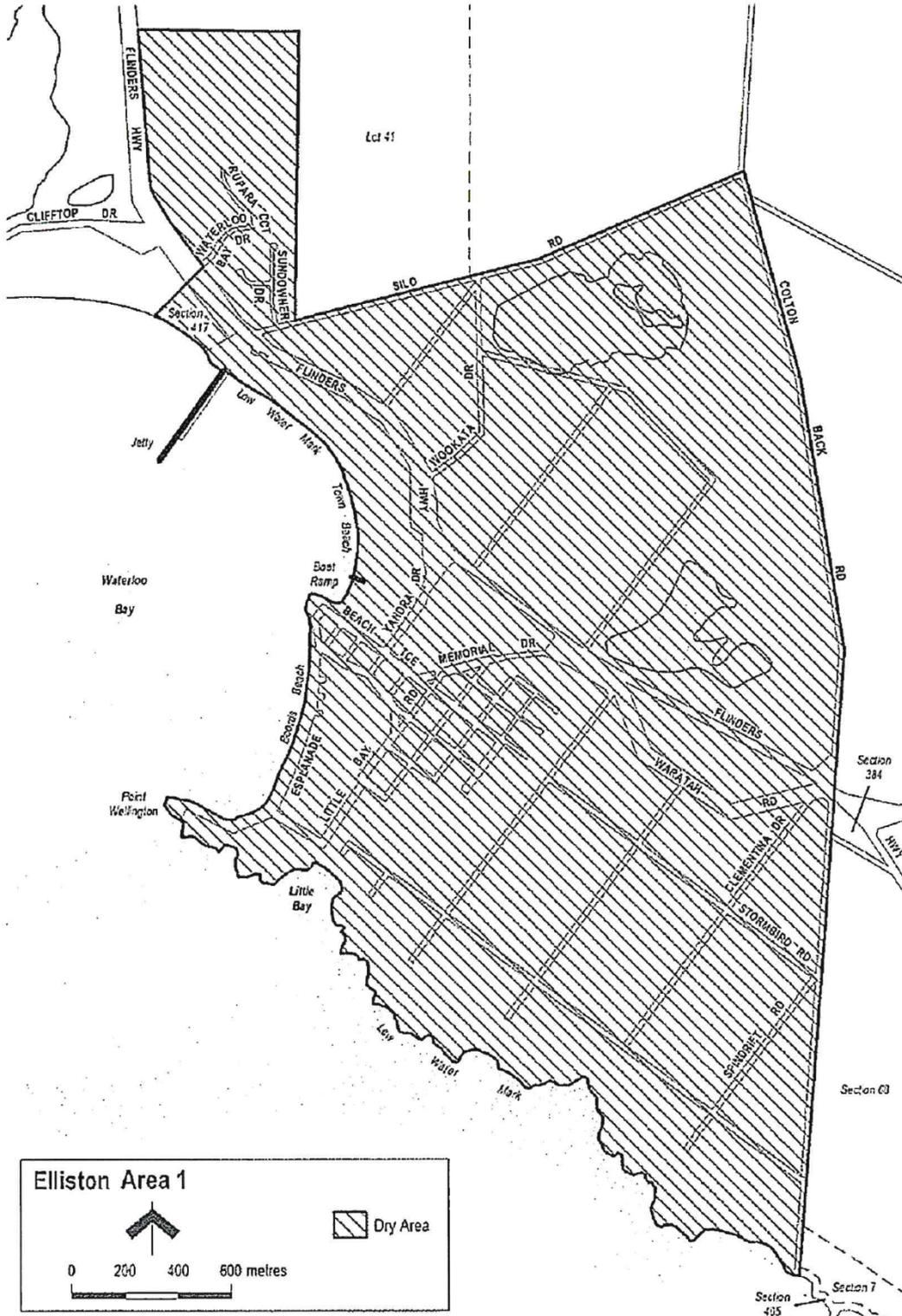
2—Period of prohibition

From 9 pm on 31 December 2020 to 8 am on 1 January 2021.

3—Description of area

The area in and adjacent to Elliston bounded as follows: commencing at the point at which the prolongation in a straight line of the north-western boundary of Section 417 Hundred of Ward intersects the low water mark on Waterloo Bay, then generally south-easterly, southerly, westerly and south-easterly along the low water mark to the point at which it is intersected by the prolongation in a straight line of the western boundary of Section 405 Hundred of Ward, then northerly along that prolongation and boundary of Section 405, the western boundary of Section 7 Hundred of Ward and the western boundary of Section 68 Hundred of Ward, to the northern boundary of Section 68, then in a straight line by the shortest route to the point at which the western and southern boundaries of Section 384 Hundred of Ward meet, then northerly along the western boundary of Section 384 to the point at which it meets the north-eastern boundary of the Section, then in a straight line by the shortest route (across Flinders Highway) to the point at which the eastern boundary of Colton Back Road meets the northern boundary of Flinders Highway, then generally northerly and north-westerly along the eastern boundary of Colton Back Road to the point at which it is intersected by the prolongation in a straight line of the northern boundary of Silo Road, then south-westerly along that prolongation and boundary of Silo Road to the western boundary of Lot 41 of DP 72507, then generally northerly and westerly along the western and southern boundaries of Lot 41 to the point at which the southern boundary of the Lot meets the eastern boundary of Flinders

Highway, then generally southerly and south-easterly along that boundary to the point at which it is intersected by the prolongation in a straight line of the north-western boundary of Section 417 Hundred of Ward, then south-westerly along that prolongation and boundary of Section 417, and the prolongation in a straight line of that boundary, to the point of commencement. The area does not include any jetty, boat ramp or other structure projecting below the low water mark from within the area described above.



Schedule—Port Kenny Area 1

1—Extent of prohibition

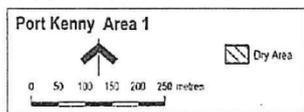
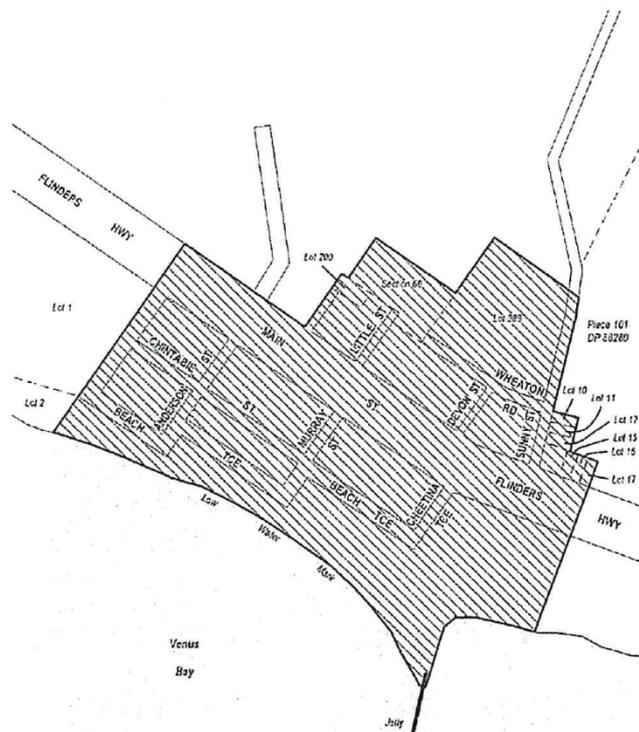
The consumption of liquor is prohibited and the possession of liquor is prohibited.

2—Period of prohibition

From 9 pm on 31 December 2020 to 8 am on 1 January 2021.

3—Description of area

The area in and adjacent to Port Kenny bounded as follows: commencing at the point at which the prolongation in a straight line of the eastern boundary of Lot 1 of DP 29315 intersects the north-eastern boundary of Main Street (Flinders Highway), then south-westerly along that prolongation and boundary of Lot 1 to the eastern boundary of Lot 2 of DP 29315, then south-westerly along that eastern boundary of Lot 2 and the prolongation in a straight line of that boundary to the low water mark on the northern side of Venus Bay, then generally south-easterly, northerly and easterly along the low water mark to the point at which it is intersected by the prolongation in a straight line of the eastern boundary of Lot 17 of DP 4405, then north-easterly along that prolongation and boundary of Lot 17 to the northern boundary of the Lot, then north-westerly along the northern boundaries of Lots 17, 16 and 15 of DP 4405 to the eastern boundary of Lot 12 of DP 4405, then northerly along the eastern boundary of that Lot, and the eastern boundaries of Lots 11 and 10 of DP 4405, to the northern boundary of Lot 10, then westerly along that boundary of Lot 10 to the eastern boundary of Sunny Street, then northerly along that boundary of Sunny Street and the western boundary of Piece 101 of DP 88280 to the point at which the western boundary of Piece 101 is intersected by the prolongation in a straight line of the north-eastern boundary of Lot 288 of FP 180320, then north-westerly along that prolongation and boundary of Lot 288 to the north-western boundary of the Lot, then south-westerly along the north-western boundary of Lot 288 to the north-eastern boundary of Section 68 Hundred of Wright, then north-westerly and south-westerly along the north-eastern and north-western boundaries of the Section to the point at which the north-western boundary meets the north-eastern boundary of Lot 200 of DP 84488, then north-westerly along that boundary of Lot 200 to the north-western boundary of the Lot, then south-westerly along the north-western boundary of Lot 200 and the prolongation in a straight line of that boundary to the point at which that prolongation intersects the north-eastern boundary of Main Street (Flinders Highway), then north-westerly along that boundary of Main Street to the point of commencement. The area does not include any jetty, boat ramp or other structure projecting below low water mark from within the area described above.



Schedule—Venus Bay Area 1

1—Extent of prohibition

The consumption of liquor is prohibited and the possession of liquor is prohibited.

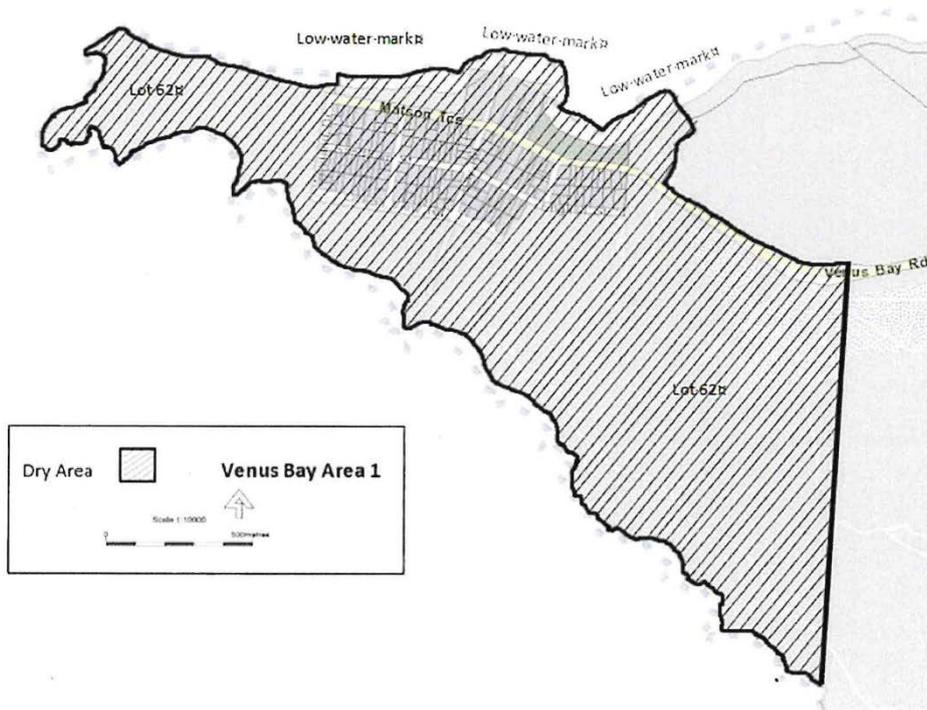
2—Period of prohibition

From 9 pm on 31 December 2020 to 8 am on 1 January 2021.

3—Description of area

The area in and adjacent to the town of Venus Bay bounded as follows: Commencing at the point at which the prolongation in a straight line of the northern boundary of Lot 62 DP34608 intersects the low water mark of Venus Bay, then in westerly, north-westerly direction along the northern boundary of Lot 62, then generally southerly, south-westerly along the western boundary of the lot, then generally in a south, south-easterly, easterly, north-easterly and northerly along the boundary of Lot 62 to the point at which the common boundary of Lot 62 and Lot 39 meet then north along the eastern boundary of Lot 62 to the northern boundary of Venus Bay Road, then in a straight line by the shortest route along (Venus Bay Road) to the south-western corner of Lot 58 DP34994, then in a straight line by the shortest route to the eastern boundary of the lot, then generally north-easterly and north-westerly along that boundary of Lot 58 to the point at which the North-western boundary of the lot intersect the low water mark, then south-westerly and north-westerly along the northern low water mark to the point of commencement.

This area includes any jetty, boat ramp or structure projecting below the low water mark form within the area described above.



Made by the District Council of Elliston

on 17 November 2020

REGIONAL COUNCIL OF GOYDER

Representation Review

Notice is hereby given that the Regional Council of Goyder is undertaking a review to determine whether a change of arrangements are required in respect to elector representation. This will result in the electors of the area being adequately and fairly represented.

Pursuant to the provisions of section 12(7) of the *Local Government Act 1999*, notice is hereby given that council has prepared a representation options paper that examines the advantages and disadvantages of the various options available in regards to the composition and structure of council, and the division of the council area into wards.

Copies of the representation options paper are available on the Council's website at www.goyder.sa.gov.au and for inspection and/or purchase at the Council office at 1 Market Square, BURRA SA 5417.

Written submissions are invited from interested persons from Monday 30 November 2020, and should be directed to David Stevenson, Regional Council of Goyder, 1 Market Square, BURRA SA 5417 or email emoore@goyder.sa.gov.au, to be received by close of business on Monday 11 January 2021.

Information regarding the representation review can be obtained by contacting Emily Moore on telephone 8892 0100 or email emoore@goyder.sa.gov.au.

Dated: 26 November 2020

DAVID J. STEVENSON
Chief Executive Officer

PORT PIRIE REGIONAL COUNCIL

Adoption of Valuation and Declaration of Rates 2020/21

NOTICE is hereby given that the Port Pirie Regional Council, at its meeting held 16 November 2020 in exercise of the powers contained in Chapter 10 of the *Local Government Act 1999* and for the year ending 30 June 2021 resolved as follows:

Adoption of Valuations

Adopted for rating purposes, pursuant to Section 167(2)(a) of the *Local Government Act 1999*, the most recent valuations of the Valuer General available to the Council of the capital value of land within the area of the Council totalling \$2,574,575,580.

Fixed Charge

Imposed, pursuant to Section 151(1)(c)(ii) and 152(1)(c) of the *Local Government Act 1999*, a fixed charge of \$535 on rateable land within the area of the Council.

Declaration of Rates

Declared pursuant to Section 151, 152, 153 and 156 of the *Local Government Act 1999*, differential rates, based on the capital value of the land and by reference to the following land uses and localities in accordance with Regulation 14 of the *Local Government (General) Regulations 2013* as follows:

1. Rateable land within the Industry Policy Area 4 zone as defined by Council's Development Plan consolidated 14 November 2019:
 - Category (a)—Residential, a differential general rate of 0.4108 cents in the dollar;
 - Category (b)—Commercial—Port Pirie Regional Council—Shop, a differential general rate of 0.8342 cents in the dollar;
 - Category (c)—Commercial Office, a differential general rate of 0.8342 cents in the dollar;
 - Category (d)—Commercial Other, a differential general rate of 0.8342 cents in the dollar;
 - Category (e)—Industry—Port Pirie Regional Council—Light, a differential general rate of 0.8342 cents in the dollar;
 - Category (f)—Industry—Other, a differential general rate of 3.8014 cents in the dollar;
 - Category (g)—Primary Production, a differential general rate of 0.2989 cents in the dollar;
 - Category (h)—Vacant Land, a differential general rate of 0.8342 cents in the dollar;
 - Category (i)—Other, a differential general rate of 0.4108 cents in the dollar.
2. Rateable land within all other zones as defined by Council's Development Plan consolidated 14 November 2019:
 - Category (a)—Residential, a differential general rate of 0.4108 cents in the dollar;
 - Category (b)—Commercial—Port Pirie Regional Council—Shop, a differential general rate of 0.8342 cents in the dollar;
 - Category (c)—Commercial Office, a differential general rate of 0.8342 cents in the dollar;
 - Category (d)—Commercial Other, a differential general rate of 0.8342 cents in the dollar;
 - Category (e)—Industry—Port Pirie Regional Council—Light, a differential general rate of 0.8342 cents in the dollar;
 - Category (f)—Industry—Other, a differential general rate of 0.8342 cents in the dollar;
 - Category (g)—Primary Production, a differential general rate of 0.2989 cents in the dollar;
 - Category (h)—Vacant Land, a differential general rate of 0.8342 cents in the dollar;
 - Category (i)—Other, a differential general rate of 0.4108 cents in the dollar.

Annual Service Charge—Community Wastewater Management System

Imposed, pursuant to Section 155 of the *Local Government Act 1999*, an annual service charge on both rateable and non-rateable land to which it provides or makes available a community wastewater management system based on the nature of the service and the number of property units that apply with respect to the relevant land, as determined under the CWMS Property Units Code and for that service charge to vary on the basis of land being occupied or vacant as follows:

- Crystal Brook CWMS occupied \$197 per service
- Crystal Brook CWMS vacant \$148 per service
- Napperby CWMS occupied \$462 per service
- Napperby CWMS vacant \$346 per service

Annual Service Charge—Waste Management

Imposed, pursuant to Section 155 of the *Local Government Act 1999*, an annual service charge of \$257 on all land used for residential purposes within the Council area to which it provides the prescribed service of waste collection, treatment and disposal based on the nature of the service, provided that the sliding scale provided for in regulation 13 of the *Local Government (General) Regulations 2013* will apply to reduce the service charge, as prescribed.

Separate Rate—Regional Landscape Levy

Declared, pursuant to Section 69 of the *Landscape South Australia Act 2019* and Section 154 of the *Local Government Act 1999*, a differential separate rate of 0.017135 cents in the dollar on all rateable land located within the area of the Council, to recover amounts payable to the Northern & Yorke Regional Landscape Board.

Due Dates for Payment of Rates

Determined, in accordance with Section 181 of the *Local Government Act 1999*, all rates (including all separate rates) and annual service charges shall be due in four equal or approximately equal instalments payable on 18 December 2020, 17 February 2021, 14 April 2021 and 16 June 2021.

Dated: 16 November 2020

P. ACKLAND
Chief Executive Officer

YORKE PENINSULA COUNCIL

LOCAL GOVERNMENT ACT 1999

By-law No. 1—Permits and Penalties

Pursuant to Section 246 (5) (b) of the *Local Government Act 1999* and in accordance with Clause 6.1 of Council's *Permits and Penalties By-law 2020*, Council fixes an expiation fee for alleged offences against the following Council by-laws as follows:

By-law	Expiation Fee
Permits and Penalties By-law 2020	\$100.00
Local Government Land By-law 2020	\$100.00
Road By-law 2020	\$100.00
Moveable Signs By-law 2020	\$100.00
Dogs By-law 2020	\$100.00
Cats By-law 2020	\$100.00
Port Vincent Marina By-law 2020	\$100.00

Authorised at the Council Meeting on 11 November 2020 (Resolution 258/2020).

ANDREW CAMERON
Chief Executive Officer

YORKE PENINSULA COUNCIL

LOCAL GOVERNMENT ACT 1999

By-law No. 2—Local Government Land

1. That Council, in exercise of its powers under Section 246 (3) (e) of the *Local Government Act 1999* determines that the provision Clauses 4.9.1 and 4.9.3 of Council's Local Government Land By-law apply to the following boat ramps:

1. Rowe Terrace, Ardrossan
2. Black Point Drive, Black Point
3. Marine Parade, Port Vincent
4. Marine Drive, Port Vincent
5. Jetty Road, Stansbury
6. O'Halloran Parade, Edithburgh
7. Jetty/Boat Ramp Road, Point Turton
8. Edwards Terrace, Port Victoria

2. That Council notes for the purposes of paragraph 4.9.1 of the *Local Government Land By-law 2020*, permission to launch or retrieve a boat may be obtained from a permit vending-machine installed and maintained by Council at or near the relevant boat ramp specified above (if so installed), the Council's website, or as otherwise provided for in Clause 5.2 of Council's *Permits and Penalties By-law 2020*.

Authorised at the Council Meeting on 11 November 2020 (Resolution 255/2020).

ANDREW CAMERON
Chief Executive Officer

YORKE PENINSULA COUNCIL

LOCAL GOVERNMENT ACT 1999

By-law No. 2—Local Government Land

1. That Council notes that in accordance with Clause 4.12 of Council's *Local Government Land By-law 2020* permission must be obtained from the Council to camp or stay overnight or erect any tent, booth marquee or other structure or place of habitation on local government land.
2. That Council confirms that the requirement to obtain permission under Clause 4.12 of Council's *Local Government Land By-law 2020* extends to the following Bush Camping locations on local government land.
 - The Gap, Lot 14 Gap Road, Balgowan, CT 5066/248
 - The Bamboos, Lot 12 Government Road, Balgowan, CT 5171/46
 - Tiparra Rocks, Lot 5 Government Road, Balgowan, CT 5185/694
 - Wauraltee Beach Lot 7 Wauraltee Beach Road, Wauraltee CT 5518/659
 - Barkers Rocks, Lot 3 Barkers Rocks Road, Bluff Beach, CT 5379/493
 - Port Minlacowie, Lot 302 Beegoodye Wells Road, Minlaton, CT 5744/682
 - Len Barkers Reserve, Lot 260 North Coast Road, Point Souttar, CT 5744/698
 - Burners Beach, Lot 3 North Coast Road, Point Souttar, CT 5750/456
 - Gravel Bay, Lot 171 Light House Road, Corny Point, CT 5744/613
 - Swincers Rocks, Lot 42 Wurlie Road, Corny Point, CT 5757/134
 - Gleesons Landing, Gleesons Road, Corny Point, CT 6199/381
 - Daly Head, Lot 11 Daly Head Road, White Hut, CT 5339/219
 - Foul Bay Boat Ramp, Lot 251 South Coast Road, Foul Bay, CT 5744/621
 - Foul Bay, Lot 108 South Coast Road, Foul Bay, CT 5757/138
 - Sturt Bay, Lot 247,250 South Coast Road, Warooka, CT 5744/686 and CT 5779/724
 - Mozzie Flat, Lot 232 Mozzie Flat Road, Port Moorowie, CT 5772/145
 - Goldsmith Beach, Lot 625 Troubridge Point Drive, Honiton, CT 5757/195
 - Wattle Beach, Lot 624 Heel Road, Edithburgh, CT 5486/630
 - Parara, Sec 458 and Pt Sec 358 Parara Road, Ardrossan, CR 5765/576 and CR 5744/623
3. That Council notes for the purposes of paragraph 4.9.1 of the *Local Government Land By-law 2020*, permission for the purposes of Clauses 4.12 may be obtained from a permit vending-machine installed and maintained by Council at or near the relevant Bush Camping locations specified above (if so installed), the Council's website, or as otherwise provided for in Clause 5.2 of Council's *Permits and Penalties By-law 2020*.
4. That Council endorses the following standard terms and conditions for inclusion on any permit issues under Clauses 4.12 (subject to any specific determination to the contrary):
 - (a) no permit holder may camp at a Bush Camping location for a period exceeding 6 consecutive weeks;
 - (b) this permit does not authorise a person to camp at a Bush Camping location for longer than a period of 6 consecutive weeks;
 - (c) a permit holder who has camped at a bush camping location for a period of 6 consecutive weeks must not camp at the same [or another] Bush Camping location until a period of 4 consecutive weeks has expired.

Authorised at the Council Meeting on 11 November 2020 (Resolution 256/2020).

ANDREW CAMERON
Chief Executive Officer

YORKE PENINSULA COUNCIL

LOCAL GOVERNMENT ACT 1999

By-law No. 2—Local Government Land

In exercise of its powers under Section 246 (3) (e) of the Local Government Act 1999, the Council resolves that for the purpose of Clause 4.12 of *By-law 2 of 2020—Local Government Land*.

1. That Council determines that the following place is a place designated by Council for the purposes of Clause 4.12 of the Council's *Local Government Land By-law 2020*:
 - The designated RV Camping area in the reserve located at 16 West Terrace, Ardrossan.
2. That Council determines that the following conditions must be complied with by any person camping or staying overnight at the designated place:
 - No person shall camp at the designated place for more than two consecutive nights; and
 - Every person camping at the designated place must camp in a self-contained recreational vehicle (either towed or self-propelled) that has its own toilet, shower, water tank, and black and grey water collection tanks; and
 - Every self-contained recreational vehicle must be parked within a designated camping bay.

Authorised at the Council Meeting on 11 November 2020 (Resolution 257/2020).

ANDREW CAMERON
Chief Executive Officer

YORKE PENINSULA COUNCIL

LOCAL GOVERNMENT ACT 1999

By Law No. 5—Dogs

That Council, in exercise of its powers under Section 246 (3) (e) of the *Local Government Act 1999* determines that the provisions Clause 5.2.1 of Council's *Dogs By-law 2020* (dog on leash areas) apply to the following local government land and public spaces:

- Within 100 m of any area of foreshore indicated by a sign or fence (or a combination of both) as a 'Hooded Plover Nesting Area' during the months of (August to March) in any year.

Authorised at the Council Meeting on 11 November 2020 (Resolution 259/2020).

ANDREW CAMERON
Chief Executive Officer

PUBLIC NOTICES

TRUSTEE ACT 1936

PUBLIC TRUSTEE

Estates of Deceased Persons

In the matter of the estates of the undermentioned deceased persons:

GYAPJAS Gabriel Charles Michael late of 150 Bay Road Encounter Bay of no occupation who died 15 October 2019
 HEARD Joan Margaret late of 52 Dunrobin Road Hove of no occupation who died 5 February 2020
 LACH Elfriede late of 50 Kesters Road Para Hills West of no occupation who died 24 April 2020
 MAKSIMIR Forjan late of 11 Prosser Street Ingle Farm of no occupation who died 28 September 2019
 MARTEN Jim late of 86 Oaklands Road Glengowrie of no occupation who died 11 September 2019
 PICKLES Denise Robyn Elizabeth late of 3 Spruce Crescent Lower Mitcham of no occupation who died 9 March 2020

Notice is hereby given pursuant to the Trustee Act 1936, the Inheritance (Family Provision) Act 1972 and the Family Relationships Act 1975 that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the office of Public Trustee at GPO Box 1338, Adelaide, 5001, full particulars and proof of such claims, on or before the 25 December 2020 otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver same to the Public Trustee.

Dated: 26 November 2020

N. S. RANTANEN
Public Trustee

ADELAIDE AIRPORT LTD (“AAL”)

Schedule of Aeronautical Charges

The prices shown in this schedule are inclusive of GST. Effective 01 January 2021.

SERVICE	CHARGE BASE (see note i)		
	Charge per Passenger	Passenger Charge Applies to (see Charge Rules)	Charge per 1,000 kg MTOW (pro-rata)
INTERNATIONAL RPT SERVICES			
Landing Charges	\$15.36	(1)	
Passenger Facility Charge (“PFC”) - see note iv	\$9.54	(1)	
Government Mandated Charges	\$16.68	(3)	
Government Mandated Charges for international transit passengers	\$8.42	(5)	
DOMESTIC RPT SERVICES (Aircraft weighing more than 20,000 kg MTOW)			
Landing Charges	\$5.54	(2)	\$20.44
Passenger Facility Charge (“PFC”) - see note iv	\$6.87	(2)	
Government Mandated Charges	\$8.26	(4)	
REGIONAL RPT SERVICES (Aircraft weighing less than 20,000 kg MTOW)			
Landing Charges	\$3.25	(2)	\$9.75
Passenger Facility Charge (“PFC”) - see note iv	\$1.65	(2)	
Government Mandated Charges	\$8.26	(4)	
LANDING CHARGES FOR DIVERSIONS			
International RPT services			\$12.52
Domestic RPT services			\$9.29
GENERAL AVIATION (minimum charges apply, see note ii)			
Freight aircraft			\$8.49
Fixed wing aircraft not operating RPT services			\$8.49
Rotary wing aircraft and unpowered aircraft			\$4.25

AIRCRAFT PARKING CHARGES:

General aviation aircraft parked longer than two hours in designated general aviation parking areas and aircraft will incur a charge of **\$18.51** per day or any part of a day.

Code “B” or greater - the charges for parking of Aircraft in the category of Code “B” or greater is by arrangement with AAL from time to time.

Definitions

(A) **Government Mandated Services** means those services which AAL provides to RPT Operators and other users of the Airport which are mandated by the Commonwealth Government (in applicable legislation and ministerial or Commonwealth Department directions) or other lawful authority and includes (but are not limited to) the following services:

- (i) Terminal passenger checked bag screening; and
- (ii) Terminal passenger screening; and
- (iii) airside inspections; and
- (iv) other services required by the Commonwealth Government or other lawful authority.

- (B) **Infant** means children less than 2 years old, not occupying a seat.
- (C) **Landing Charge** means the amount from time to time charged by AAL to an aircraft operator in respect of the use by an aircraft of AAL's runways, taxiways and aprons. The Landing Charge is a single charge made on each arrival (landing) of an aircraft.
- (D) **MTOW** means maximum take-off weight as specified by the manufacturer
- (E) **Passenger Facility Charge ("PFC")** means the amount from time to time charged by AAL to an RPT Operator in respect of its Passengers using a Terminal for the purpose of recovering costs relating to the Terminals.
- (F) **RPT (Regular Public Transport) Operation** means an operation of an Aircraft for the purposes of the carriage of people, or both people and goods, of an air service that:
- (i) is provided for a fee payable by persons using the service; and
 - (ii) is conducted in accordance with fixed schedules to or from fixed terminals over specific routes; and
 - (iii) is available to the general public on a regular basis.

Per Passenger Charge Rules

- (1) Applies to all arriving and departing passengers and excludes transit passengers, infants and positioning crew.
- (2) Applies to all arriving, departing and transit passengers and excludes infants and positioning crew.
- (3) Applies to departing passengers only and excludes infants and positioning crew.
- (4) Applies to departing passengers and departing transit passengers and excludes infants and positioning crew.
- (5) Applies to all transit passengers excluding infants arriving from a port outside Australia.

Notes

- i. **Charge Base:** An Aircraft Operator may elect, by agreement with AAL, and entirely at AAL's discretion, to incur Aeronautical Charges on a MTOW or Passenger basis, which basis is then fixed for the ensuing twelve (12) month period.
- ii. **Minimum charge:** a minimum charge applies to all General Aviation customers as follows:
 - (a) Fixed Wing Aircraft **\$49.63** per landing
 - (b) Rotary Wing Aircraft **\$24.79** per landing
- iii. AAL has a growth incentive scheme which provides discount on the landing charges indicated above for airlines which exceed a target growth rate for the year. Details of this scheme are available to airlines on request.
- iv. Calculations of GST exclusive amounts should be made to four decimal places.

Dated: 16 November 2020

ADELAIDE AIRPORT LIMITED
ABN 78 075 176 653
1 James Schofield Drive, Adelaide Airport SA 5950
www.adelaideairport.com.au

NATIONAL ELECTRICITY LAW

Publication of Final Determination and Final Rule
Publication of Draft Determination and Draft Rule
Extension of Final Determination

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

Under s 107, the time for the making of the final determination on the *Prudent discounts in an adoptive jurisdiction* (Ref. ERC0317) proposal has been extended to **17 December 2020**.

Under ss 102 and 103, the making of the *National Electricity Amendment (Simplification of NER definitions) Rule 2020 No. 17* (Ref. ERC0312) and related final determination. All provisions commence on **22 February 2021**.

Under s 99, the making of a draft determination and related draft rule on the *Connection to dedicated connection assets* proposal (Ref. ERC0294). Written requests for a pre-determination hearing must be received by **3 December 2020**. Submissions must be received by **28 January 2021**.

Submissions can be made via the AEMC's website. Before making a submission, please review the AEMC's privacy statement on its website. Submissions should be made in accordance with the AEMC's *Guidelines for making written submissions on Rule change proposals*. The AEMC publishes all submissions on its website, subject to confidentiality.

Written requests should be sent to submissions@aemc.gov.au and cite the reference in the title. Before sending a request, please review the AEMC's privacy statement on its website.

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

Australian Energy Market Commission

Level 15, 60 Castlereagh St
Sydney NSW 2000

Telephone: (02) 8296 7800
www.aemc.gov.au

Dated: 26 November 2020

NOTICE SUBMISSION

The South Australian Government Gazette is compiled and published each Thursday.

Notices must be submitted before 4 p.m. Tuesday, the week of intended publication.

All submissions are formatted per the gazette style and proofs are supplied as soon as possible. Alterations must be returned before 4 p.m. Wednesday.

Requests to withdraw submitted notices must be received before 10 a.m. on the day of publication.

Gazette notices should be emailed as Word files in the following format:

- Title—name of the governing Act/Regulation
- Subtitle—brief description of the notice
- A structured body of text
- Date of authorisation
- Name, position, and government department/organisation of the person authorising the notice

Please provide the following information in your email:

- Date of intended publication
- Contact details of at least two people responsible for the notice content
- Name of the person and organisation to be charged for the publication (Local Council and Public notices)
- Request for a quote, if required
- Purchase order, if required

EMAIL: governmentgazettesa@sa.gov.au

PHONE: (08) 7109 7760

WEBSITE: www.governmentgazette.sa.gov.au

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