



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 24 JUNE 2021

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GOVERNOR'S INSTRUMENTS

APPOINTMENTS

Department of the Premier and Cabinet
Adelaide, 24 June 2021

His Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Education and Early Childhood Services Registration and Standards Board of South Australia, pursuant to the provisions of the Education and Early Childhood Services (Registration and Standards) Act 2011:

Member: from 1 July 2021 until 30 June 2024

Ann Elizabeth Doolette
Christopher Prance
John Michael Mula

Deputy Member: from 1 July 2021 until 30 June 2024

Julie Tarzia (Deputy to Prance)
John Francis Favretto (Deputy to Mula)

Presiding Member: from 1 July 2021 until 30 June 2024

Ann Elizabeth Doolette

Deputy Presiding Member: from 1 July 2021 until 30 June 2024

Gregory Hayes

By command,

JACQUELINE MICHELLE ANN LENSINK, MLC
For Premier

ME21/019

Department of the Premier and Cabinet
Adelaide, 24 June 2021

His Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Teachers Registration Board of South Australia, pursuant to the provisions of the Teachers Registration and Standards Act 2004:

Member: from 1 July 2021 until 31 December 2022

Jane Diane Lomax-Smith
David Richard Hugh Coulter
Fiona Elizabeth Brady
Kate Cameron
Marina Faye Elliott

Member: from 1 July 2021 until 30 June 2024

Carolyn Edith Grantskalns
Britta Eve Jureckson
Anthony John Haskell
Colleen Anne Maria Tomlian
Oksana Maria Kaczmarzsky
Tracey Lee Chapman
Susan Pamela Boucher
Nigel Stevenson
Peter Roy McKay

Deputy Member: from 1 July 2021 until 31 December 2022

Amanda Jane Dempsey (Deputy to Coulter)
David Rocco Antonio Caruso (Deputy to Brady)

Deputy Member: from 1 July 2021 until 30 June 2024

Mark John Ward (Deputy to Tomlian)
David Wayne Freeman (Deputy to Jureckson)
Michael James Francis (Deputy to Haskell)
Nikki Johnson (Deputy to Kaczmarzsky)
Marika Marlow (Deputy to Chapman)

Presiding Member: from 1 July 2021 until 31 December 2022

Jane Diane Lomax-Smith

Deputy Presiding Member: from 1 July 2021 until 30 June 2024

Carolyn Edith Grantskalns

By command,

JACQUELINE MICHELLE ANN LENSINK, MLC
For Premier

ME21/020

Department of the Premier and Cabinet
Adelaide, 24 June 2021

His Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the SACE Board of South Australia, pursuant to the provisions of the SACE Board of South Australia Act 1983:

Member: from 1 July 2021 until 30 June 2024

Jane Elizabeth Danvers
Kerrie Campbell
Pamela Mary Ronan
Peter Ronald Prest
Andrew Stanley Keough
Roy Page
Iain Hay
Eliza Chui
Andrew John Balkwill
Kristen Jane Masters
Timothy Mark Browning

Presiding Member: from 1 July 2021 until 30 June 2024

Jane Elizabeth Danvers

Deputy Presiding Member: from 1 July 2021 until 30 June 2024

Kerrie Campbell

By command,

JACQUELINE MICHELLE ANN LENSINK, MLC
For Premier

ME21/021

Department of the Premier and Cabinet
Adelaide, 24 June 2021

His Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Health Services Charitable Gifts Board, pursuant to the provisions of the Health Services Charitable Gifts Act 2011:

Commissioner: from 1 July 2021 until 30 June 2024

Carmelo Di Lernia

By command,

JACQUELINE MICHELLE ANN LENSINK, MLC
For Premier

HEAC-2021-00014

Department of the Premier and Cabinet
Adelaide, 24 June 2021

His Excellency the Governor in Executive Council has been pleased to appoint judicial officers to the auxiliary pool for a term of one year commencing on 1 July 2021 and expiring on 30 June 2022, it being a condition of appointment that the powers and jurisdictions of office should only be exercised during the time or times the actual duties are being undertaken, but at no other time throughout the period of appointment - pursuant to the provisions of the Judicial Administration (Auxiliary Appointments and Powers) Act 1988.

Geraldine Davison as an Auxiliary Judge of the Supreme Court of South Australia

Elizabeth Ann Sheppard as an Auxiliary Magistrate of South Australia

Christina Rose Florentzou as an Auxiliary Master of the Supreme Court of South Australia

Geoffrey Louis Muecke as an Auxiliary Judge of the Supreme Court of South Australia

Paul John Rice as an Auxiliary Judge of the Supreme Court of South Australia

Graham Walter Dart as an Auxiliary Judge of the Supreme Court of South Australia

Katrina Jane Bochner as an Auxiliary Judge of the Supreme Court of South Australia

Sydney William Tilmouth as an Auxiliary Judge of the Supreme Court of South Australia

Brian Patrick Gilchrist as an Auxiliary Judge of the Supreme Court of South Australia

Peter John Norman as an Auxiliary Master of the Supreme Court of South Australia and as an Auxiliary Master of the District Court of South Australia

John Stephen Roder as an Auxiliary Master of the Supreme Court of South Australia and as an Auxiliary Master of the District Court of South Australia

Briony Kennewell as an Auxiliary Master of the Supreme Court of South Australia

Dean Ernest Clayton as an Auxiliary Judge of the District Court of South Australia

Gordon Fraser Barrett as an Auxiliary Judge of the District Court of South Australia

Mark Nicholas Rice as an Auxiliary Master of the District Court of South Australia

John Francis Costello as an Auxiliary Judge of the District Court of South Australia and as an Auxiliary Judge of the Environment Resources and Development Court of South Australia

Barbara Ellen Johns as an Auxiliary Magistrate of South Australia

Phillip Edward James Broderick as an Auxiliary Magistrate of South Australia

Jonathan Romilly Harry as an Auxiliary Magistrate of South Australia

Theodore Iuliano as an Auxiliary Magistrate of South Australia

Clive William Kitchin as an Auxiliary Magistrate of South Australia

Alfio Anthony Grasso as an Auxiliary Magistrate of South Australia

By command,

JACQUELINE MICHELLE ANN LENSINK, MLC
For Premier

AGO0097-21CS

Department of the Premier and Cabinet
Adelaide, 24 June 2021

His Excellency the Governor in Executive Council has been pleased to appoint the Honourable Justice Cathryn Faye McMillan to the office of Judge of the Supreme Court of South Australia on an auxiliary basis, for a period commencing on 1 August 2021 and expiring on 31 December 2021, it being a condition of appointment that the powers and jurisdictions of office should only be exercised during the time or times the actual duties are being undertaken, but at no other time throughout the period of appointment - pursuant to the provisions of the Judicial Administration (Auxiliary Appointments and Powers) Act 1988.

By command,

JACQUELINE MICHELLE ANN LENSINK, MLC
For Premier

AGO0097-21CS

Department of the Premier and Cabinet
Adelaide, 24 June 2021

His Excellency the Governor in Executive Council has been pleased to appoint Dragan Bekric and Tracy Ann Michelle Kirchner as Special Justices of the Peace for South Australia for a period of five years commencing on 30 June 2021 and expiring on 29 June 2026 - pursuant to Section 7 of the Justices of the Peace Act 2005.

By command,

JACQUELINE MICHELLE ANN LENSINK, MLC
For Premier

AGO0099-21CS

Department of the Premier and Cabinet
Adelaide, 24 June 2021

His Excellency the Governor in Executive Council has been pleased to appoint the people listed to the position of Community Visitor for the terms specified - pursuant to the provisions of the Mental Health Act 2009.

Hei Tung Heather Ng for a term of three years commencing on 24 June 2021 and expiring on 23 June 2024
Beverley Anne Rundle for a term of three years commencing on 24 June 2021 and expiring on 23 June 2024
Tatjana Turcinov for a term of three years commencing on 24 June 2021 and expiring on 23 June 2024
Dana Alexander for a term of three years commencing on 30 July 2021 and expiring on 29 July 2024
Amalia Azis for a term of three years commencing on 30 July 2021 and expiring on 29 July 2024
Janice Evelyn Clark for a term of three years commencing on 30 July 2021 and expiring on 29 July 2024
Gregory David Fulton for a term of three years commencing on 30 July 2021 and expiring on 29 July 2024
Sally Ann Goode for a term of three years commencing on 30 July 2021 and expiring on 29 July 2024
Elizabeth Paige Iussa for a term of three years commencing on 30 July 2021 and expiring on 29 July 2024
Karen Lee Rogers for a term of three years commencing on 30 July 2021 and expiring on 29 July 2024
David Macmillan Meldrum for a term of three years commencing on 9 August 2021 and expiring on 8 August 2024

By command,

JACQUELINE MICHELLE ANN LENSINK, MLC
For Premier

HEAC-2021-00012

Department of the Premier and Cabinet
Adelaide, 24 June 2021

His Excellency the Honourable Hieu Van Le, Companion of the Order of Australia, Governor in and over the State of South Australia:

To

The Honourable Ronald Sackville AO QC
Ms Barbara Bennett PSM
Dr Rhonda Louise Galbally AC
Ms Andrea Jane Mason OAM
Mr Alastair James McEwin AM
The Honourable John Francis Ryan AM
The Honourable Roslyn Gay Atkinson AO

Greetings:

WHEREAS I, by Letters Patent dated and issued on 20 June 2019 and amended by Letters Patent dated and issued on 24 October 2019, appointed you as Commissioners pursuant to the *Royal Commissions Act 1917* to enquire into and report upon matters set out in the Commission issued, and required you to submit to me a report of the results of your inquiry, and your recommendations, not later than 29 April 2022;

AND WHEREAS The Honourable Roslyn Gay Atkinson AO has determined to resign and step down from her role as Commissioner, effective 23 June 2021;

AND WHEREAS it is desirable that the Commission be varied to require you to submit to me a report of the results of your inquiry, and your recommendations, not later than 29 September 2023;

NOW THEREFORE I, by this Instrument issued on this date on the advice and consent of the Executive Council and under the *Royal Commissions Act 1917* and under every other enabling power—

- (a) Formally note that The Honourable Roslyn Gay Atkinson AO has ceased to be a Commissioner, effective 23 June 2021, and acknowledge her contributions to the work of the Commission; and
- (b) Further amend the Letters Patent dated and issued on 20 June 2019 by omitting the phrase “29 April 2022” from paragraph(s) of the Commission and substituting it with “29 September 2023”.

GIVEN under my hand and the Public Seal of South Australia, at Adelaide, this 24th day of June 2021.

By Command,

JACQUELINE MICHELLE ANN LENSINK, MLC
For Premier

Recorded in Register of Commissions,
Letters Patent, Etc., Vol. XXIX

MELANIE HAZELL
Clerk of Executive Council

GOD SAVE THE QUEEN!

EMERGENCY MANAGEMENT ACT 2004

SECTION 23

Approval of the Governor of Extension of a Major Emergency Declaration

Recital

The State Co-ordinator declared a Major Emergency on 22 March 2020 under section 23(1) of the *Emergency Management Act 2004* (**the Act**) in respect of the outbreak of the human disease named COVID-19 within South Australia (**the Declaration**).

With the advice and consent of the Executive Council and pursuant to section 23(2) of the Act, on the days and for the periods set out below, I approved an extension of the Declaration.

- On 2 April 2020 for a period of 28 days to commence on 4 April 2020.
- On 30 April 2020 for a period of 28 days to commence on 2 May 2020.
- On 28 May 2020 for a period of 28 days to commence on 30 May 2020.
- On 27 June 2020 for a period of 28 days to commence on 27 June 2020.
- On 23 July 2020 for a period of 28 days to commence on 25 July 2020.
- On 20 August 2020 for a period of 28 days to commence on 22 August 2020.
- On 17 September 2020 for a period of 28 days to commence on 19 September 2020.
- On 15 October 2020 for a period of 28 days to commence on 17 October 2020.
- On 12 November 2020 for a period of 28 days to commence on 14 November 2020.
- On 10 December 2020 for a period of 28 days to commence on 12 December 2020.
- On 6 January 2021 for a period of 28 days to commence on 9 January 2021.
- On 4 February 2021 for a period of 28 days to commence on 6 February 2021.
- On 4 March 2021 for a period of 28 days to commence on 6 March 2021.
- On 1 April 2021 for a period of 28 days to commence on 3 April 2021.
- On 29 April 2021 for a period of 28 days to commence on 1 May 2021.
- On 27 May 2021 for a period of 28 days to commence on 29 May 2021.

Pursuant to section 23(2) of the Act and with the advice and consent of the Executive Council, I NOW approve a further extension of the Declaration for a period of 28 days commencing on 26 June 2021.

Given under my hand and the Public Seal of South Australia at Adelaide on Thursday, 24 June 2021.

HIEU VAN LE
Governor

South Australia

Emergency Services Funding (Declaration of Levy and Area and Land Use Factors) Notice 2021

under section 10 of the *Emergency Services Funding Act 1998*

1—Short title

This notice may be cited as the *Emergency Services Funding (Declaration of Levy and Area and Land Use Factors) Notice 2021*.

2—Commencement

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

3—Interpretation

In this notice—

Act means the *Emergency Services Funding Act 1998*.

4—Declaration of levy

The levy under Part 3 Division 1 of the Act for the 2021/2022 financial year comprises—

- (a) an amount of 0.1338 cents in respect of each dollar of the value of land subject to assessment; and
- (b) a fixed charge of \$50 for each piece, section or aggregation of contiguous or non-contiguous land subject to separate assessment.

5—Declaration of area factors

The area factors for each of the emergency services areas for the 2021/2022 financial year are as follows:

- (a) Regional area 1—0.8;
- (b) Regional area 2—0.5;
- (c) Regional area 3—0.2;
- (d) Regional area 4—1.0.

6—Declaration of land use factors

The land use factors for each of the land uses referred to in section 8(1) of the Act for the 2021/2022 financial year are as follows:

- (a) commercial—1.044;
- (b) industrial—1.815;
- (c) residential—0.4;
- (d) rural—0.3;
- (e) all other uses—0.5.

7—Relevant day

The relevant day for the purposes of section 8 of the Act in respect of the 2021/2022 financial year is 30 June 2021.

8—Required statement of amount and description of method used to determine amount

The following information is provided in accordance with section 10(6) of the Act:

- (a) the Minister has determined under section 10(4)(a) of the Act that \$301.9 million needs to be raised by the levy on land under Part 3 Division 1 of the Act to fund emergency services in the 2021/2022 financial year;
- (b) the method used for determining the amount referred to in paragraph (a) is as follows:
 - (i) a strategic and business planning process was undertaken to establish a strategic context for assessing amounts to be expended for the kinds of emergency services and other purposes referred to in section 28(4) of the Act;
 - (ii) the amount to be raised from the levy under Part 3 Division 1 of the Act was determined on the basis of—
 - (A) forward estimates of expenditure for emergency services during the 2021/2022 financial year, excluding any expenditure carried over from prior years; and
 - (B) the shortfall between projected 2021/2022 emergency services expenditure and projected 2021/2022 revenue from the levy under Part 3 Division 2 of the Act, the projected decrease in the balance of the Community Emergency Services Fund and non-levy revenue (such as interest earnings) paid into the Community Emergency Services Fund.

Made by the Governor

on the recommendation of the Treasurer and with the advice and consent of the Executive Council
on 24 June 2021

South Australia

Emergency Services Funding (Declaration for Vehicles and Vessels) Notice 2021

under section 24 of the *Emergency Services Funding Act 1998*

1—Short title

This notice may be cited as the *Emergency Services Funding (Declaration for Vehicles and Vessels) Notice 2021*.

2—Commencement

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

3—Financial year to which notice applies

This notice applies in relation to the 2021/2022 financial year.

4—Declaration of levy in respect of vehicles and vessels

For the purposes of section 24 of the Act—

- (a) motor vehicles are divided into the same classes as the premium classes for motor vehicles determined by the CTP Regulator for the purposes of the *Compulsory Third Party Insurance Regulation Act 2016* (and in force at the time of publication of this notice); and
- (b) those classes are grouped into tiers and exempt motor vehicles as set out in Schedule 1; and
- (c) the amount of the levy in respect of the tiers of motor vehicles is as follows:
 - (i) Tier 1—\$32;
 - (ii) Tier 2—\$12;
 - (iii) Tier 3—\$8; and
- (d) the amount of the levy in respect of vessels is \$12.

Note—

The Minister may, by notice in the Gazette under section 25 of the Act, exempt motor vehicles or vessels of a class specified in the notice from the imposition of a levy.

Schedule 1—Classes of motor vehicles

Tier 1—

- 1—District 1 Private passenger
- 2—District 1 Goods carrying: light
- 3—District 1 Goods carrying: medium
- 4—District 1 Goods carrying: primary producers
- 5—District 1 Taxis: metropolitan
- 5—District 2 Taxis: metropolitan
- 6—District 1 Hire car

7—District 1	Public passenger: small
8—District 1	Public passenger: medium
9—District 1	Public passenger: heavy
10—District 1	Public passenger: no fare
15—District 1	Motorcycles: light
16—District 1	Motorcycles: medium
20—District 1	Motorcycles: heavy
21—District 1	Goods carrying: heavy
22—District 1	Car carriers: light
23—District 1	Car carriers: medium
24—District 1	Car carriers: heavy
25—District 1	Car carriers: trailer
29—District 1	Special purpose vehicles
32—District 1	Public passenger: omnibus
32—District 2	Public passenger: omnibus
48—District 1	Rideshare
51—District 2	Private passenger
52—District 2	Goods carrying: light
53—District 2	Goods carrying: medium
55—District 1	Taxis: country
55—District 2	Taxis: country
56—District 2	Hire car
57—District 2	Public passenger: small
58—District 2	Public passenger: medium
59—District 2	Public passenger: heavy
66—District 2	Motorcycles: medium
70—District 2	Motorcycles: heavy
71—District 2	Goods carrying: heavy
72—District 2	Car carriers: light
73—District 2	Car carriers: medium
74—District 2	Car carriers: heavy
98—District 2	Rideshare

Tier 2—

14—District 1	Motorcycles: ultra light
54—District 2	Goods carrying: primary producers
60—District 2	Public passenger: no fare
64—District 2	Motorcycles: ultra light
65—District 2	Motorcycles: light
75—District 2	Car carriers: trailer
79—District 2	Special purpose vehicles

Tier 3—

- 11—District 1 Trailers
- 19—District 1 Historic and left hand drive vehicles
- 61—District 2 Trailers
- 69—District 2 Historic and left hand drive vehicles

Exempt motor vehicles (vehicles of a class exempt from imposition of levy by Minister by notice under section 25 of Act)—

- 12—District 1 Motor trade plates
- 17—District 1 Unregistered vehicle permits
- 18—District 1 Tractors
- 62—District 2 Motor trade plates
- 67—District 2 Unregistered vehicle permits
- 68—District 2 Tractors

Made by the Governor

on the recommendation of the Treasurer and with the advice and consent of the Executive Council
on 24 June 2021

PROCLAMATIONS

South Australia

Statutes Amendment and Repeal (Budget Measures) Act (Commencement) Proclamation 2021

1—Short title

This proclamation may be cited as the *Statutes Amendment and Repeal (Budget Measures) Act (Commencement) Proclamation 2021*.

2—Commencement of Part

Part 3 of the *Statutes Amendment and Repeal (Budget Measures) Act 2021* (No 5 of 2021) comes into operation on 1 July 2021.

Made by the Governor

with the advice and consent of the Executive Council
On 24 June 2021

South Australia

Training and Skills Development (Miscellaneous) Amendment Act (Commencement) Proclamation 2021

1—Short title

This proclamation may be cited as the *Training and Skills Development (Miscellaneous) Amendment Act (Commencement) Proclamation 2021*.

2—Commencement of Act

The *Training and Skills Development (Miscellaneous) Amendment Act 2020* (No 40 of 2020) comes into operation on 1 July 2021.

Made by the Governor

with the advice and consent of the Executive Council
on 24 June 2021

South Australia

Youth Court (Designation and Classification of Magistrates) Proclamation 2021

under section 9 of the *Youth Court Act 1993*

1—Short title

This proclamation may be cited as the *Youth Court (Designation and Classification of Magistrates) Proclamation 2021*.

2—Commencement

This proclamation comes into operation on 1 July 2021.

3—Designation and classification of magistrates

The auxiliary magistrates named in Schedule 1 are—

- (a) designated as magistrates of the Youth Court of South Australia; and
- (b) classified as members of the Court's ancillary judiciary.

Schedule 1—Magistrates of the Court

Phillip Edward James Broderick

Alfio Anthony Grasso

Jonathan Romilly Harry

Theodore Iuliano

Clive William Kitchin

Elizabeth Ann Sheppard

Made by the Governor

with the advice and consent of the Executive Council
on 24 June 2021

South Australia

Youth Court (Designation and Classification of Special Justices) Proclamation 2021

under section 9 of the *Youth Court Act 1993*

1—Short title

This proclamation may be cited as the *Youth Court (Designation and Classification of Special Justices) Proclamation 2021*.

2—Commencement

This proclamation comes into operation on 30 June 2021.

3—Designation and classification of special justices

The special justices named in Schedule 1 are—

- (a) designated as special justices of the Youth Court of South Australia; and
- (b) classified as members of the Court's ancillary judiciary.

Schedule 1—Special justices of the Court

Dragan Bekric

Tracy Ann Michelle Kirchner

Made by the Governor

with the advice and consent of the Executive Council
on 24 June 2021

REGULATIONS

South Australia

Environment Protection (Miscellaneous) Variation Regulations 2021

under the *Environment Protection Act 1993*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Environment Protection Regulations 2009*

- 4 Variation of regulation 68A—Interpretation
 - 5 Variation of regulation 68B—Sharing of information with other persons or bodies
 - 6 Variation of regulation 69A—Approved operational use
 - 7 Variation of regulation 75AA—Presumptions and estimates if records are inadequate
 - 8 Variation of regulation 75I—Video monitoring systems
 - 9 Variation of Schedule 4—Fees and Levy
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Environment Protection (Miscellaneous) Variation Regulations 2021*.

2—Commencement

- (1) Subject to subregulation (2), these regulations come into operation on 1 July 2021, immediately after the *Environment Protection (Mass Balance Reporting and Other Measures) Variation Regulations 2020* come into operation.
- (2) Regulations 6, 7 and 9 come into operation on 1 December 2021, immediately after the *Environment Protection (Waste Depot Levy) Variation Regulations 2021* come into operation.

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 *Environment Protection Regulations 2009*

4—Variation of regulation 68A—Interpretation

Regulation 68A(1)—after the definition of *mass balance report* insert:

operational purpose, in relation to the use of waste or other matter at a waste depot, means the use of waste or other matter at the depot (whether on a temporary or permanent basis) for the purpose of—

- (a) aesthetic or amenity value; or
- (b) environmental management; or
- (c) vehicle access (including internal road construction and maintenance); or
- (d) interim cover of landfill where no additional waste or matter will be placed for at least 30 days; or
- (e) final capping of landfill cells; or
- (f) other operational needs,

but does not include the stockpiling or disposal of waste or other matter, or the use of waste or other matter as cover of landfill at the depot on a daily or more frequent basis;

operational use, in relation to waste or other matter, means the use of that waste or other matter for an operational purpose;

5—Variation of regulation 68B—Sharing of information with other persons or bodies

- (1) Regulation 68B(3)—delete subregulation (3)
- (2) Regulation 68B—after subregulation (4) insert:
 - (5) Nothing in this regulation affects the operation of the *Public Sector (Data Sharing) Act 2016*.

6—Variation of regulation 69A—Approved operational use

Regulation 69A(1), examples at the foot of subregulation (1)—delete the examples

7—Variation of regulation 75AA—Presumptions and estimates if records are inadequate

Regulation 75AA(4)—delete "(to the extent considered relevant by the Authority)"

8—Variation of regulation 75I—Video monitoring systems

- (1) Regulation 75I(1)—delete "the period" and substitute:

such reasonable period as
- (2) Regulation 75I(2)—delete subregulation (2) and substitute:
 - (2) The Authority may, for any reasonable purpose connected with the administration or enforcement of the Act, direct the holder of a licence to conduct a waste depot (other than a depot to which subregulation (1) applies) by notice in writing, within such reasonable period as specified in the notice—

- (a) to install, operate and maintain a video monitoring system at the waste depot in accordance with the requirements specified in the notice or the *Waste Reporting, Record Keeping and Measurement Standard* for such period specified in the notice (which must not exceed 5 years); and
 - (b) to operate the video monitoring system during the times specified in the notice (which may be at all times).
- (3) Regulation 75I(4)—delete ", within the period specified in the notice, comply with" and substitute:

comply with the requirements of
- (4) Regulation 75I(5)(a)(ii) and (iii)—delete subparagraphs (ii) and (iii) and substitute:
 - (ii) for any reasonable purpose connected with the administration or enforcement of the Act—
 - (A) for such longer period as the Authority may direct by notice in writing to the licence holder; or
 - (B) if the Authority directs by notice in writing to the licence holder—until further notice; and

9—Variation of Schedule 4—Fees and Levy

- (1) Schedule 4, Part 2, clause 3(1)(a)(i)—delete "\$71.50" and substitute:

\$73.00
- (2) Schedule 4, Part 2, clause 3(1)(a)(ii)(A)—delete "\$71.50" and substitute:

\$73.00
- (3) Schedule 4, Part 2, clause 3(1)(a)(ii)(B)—delete "\$71.50" and substitute:

\$73.00
- (4) Schedule 4, Part 2, clause 3(1)(a)(ii)(C)—delete "\$143.00" and substitute:

\$146.00
- (5) Schedule 4, Part 2, clause 3(1)(b)—delete "\$39.02" and substitute:

\$39.73
- (6) Schedule 4, Part 2, clause 3(4)—after the definition of *landfill depot* insert:

operational use has the same meaning as in regulation 68A(1);

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 24 June 2021

No 80 of 2021

South Australia

South Australian Skills Regulations 2021

under the *South Australian Skills Act 2008*

Contents

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Schedule 1—Revocation of *Training and Skills Development Regulations 2008*

1—Short title

These regulations may be cited as the *South Australian Skills Regulations 2021*.

2—Commencement

These regulations come into operation on 1 July 2021.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *South Australian Skills Act 2008*.

4—Declarations of trades and declared vocations

For the purposes of section 6(2)(c) of the Act, a notice declaring an occupation to be a trade or a declared vocation (as the case requires) must contain the following information:

- (a) the full name of the trade or vocation;
- (b) in relation to any identified relevant pathway—the conditions (if any) attached to the pathway.

5—South Australian Skills Standards

- (1) In accordance with section 26(1) of the Act, the Commission must, before preparing a South Australian Skills Standard—
 - (a) have regard to the regulatory impact and compliance costs associated with the Standard; and
 - (b) undertake consultation on the proposed Standard as the Commission thinks fit.
- (2) In accordance with section 26(2) of the Act, the Commission must, before varying or reviewing a South Australian Skills Standard, unless the Commission determines that exceptional circumstances exist for not doing so in a particular case, undertake consultation with—
 - (a) the Department; and
 - (b) relevant State and Federal government bodies; and
 - (c) other relevant persons or bodies that the Commission considers—
 - (i) in the case of a variation of a Standard—may be affected by the proposed variation to the Standard; or
 - (ii) in the case of a review of a Standard—will or may be affected by the Standard.

6—Training contracts to be approved by the Commission

For the purposes of section 48(4)(c) of the Act, the Commission must refuse to approve an agreement as a training contract in the following circumstances:

- (a) if the trade or vocation that is the subject of the training contract is not a declared trade or vocation under the Act;
- (b) if, in the opinion of the Commission, the employer is not able to provide or arrange to provide an apprentice or trainee with the facilities, range of work, supervision and training required under a training plan for the apprentice or trainee.

7—Transfer of training contracts between jurisdictions

- (1) For the purposes of section 48A(2) of the Act, the Commission must not recognise a training contract entered under the law of another State or Territory under section 48A(1) of the Act if the proposed employer in respect of the training contract is a prohibited employer.
- (2) For the purposes of section 48A(2) of the Act, the Commission may refuse to recognise a training contract entered under the law of another State or Territory under section 48A(1) of the Act if—
 - (a) there is no nominated training organisation for the apprentice or trainee under the training contract; or
 - (b) there is no training plan relating to the training contract; or
 - (c) the trade or vocation that is the subject of the training contract—
 - (i) is not a declared trade or vocation under the Act; and
 - (ii) does not have an equivalent declared trade or vocation under the Act; or

- (d) the proposed employer—
 - (i) is not registered, or has not applied for registration, under section 54F of the Act; or
 - (ii) is not operating within the scope of their registration; or
 - (iii) has contravened or failed to comply with a condition of their registration.

8—Prohibited employers—notice of declaration

- (1) For the purposes of section 54B(1) of the Act, the Commission must, before declaring an employer as a prohibited employer under that section—
 - (a) give notice in writing to the employer of the proposed declaration; and
 - (b) allow the employer a period of 14 days (or such longer period as the Commission may allow) to make submissions to the Commission as to why the declaration should not be made.
- (2) A notice declaring an employer to be a prohibited employer under section 54B of the Act must set out—
 - (a) the conditions (if any) imposed under section 54B(3)(a) of the Act in relation to the declaration; and
 - (b) whether, in accordance with section 54B(3)(b) of the Act, the declaration applies—
 - (i) for a period specified in the notice; or
 - (ii) for an indefinite period.

9—Registration of employers—prescribed requirement

For the purposes of section 54F(1)(b) of the Act, it is a requirement of registration under section 54F of the Act that an employer satisfies the employer supervision requirements set out in the relevant South Australian Skills Standards.

10—Corresponding laws

For the purposes of section 54G(7) of the Act, the following are declared to be *corresponding laws*:

- (a) the *Apprenticeship and Traineeship Act 2001* of New South Wales;
- (b) the *Education and Training Reform Act 2006* of Victoria;
- (c) the *Further Education and Training Act 2014* of Queensland;
- (d) the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth;
- (e) the *Training and Skills Development Act 2016* of the Northern Territory;
- (f) the *Training and Tertiary Education Act 2003* of the Australian Capital Territory;
- (g) the *Training and Workforce Development Act 2013* of Tasmania;
- (h) the *Vocational Education and Training Act 1996* of Western Australia.

11—Employer to notify the Commission of prescribed matter

For the purposes of section 54K(1)(e) of the Act, a failure of an apprentice or trainee to comply with section 54M(1) of the Act is prescribed.

12—Making and retention of records

For the purposes of section 54L(1) of the Act, an employer in relation to a training contract is required to keep a record of the following:

- (a) the training contract and training plan;
- (b) on the job training and competency assessments;
- (c) a record of an apprentice or trainee's attendance—
 - (i) at the workplace; and
 - (ii) at training, which must specify whether the training occurred at the workplace or another specified location;
- (d) costs incurred by the employer and the apprentice or trainee in relation to the training;
- (e) records of each payment of a transfer fee under section 54O of the Act;
- (f) any other records specified in the South Australian Skills Standards.

13—Waiver or reduction of certain fees

- (1) The Commission may waive or reduce (in whole or in part) the prescribed transfer fee payable under section 54O of the Act if the Commission is satisfied that—
 - (a) each party to the application under section 54N of the Act agrees to the transfer; or
 - (b) it is unlikely that the previous employer will be able to employ the apprentice or trainee for the duration of the training contract; or
 - (c) it is unlikely that the previous employer will be able to provide the scope of training or supervision necessary for the apprentice or trainee to complete the training required under the training contract,

and the Commission considers that it is otherwise appropriate to do so in the circumstances of the case.

- (2) The Commission may, in respect of a prescribed fee payable by a person under section 70A(2)(c) of the Act—
 - (a) waive the fee payable by the person in full; or
 - (b) reduce the fee payable by the person by an amount equal to 20% of the fee that would otherwise be payable by the person.
- (3) In this regulation—

previous employer has the same meaning as in section 54O of the Act.

14—Preparation of training plans—specified times

For the purposes of section 54Q(1) of the Act, the following times are specified:

- (a) within 28 days following nomination of the nominated training organisation under section 54P of the Act; or
- (b) such longer time as the Commission may allow in a particular case.

15—Nominated training organisation to notify Commission of certain matters etc

For the purposes of section 54S(1)(d) of the Act, the following matters are prescribed:

- (a) if there is more than 1 nominated training organisation in respect of each apprenticeship or traineeship at any time—the name of each additional nominated training organisation;
- (b) if the nominated training organisation becomes aware that an employer is not meeting its obligations under the training contract or training plan;
- (c) if the nominated training organisation becomes aware that the health or safety of an apprentice or trainee is at risk;
- (d) if ASQA or TEQSA has made a decision in relation to the nominated training organisation—
 - (i) suspending or cancelling their registration or recognition; or
 - (ii) cancelling a qualification or statement of attainment; or
 - (iii) rejecting an application for renewal of a registration or recognition;
- (e) if, in relation to a qualification under a training contract in respect of which the nominated training organisation is the nominated training organisation, ASQA or TEQSA has made a decision—
 - (i) amending the nominated training organisation's scope of training; or
 - (ii) imposing a condition on the nominated training organisation's registration or recognition; or
 - (iii) allowing the nominated training organisation to enter into an enforceable undertaking.

16—Making and retention of records

For the purposes of section 54U(1) of the Act, a nominated training organisation under a training contract is required to keep the following records:

- (a) the training plan for all apprentices and trainees for whom they are the nominated training organisation;
- (b) the names and contact details of all employers under training contracts for which they are the nominated training organisation;
- (c) records of meetings with employers, apprentices and trainees under each training contract for which they are the nominated training organisation and records of outcomes of those meetings including—
 - (i) the progress or lack of progress in training by an apprentice or trainee; and
 - (ii) any agreed remedial action to address lack of progress in training by an apprentice or trainee; and
 - (iii) supports provided by an employer to assist the apprentice or trainee to meet their training goals as set out in the training plan;
- (d) any other records specified in the South Australian Skills Standards.

17—Compliance notices

The following persons are prescribed for the purposes of paragraph (c) of the definition of *prescribed person* in section 63(5) of the Act:

- (a) a host employer with whom an apprentice or trainee is or was placed;
- (b) a supervisor of an apprentice or trainee under a training contract.

18—Commission may require information—prescribed person

(1) The following are prescribed for the purpose of paragraph (d) of the definition of *prescribed person or body* under section 70C(7) of the Act:

- (a) a host employer with whom an apprentice or trainee is or was placed;
- (b) a former registered employer;
- (c) a supervisor of an apprentice or trainee under a training contract;
- (d) the apprenticeship network provider for the apprentice or trainee.

(2) In this regulation—

former registered employer means an employer of an apprentice or trainee under a training contract whose registration as an employer under section 54G of the Act has, within a period of 6 months before the day on which the notice under section 70C(1) of the Act is issued—

- (a) been suspended or cancelled under section 54G of the Act; or
- (b) expired.

19—Sharing of information between certain persons and bodies

For the purposes of section 70D(6)(b) of the Act, disclosure of information or documents received by a person under section 70D of the Act to the following bodies is authorised:

- (a) ASQA;
- (b) the Department;
- (c) the National Centre for Vocational Education Research Ltd;
- (d) the National Skills Commissioner established under the *National Skills Commissioner Act 2020* of the Commonwealth;
- (e) the Registration and Qualifications Authority established under the *Education and Training Reform Act 2006* of Victoria;
- (f) TEQSA;
- (g) the Training Accreditation Council established under the *Vocational Education and Training Act 1996* of Western Australia.

20—Reviewable decision

The following decisions are prescribed for the purposes of paragraph (e) of the definition of *reviewable decision* in section 70F(4) of the Act:

- (a) a decision of the Commission to refuse an application by a person under 15 years of age to enter into a training contract;
- (b) a decision of the Commission to approve or refuse an application to extend the probationary period for a training contract under section 49A of the Act;

- (c) a decision of the Commission to approve the substitution of an employer in relation to a training contract under section 54N of the Act.

Schedule 1—Revocation of *Training and Skills Development Regulations 2008*

The *Training and Skills Development Regulations 2008* are revoked.

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 24 June 2021

No 81 of 2021

South Australia

Pastoral Land Management and Conservation Regulations 2021

under the *Pastoral Land Management and Conservation Act 1989*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Prescribed percentage of net rental income for Fund
- 5 Other Acts to be complied with by lessees
- 6 Public access routes
- 7 Gates
- 8 Travelling stock
- 9 Lessee may give directions
- 10 Directions relating to access to water for travelling stock
- 11 Compensation for taking water for mining etc

Schedule 1—Revocation of *Pastoral Land Management and Conservation Regulations 2006*

1—Short title

These regulations may be cited as the *Pastoral Land Management and Conservation Regulations 2021*.

2—Commencement

These regulations come into operation on 1 September 2021.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Pastoral Land Management and Conservation Act 1989*.

4—Prescribed percentage of net rental income for Fund

For the purposes of section 9(2)(a) of the Act, the prescribed percentage is 10%.

5—Other Acts to be complied with by lessees

For the purposes of section 22(1)(a)(v)(G) of the Act, the following Acts are prescribed:

- (a) the *National Parks and Wildlife Act 1972*;
- (b) the *Native Vegetation Act 1991*;
- (c) the *Plant Health Act 2009*.

6—Public access routes

- (1) A person must not, without lawful authority or reasonable excuse, travel on or across a public access route while it is temporarily closed under section 45(7) of the Act.

Maximum penalty: \$1 250.

- (2) Subregulation (1) does not apply to the lessee on whose land the access route is situated, or to an agent or employee of such a lessee.

7—Gates

A person who travels on a public access route must—

- (a) close any gate across the route that the person finds closed; and
- (b) leave open any gate that the person finds open.

Maximum penalty: \$1 250.

8—Travelling stock

- (1) For the purposes of section 46(1) of the Act, notice to the lessee—
- (a) must be given in writing at least 7 days before the stock are to enter the land; and
 - (b) must set out the following particulars:
 - (i) the number and type of stock;
 - (ii) the place of origin and the destination of the stock;
 - (iii) the proposed route;
 - (iv) the proposed date of arrival of the stock on the land and date of departure from the land;
 - (v) the name and address of each person who will be in charge of the stock; and
 - (c) must be accompanied by a statutory declaration by a qualified veterinary surgeon that the stock are disease free.
- (2) If stock are to travel over pastoral land for the predominant purpose of obtaining feed from the land, the lessee must forward particulars of the travel arrangements to the Board.
- (3) For the purposes of section 46(2) of the Act, the rate of compensation for travelling with stock over pastoral land where the predominant purpose is to obtain feed for the stock from the land is as follows:
- (a) for sheep—5 cents per head per day;
 - (b) for cattle—20 cents per head per day.

9—Lessee may give directions

- (1) A lessee or an agent or employee of a lessee may give to a person travelling across or camping on the lessee's land such directions as may be reasonably required for the purpose of preventing undue interference with the lessee's stock management practices.
- (2) A person who, without lawful authority or reasonable excuse, fails to comply with such a direction is guilty of an offence.

Maximum penalty: \$1 250.

10—Directions relating to access to water for travelling stock

A person who, without reasonable excuse, fails to comply with a direction given by a lessee under section 59(1)(b) of the Act is guilty of an offence.

Maximum penalty: \$1 250.

11—Compensation for taking water for mining etc

For the purposes of section 59(3) of the Act, the rate of compensation payable to a lessee for water taken by the holder of a mining tenement other than water taken from a natural source solely by means of equipment or infrastructure supplied by the holder of the mining tenement is \$1 per kilolitre.

Schedule 1—Revocation of *Pastoral Land Management and Conservation Regulations 2006*

The *Pastoral Land Management and Conservation Regulations 2006* are revoked.

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 24 June 2021

No 82 of 2021

South Australia

Summary Offences (Custody Notification Service) (No 4) Variation Regulations 2021

under the *Summary Offences Act 1953*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Summary Offences (Custody Notification Service) Variation Regulations 2020*

- 4 Variation of regulation 2—Commencement
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Summary Offences (Custody Notification Service) (No 4) Variation Regulations 2021*.

2—Commencement

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

3—Variation provisions

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

Part 2—Variation of *Summary Offences (Custody Notification Service) Variation Regulations 2020*

4—Variation of regulation 2—Commencement

Regulation 2—delete "1 July 2021" and substitute:

1 October 2021

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 24 June 2021

No 83 of 2021

South Australia

Summary Offences (Custody Notification Service) (No 5) Variation Regulations 2021

under the *Summary Offences Act 1953*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Summary Offences Regulations 2016*

- 4 Variation of regulation 33C—ALRM to be notified of detention of Aboriginal or Torres Strait Islander persons
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Summary Offences (Custody Notification Service) (No 5) Variation Regulations 2021*.

2—Commencement

These regulations come into operation immediately after regulation 4 of the *Summary Offences (Custody Notification Service) Variation Regulations 2020* comes into operation.

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 *Summary Offences Regulations 2016*

4—Variation of regulation 33C—ALRM to be notified of detention of Aboriginal or Torres Strait Islander persons

- (1) Regulation 33C(1)(b)(i)—delete "by telephone"
- (2) Regulation 33C(1)(b)(ii)—delete "by telephone of the detention of the person" and substitute:

of the detention of the person in accordance with this regulation

- (3) Regulation 33C—after subregulation (1) insert:
- (1a) The responsible officer must notify ALRM of the detention of the person—
 - (a) by attempting to contact ALRM by telephone; and
 - (b) if the telephone call is unanswered—by email to a dedicated email address provided by ALRM for that purpose (being an email address that ALRM has undertaken to monitor).
- (4) Regulation 33C(5)(b)—delete "subregulation (1)(b)(ii)" and substitute:
subregulation (1a)

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 24 June 2021

No 84 of 2021

South Australia

Rail Safety National Law National Regulations (Fees) Variation Regulations 2021

under the *Rail Safety National Law (South Australia) Act 2012*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Rail Safety National Law National Regulations 2012*

- 4 Variation of Schedule 3—Fees
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Rail Safety National Law National Regulations (Fees) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on 1 July 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 *Rail Safety National Law National Regulations 2012*

4—Variation of Schedule 3—Fees

- (1) Schedule 3, Part 1, table, item 1A—delete "\$81 520" and substitute:
\$82 172

(2) Schedule 3, Part 2, clause 1(1), table—delete the table in clause 1(1) and substitute:

	ACT	NSW	NT	QLD	SA	TAS	VIC	WA
Rate per kilometre of track managed by a rail infrastructure manager (\$/km) (R_r)	267.70	267.70	58.81	129.36	113.31	88.72	172.45	82.31
Rate per kilometre travelled by trains of a rolling stock operator (\$/km) (R_o)	0.082	0.082	0.175	0.075	0.093	0.262	0.040	0.050

(3) Schedule 3, Part 2, clause 1(1a)(a) to (c)—delete paragraphs (a) to (c) (inclusive) and substitute:

- (a) \$203 376;
- (b) \$143 801;
- (c) \$95 525.

Made by the Governor

on the unanimous recommendation of the responsible Ministers and with the advice and consent of the Executive Council
on 24 June 2021

No 85 of 2021

South Australia

Emergency Services Funding (Remissions—Land) (Miscellaneous) Variation Regulations 2021

under the *Emergency Services Funding Act 1998*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Emergency Services Funding (Remissions—Land) Regulations 2014*

- 4 Variation of regulation 3—Interpretation
 - 5 Variation of regulation 3B—Amount of remission
 - 6 Variation of regulation 3D—Amount of remission
 - 7 Variation of regulation 7—Amount of remission
 - 8 Variation of regulation 8B—Amount of remission
 - 9 Variation of regulation 8D—Amount of remission
 - 10 Variation of regulation 10—Amount of remission
 - 11 Variation of regulation 10B—Amount of remission—certain land uses
 - 12 Variation of regulation 10D—Amount of remission
 - 13 Variation of Schedule 1—Land use for which levy remitted under regulation 9
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Emergency Services Funding (Remissions—Land) (Miscellaneous) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on 1 July 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 *Emergency Services Funding (Remissions—Land) Regulations 2014*

4—Variation of regulation 3—Interpretation

Regulation 3, definition of *relevant financial year*—delete "2020/2021" and substitute:
2021/2022

5—Variation of regulation 3B—Amount of remission

Regulation 3B—delete "0.001237" and substitute:

0.001323

6—Variation of regulation 3D—Amount of remission

Regulation 3D—delete "0.001237" and substitute:

0.001225

7—Variation of regulation 7—Amount of remission

(1) Regulation 7(1a)—delete "0.000452" and substitute:

0.000449

(2) Regulation 7(2)—delete "0.000260" and substitute:

0.000256

8—Variation of regulation 8B—Amount of remission

Regulation 8B, definition of *RF*, (a) to (d) (inclusive)—delete paragraphs (a) to (d) and substitute:

- (a) if the land is residential land—0.000256; or
- (b) if the land is commercial land—0.000948; or
- (c) if the land is rural land situated in Regional area 1, Regional area 2 or Regional area 3—0.000093; or
- (d) if the land is rural land situated in Regional area 4—0.000256.

9—Variation of regulation 8D—Amount of remission

(1) Regulation 8D(1)—delete "0.000831" and substitute:

0.000804

(2) Regulation 8D(2)—delete "0.000737" and substitute:

0.000693

10—Variation of regulation 10—Amount of remission

(1) Regulation 10(2)—delete "the amount of the remission" second occurring

(2) Regulation 10(3)—delete "0.000927" and substitute:

0.000963

11—Variation of regulation 10B—Amount of remission—certain land uses

(1) Regulation 10B(1)(b)—delete "0.000425" and substitute:

0.000418

(2) Regulation 10B(2)—delete "0.000260" and substitute:

0.000256

12—Variation of regulation 10D—Amount of remission

Regulation 10D—delete "0.000831" and substitute:

0.000864

13—Variation of Schedule 1—Land use for which levy remitted under regulation 9

(1) Schedule 1—delete "Old folk's homes" and substitute:

Supported Residential Care

(2) Schedule 1—delete "Missions for aborigines" and substitute:

Aboriginal Community

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

on the recommendation of the Treasurer and with the advice and consent of the Executive Council
on 24 June 2021

No 86 of 2021

South Australia

Fisheries Management (Marine Scalefish Fisheries) (Fishery Reform) Variation Regulations 2021

under the *Fisheries Management Act 2007*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

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

- 4 Variation of regulation 1—Short title
- 5 Variation of regulation 3—Interpretation
- 6 Substitution of regulations 4 and 5
 - 4 Constitution of fishery
 - 5 Issue of licences
- 7 Variation of regulation 6—Transfer of licences
- 8 Variation of regulation 7—Transfer of licences between family members
- 9 Variation of regulation 8—Transfer of licences under amalgamation scheme
- 10 Variation of regulation 9—Registration
- 11 Variation of regulation 10—Revocation of registration
- 12 Variation of regulation 11—Restriction on fishing activities in which registered masters other than licence holder may be engaged
- 13 Revocation of regulation 12
- 14 Variation of regulation 13—Carriage of crab nets on boats
- 15 Substitution of regulation 14
 - 14 Individual King George whiting catch quota system
- 16 Variation of regulation 16—Individual blue crab catch quota system
- 17 Substitution of regulation 17
 - 17 Individual snapper catch quota system
 - 17A Individual southern calamari catch quota system
 - 17B Individual southern garfish catch quota system
- 18 Variation of regulation 18—Restrictions on taking certain species
- 19 Variation of regulation 19—Restriction on use of cockle rakes
- 20 Variation of regulation 20—Pipi to be landed within State
- 21 Variation of regulation 21—Restriction on use of sand crab pots
- 22 Variation of regulation 22—Restriction on carriage of devices on registered boat
- 23 Revocation of regulation 23
- 24 Variation of regulation 24—Information to be provided—taking King George whiting
- 25 Variation of regulation 25—Information to be provided—taking pipi
- 26 Insertion of regulations 25A to 25C
 - 25A Information to be provided—taking snapper
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- 27 Revocation of regulation 26
- 28 Variation of regulation 27—Use of agents in fishing activities—licences under which boats are registered

29	Variation of regulation 28—Use of agents in fishing activities—licences under which no registered boats are used
30	Substitution of regulation 29
29	Catch and disposal requirements—King George whiting
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32	Variation of regulation 31—Catch and disposal requirements—blue crab
33	Substitution of regulation 32
32	Catch and disposal requirements—snapper
32A	Catch and disposal requirements—southern calamari
32B	Catch and disposal requirements—southern garfish
34	Substitution of regulation 33
33	King George whiting, pipi, snapper, southern calamari and southern garfish to be delivered or consigned to registered fish processor
35	Revocation of regulation 34
36	Variation of regulation 35—Periodic returns
37	Variation of regulation 37—Minister's determinations
38	Variation of Schedule 1—Aquatic resources prescribed for Marine Scalefish Fishery
39	Revocation of Schedule 2

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Marine Scalefish Fisheries) (Fishery Reform) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on 1 July 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 *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017*

4—Variation of regulation 1—Short title

Regulation 1—delete "*Fisheries*" second occurring and substitute:

Fishery

5—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *Coffin Bay vongole fishing zone*—delete the definition
- (2) Regulation 3(1)—after the definition of *domestic partner* insert:

fishery means the Marine Scalefish Fishery constituted by these regulations;

Gulf St. Vincent and Kangaroo Island Fishing Zone means the waters of Gulf St. Vincent and surrounding waters contained within and bounded by a line commencing at Mean High Water Springs closest to 34°59'59.95" South, 136°58'07.73" East (Gleasons Landing, Yorke Peninsula), then beginning southerly following the line of Mean High Water Springs to the location closest to 35°38'26.13" South, 138°07'28.73" East (southern Fleurieu Peninsula), then southerly to Mean High Water Springs closest to 35°48'07.14" South, 138°07'28.73" East (Cape St. Albans, Kangaroo Island), then beginning south-westerly following the line of Mean High Water Springs to the location closest to 35°59'59.95" South, 136°41'04.52" East (south-western Kangaroo Island), then westerly to 35°59'59.95" South, 136°00'00.03" East, then northerly to 35°29'59.95" South, 136°00'00.03" East, then easterly to 35°29'59.95" South, 136°40'12.03" East, then northerly to 34°59'59.95" South, 136°40'12.03" East, then easterly to the point of commencement;

- (3) Regulation 3(1)—after the definition of **Gulf St. Vincent Blue Crab Fishing Zone** insert:

King George whiting means *Syngnathus punctatus*;

King George whiting fishing zone means—

- (a) the Gulf St. Vincent and Kangaroo Island Fishing Zone; or
- (b) the Spencer Gulf Fishing Zone;

- (4) Regulation 3(1), definitions of **marine scalefish fishery** and **MSSF licence**—delete the definitions and substitute:

Murray Mouth means the Coorong and coastal waters within 500 metres of 35°33'30.73" South, 138°52'47.37" East;

- (5) Regulation 3(1), definition of **Port River vongole fishing zone**—delete the definition and substitute:

rock lobster fishery has the same meaning as in the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*;

- (6) Regulation 3(1)—definitions of **sardine**, **sardine net** and **sardine quota entitlement**—delete the definitions and substitute:

snapper means *Chrysophrys auratus*;

snapper fishing zone means—

- (a) the Gulf St. Vincent and Kangaroo Island Fishing Zone; or
- (b) the South East Fishing Zone; or
- (c) the Spencer Gulf Fishing Zone; or
- (d) the West Coast Fishing Zone;

South East Fishing Zone means the waters adjacent the south east coast of South Australia contained within and bounded by a line commencing at Mean High Water Springs closest to 35°38'26.13" South, 138°07'28.73" East (southern Fleurieu Peninsula), then beginning south-easterly following the line of Mean High Water Springs to the location closest to 38°03'39.05" South, 141°00'00.02" East (South Australian-Victorian border), but excluding the Murray Mouth, then southerly to 38°59'59.95" South, 141°00'00.02" East, then westerly to 38°59'59.95" South, 140°00'00.02" East, then northerly to 37°59'59.95" South, 140°00'00.02" East, then westerly to 37°59'59.95" South, 136°00'00.03" East, then northerly to 35°59'59.95" South, 136°00'00.03" East, then easterly to 35°59'59.95" South, 136°41'04.52" East (south-western Kangaroo Island), then beginning south-easterly following the line of Mean High Water Springs to the location closest to 35°48'07.14" South, 138°07'28.73" East (Cape St. Albans, Kangaroo Island), then northerly to the point of commencement;

southern calamari means *Sepioteuthis australis*;

southern calamari fishing zone means—

- (a) the Gulf St. Vincent and Kangaroo Island Fishing Zone; or
- (b) the Spencer Gulf Fishing Zone;

southern garfish means *Hyporhamphus melanochir*;

southern garfish fishing zone means—

- (a) the Gulf St. Vincent and Kangaroo Island Fishing Zone; or
- (b) the Spencer Gulf Fishing Zone;

Southern Zone Rock Lobster Fishery means the fishery of that name constituted by the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*;

- (7) Regulation 3(1)—after the definition of **Spencer Gulf Blue Crab Fishing Zone** insert:

Spencer Gulf Fishing Zone means the waters of Spencer Gulf and surrounding water contained within and bounded by a line commencing at Mean High Water Springs closest to 33°59'59.90" South, 135°15'32.12" East (western Eyre Peninsula), then beginning southerly following the line of Mean High Water Springs to the location closest to 34°59'59.95" South, 136°58'07.73" East (Gleasons Landing, Yorke Peninsula), then westerly to 34°59'59.95" South, 136°40'12.03" East, then southerly to 35°29'59.95" South, 136°40'12.03" East, then westerly to 35°29'59.95" South, 136°00'00.03" East, then southerly to 36°59'59.95" South, 136°00'00.03" East, then westerly to 36°59'59.95" South, 135°00'00.03" East, then northerly to 35°59'59.95" South, 135°00'00.03" East, then westerly to 35°59'59.95" South, 134°00'00.03" East, then northerly to 33°59'59.95" South, 134°00'00.03" East, then easterly to the point of commencement;

- (8) Regulation 3(1), definitions of *vongole fishing zone*, *vongole quota entitlement* and *West Coast vongole fishing zone*—delete the definitions and substitute:

West Coast Fishing Zone means the waters adjacent the west coast of South Australia contained within and bounded by a line commencing at Mean High Water Springs closest to 31°41'16.13" South, 129°00'00.03" East (Western Australian-South Australian border), then beginning southerly following the line of Mean High Water Springs to the location closest to 33°59'59.90" South, 135°15'32.12" East (western Eyre Peninsula), then westerly to 33°59'59.95" South, 134°00'00.03" East, then southerly to 34°59'59.95" South, 134°00'00.03" East, then westerly to 34°59'59.95" South, 132°00'00.03" East, then northerly to 33°59'59.95" South, 132°00'00.03" East, then westerly to 33°59'59.95" South, 131°00'00.03" East, then northerly to 32°59'59.95" South, 131°00'00.03" East, then westerly to 32°59'59.95" South, 129°00'00.03" East, then northerly to the point of commencement.

- (9) Regulation 3(2)(a) and (b)—delete paragraphs (a) and (b) and substitute:

- (a) all lines in spatial descriptions are geodesics based on the Geocentric Datum of Australia 2020 (**GDA2020**) as defined in the determination under section 8A of the *National Measurement Act 1960* of the Commonwealth for the recognised-value standard of measurement position, and all coordinates are expressed in terms of GDA2020;
- (b) common and scientific fish names are given according to AS5300—2019 *Australian Fish Names Standard* published by the Fisheries Research & Development Corporation, as in force from time to time;

6—Substitution of regulations 4 and 5

Regulations 4 and 5—delete regulations 4 and 5 and substitute:

4—Constitution of fishery

- (1) The Marine Scalefish Fishery is constituted.
- (2) The Marine Scalefish Fishery consists of—
- (a) the taking of aquatic resources specified in Schedule 1 Part 1 in coastal waters; and
- (b) the taking of aquatic resources specified in Schedule 1 Part 2 in coastal waters for the purpose of bait.

5—Issue of licences

- (1) Subject to this regulation, the Minister may issue licences in respect of the fishery.
- (2) An application for a licence in respect of the fishery may only be made—
- (a) by a person who is, immediately before the commencement of this regulation, the holder of a licence in respect of the Marine Scalefish Fishery; or
- (b) by a person—
- (i) to whom a licence in respect of the fishery was transferred under these regulations; and

- (ii) who makes the application on or before the expiration of that licence held by the person (or subsequent licence held by the person in substitution for that licence).

7—Variation of regulation 6—Transfer of licences

- (1) Regulation 6(2)—delete "a marine scalefish fishery" and substitute:
the fishery
- (2) Regulation 6(3)—delete subregulation (3)
- (3) Regulation 6(5)(b)—delete paragraph (b)
- (4) Regulation 6(5)(g)—delete "a marine scalefish fishery" and substitute:
the fishery

8—Variation of regulation 7—Transfer of licences between family members

- Regulation 7—delete "Marine Scalefish Fishery" and substitute:
fishery

9—Variation of regulation 8—Transfer of licences under amalgamation scheme

- (1) Regulation 8(1), definition of *licence*—delete "a marine scalefish fishery" and substitute:
the fishery
- (2) Regulation 8(4)(a) to (c)—delete paragraphs (a) to (c) (inclusive) and substitute:
 - (a) a net licence in respect of the fishery may be transferred to the holder of another net licence in respect of the fishery;
 - (b) a line licence in respect of the fishery may be transferred to the holder of another line licence in respect of the fishery;
- (3) Regulation 8(4)(d)—delete ", or 2 of the 3 licences (as the case may be)"

10—Variation of regulation 9—Registration

- (1) Regulation 9—delete "a marine scalefish fishery" wherever occurring and substitute in each case:
the fishery
- (2) Regulation 9(2)(c)—delete paragraph (c)
- (3) Regulation 9(2)(d)(iii)—delete subparagraph (iii)

11—Variation of regulation 10—Revocation of registration

- Regulation 10(1)—delete "a marine scalefish fishery" and substitute:
the fishery

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

- (1) Regulation 11—delete "a marine scalefish fishery" and substitute:
the fishery
- (2) Regulation 11(b)—delete paragraph (b)

- (3) Regulation 11(c)—delete ", sand crab pots or sardine nets" and substitute:
or sand crab pots

13—Revocation of regulation 12

Regulation 12—delete the regulation

14—Variation of regulation 13—Carriage of crab nets on boats

Regulation 13—delete "a marine scalefish fishery" and substitute:
the fishery

15—Substitution of regulation 14

Regulation 14—delete the regulation and substitute:

14—Individual King George whiting catch quota system

- (1) In this regulation—

King George whiting quota entitlement or ***quota entitlement***, in relation to a licence in respect of the Marine Scalefish Fishery or a rock lobster fishery and a King George whiting fishing zone, means the maximum number of kilograms of King George whiting that may be lawfully taken by the holder of the licence in that zone during a quota period, being the product of—

- (a) the unit entitlement under that licence in respect of that zone; and
- (b) the unit value for that zone and quota period,

subject to any variation applying during that quota period;

quota period—a quota period is a period of 12 months commencing on 1 July;

quota period 2021-2022 means the quota period commencing on 1 July 2021;

unit entitlement, in relation to a licence in respect of the Marine Scalefish Fishery or a rock lobster fishery and a King George whiting fishing zone, means the number of King George whiting units for the time being allocated to the licence in respect of that zone;

unit value means the number of kilograms of King George whiting determined by the Minister to be the value of a King George whiting unit for a King George whiting fishing zone and a quota period.

- (2) The Minister must, by notice in the Gazette, on or before the commencement of the quota period 2021-2022—
- (a) determine the total allowable commercial catch for that quota period for the Marine Scalefish Fishery, the Northern Zone Rock Lobster Fishery and the Southern Zone Rock Lobster Fishery and each King George whiting fishing zone; and
 - (b) determine the number of kilograms of King George whiting that is to be the value of a King George whiting unit for each King George whiting fishing zone and that quota period; and

- (c) determine the methodology or formula by which King George whiting units are to be allocated to licences in respect of the fishery on which a condition fixing a King George whiting quota entitlement is to be imposed (which may, without limitation, provide for or include a scheme for the allocation of additional King George whiting units on the basis of exceptional circumstances that apply to the holder of a licence, as determined by the Minister).
- (3) The Minister may vary or revoke a determination under subregulation (2) by further notice in the Gazette.
- (4) The Minister must, on or before the commencement of each quota period commencing after the quota period 2021-2022, determine the number of kilograms of King George whiting that is to be the value of a King George whiting unit for each King George whiting fishing zone and that quota period.
- (5) The Minister may impose or vary conditions on licences in respect of the Marine Scalefish Fishery or a rock lobster fishery fixing King George whiting quota entitlements as follows:
 - (a) a condition may be imposed on a licence in respect of the Marine Scalefish Fishery fixing a King George whiting quota entitlement;
 - (b) on joint application made to the Minister by the holders of any 2 licences in respect of the Marine Scalefish Fishery subject to a condition fixing a King George whiting quota entitlement in respect of the same King George whiting fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that King George whiting fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
 - (c) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a King George whiting quota entitlement in respect of that zone (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
 - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a King George whiting quota entitlement in respect of that zone may be imposed on that licence;

- (d) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone (the *first licence*) and the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a King George whiting quota entitlement in respect of the same King George whiting fishing zone (the *second licence*)—
- (i) the conditions of the first licence may be varied so as to increase the unit entitlement under the licence in respect of that zone; and
 - (ii) the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone by a corresponding number of units;
- (e) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a King George whiting quota entitlement in respect of that zone (the *second licence*)—
- (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
 - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a King George whiting quota entitlement in respect of that zone may be imposed on that licence;
- (f) if the total catch of King George whiting taken during a quota period by the holder of a licence in respect of the Marine Scalefish Fishery exceeded the King George whiting quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the King George whiting quota entitlement for the following quota period—
- (i) if the catch exceeded the quota entitlement by not more than 50 kilograms—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeded the quota entitlement by more than 50 kilograms but not more than 100 kilograms—by 2 kilograms for each kilogram taken in excess of the quota entitlement;

- (g) if the total catch of King George whiting taken during a quota period by the holder of a licence in respect of the Marine Scalefish Fishery exceeded the King George whiting quota entitlement under the licence for that quota period by more than 100 kilograms of King George whiting, the conditions of the licence may be varied so as to decrease the King George whiting quota entitlement under the licence for the following 3 quota periods by 1 kilogram for each kilogram taken in excess of the quota entitlement.
- (6) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (7) An application to vary unit entitlements must—
 - (a) be made in a manner and form approved by the Minister; and
 - (b) be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.

16—Variation of regulation 16—Individual blue crab catch quota system

Regulation 16—delete "a marine scalefish fishery" wherever occurring and substitute in each case:

the Marine Scalefish Fishery

17—Substitution of regulation 17

Regulation 17—delete the regulation and substitute:

17—Individual snapper catch quota system

- (1) In this regulation—
 - quota period*—a quota period is a period of 12 months commencing on 1 July;
 - quota period 2021-2022* means the quota period commencing on 1 July 2021;
 - snapper quota entitlement* or *quota entitlement*, in relation to a licence in respect of the Marine Scalefish Fishery or a rock lobster fishery and a snapper fishing zone, means the maximum number of kilograms of snapper that may be lawfully taken by the holder of the licence in that zone during a quota period, being the product of—
 - (a) the unit entitlement under that licence in respect of that zone; and
 - (b) the unit value for that zone and quota period,subject to any variation applying during that quota period;
 - unit entitlement*, in relation to a licence in respect of the Marine Scalefish Fishery or a rock lobster fishery and a snapper fishing zone, means the number of snapper units for the time being allocated to the licence in respect of that zone;

unit value means the number of kilograms of snapper determined by the Minister to be the value of a snapper unit for a snapper fishing zone and a quota period.

- (2) The Minister must, by notice in the Gazette, on or before the commencement of the quota period 2021-2022—
 - (a) determine the total allowable commercial catch for that quota period for the Marine Scalefish Fishery, the Northern Zone Rock Lobster Fishery and the Southern Zone Rock Lobster Fishery and each snapper fishing zone; and
 - (b) determine the number of kilograms of snapper that is to be the value of a snapper unit for each snapper fishing zone and that quota period; and
 - (c) determine the methodology or formula by which snapper units are to be allocated to licences in respect of the fishery on which a condition fixing a snapper quota entitlement is to be imposed (which may, without limitation, provide for or include a scheme for the allocation of additional snapper units on the basis of exceptional circumstances that apply to the holder of a licence, as determined by the Minister).
- (3) The Minister may vary or revoke a determination under subregulation (2) by further notice in the Gazette.
- (4) The Minister must, on or before the commencement of each quota period commencing after the quota period 2021-2022, determine the number of kilograms of snapper that is to be the value of a snapper unit for each snapper fishing zone and that quota period.
- (5) The Minister may impose or vary conditions on licences in respect of the Marine Scalefish Fishery or a rock lobster fishery fixing snapper quota entitlements as follows:
 - (a) a condition may be imposed on a licence in respect of the Marine Scalefish Fishery fixing a snapper quota entitlement;
 - (b) on joint application made to the Minister by the holders of any 2 licences in respect of the Marine Scalefish Fishery subject to a condition fixing a snapper quota entitlement in respect of the same snapper fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that snapper fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
 - (c) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a snapper quota entitlement in respect of that zone (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and

- (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a snapper quota entitlement in respect of that zone may be imposed on that licence;
- (d) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone (the *first licence*) and the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a snapper quota entitlement in respect of the same snapper fishing zone (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to increase the unit entitlement under the licence in respect of that zone; and
 - (ii) the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone by a corresponding number of units;
- (e) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a snapper quota entitlement in respect of that zone (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
 - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a snapper quota entitlement in respect of that zone may be imposed on that licence;
- (f) if the total catch of snapper taken during a quota period by the holder of a licence in respect of the Marine Scalefish Fishery exceeded the snapper quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the snapper quota entitlement for the following quota period—
 - (i) if the catch exceeded the quota entitlement by not more than 50 kilograms—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeded the quota entitlement by more than 50 kilograms but not more than 100 kilograms—by 2 kilograms for each kilogram taken in excess of the quota entitlement;

- (g) if the total catch of snapper taken during a quota period by the holder of a licence in respect of the Marine Scalefish Fishery exceeded the snapper quota entitlement under the licence for that quota period by more than 100 kilograms of snapper, the conditions of the licence may be varied so as to decrease the snapper quota entitlement under the licence for the following 3 quota periods by 1 kilogram for each kilogram taken in excess of the quota entitlement.
- (6) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (7) An application to vary unit entitlements must—
 - (a) be made in a manner and form approved by the Minister; and
 - (b) be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.

17A—Individual southern calamari catch quota system

- (1) In this regulation—

quota period—a quota period is a period of 12 months commencing on 1 July;

quota period 2021-2022 means the quota period commencing on 1 July 2021;

southern calamari quota entitlement or *quota entitlement*, in relation to a licence in respect of the Marine Scalefish Fishery or a rock lobster fishery and a southern calamari fishing zone, means the maximum number of kilograms of southern calamari that may be lawfully taken by the holder of the licence in that zone during a quota period, being the product of—

- (a) the unit entitlement under that licence in respect of that zone; and
- (b) the unit value for that zone and quota period,

subject to any variation applying during that quota period;

unit entitlement, in relation to a licence in respect of the Marine Scalefish Fishery or a rock lobster fishery and a southern calamari fishing zone, means the number of southern calamari units for the time being allocated to the licence in respect of that zone;

unit value means the number of kilograms of southern calamari determined by the Minister to be the value of a southern calamari unit for a southern calamari fishing zone and a quota period.

- (2) The Minister must, by notice in the Gazette, on or before the commencement of the quota period 2021-2022—
 - (a) determine the total allowable commercial catch for that quota period for the Marine Scalefish Fishery, the Northern Zone Rock Lobster Fishery and the Southern Zone Rock Lobster Fishery and each southern calamari fishing zone; and

- (b) determine the number of kilograms of southern calamari that is to be the value of a southern calamari unit for each southern calamari fishing zone and that quota period; and
 - (c) determine the methodology or formula by which southern calamari units are to be allocated to licences in respect of the fishery on which a condition fixing a southern calamari quota entitlement is to be imposed (which may, without limitation, provide for or include a scheme for the allocation of additional southern calamari units on the basis of exceptional circumstances that apply to the holder of a licence, as determined by the Minister).
- (3) The Minister may vary or revoke a determination under subregulation (2) by further notice in the Gazette.
- (4) The Minister must, on or before the commencement of each quota period commencing after the quota period 2021-2022, determine the number of kilograms of southern calamari that is to be the value of a southern calamari unit for each southern calamari fishing zone and that quota period.
- (5) The Minister may impose or vary conditions on licences in respect of the Marine Scalefish Fishery or a rock lobster fishery fixing southern calamari quota entitlements as follows:
 - (a) a condition may be imposed on a licence in respect of the Marine Scalefish Fishery fixing a southern calamari quota entitlement;
 - (b) on joint application made to the Minister by the holders of any 2 licences in respect of the Marine Scalefish Fishery subject to a condition fixing a southern calamari quota entitlement in respect of the same southern calamari fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that southern calamari fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
 - (c) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a southern calamari quota entitlement in respect of that zone (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
 - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a southern calamari quota entitlement in respect of that zone may be imposed on that licence;

- (d) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone (the *first licence*) and the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern calamari quota entitlement in respect of the same southern calamari fishing zone (the *second licence*)—
- (i) the conditions of the first licence may be varied so as to increase the unit entitlement under the licence in respect of that zone; and
 - (ii) the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone by a corresponding number of units;
- (e) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a southern calamari quota entitlement in respect of that zone (the *second licence*)—
- (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
 - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a southern calamari quota entitlement in respect of that zone may be imposed on that licence;
- (f) if the total catch of southern calamari taken during a quota period by the holder of a licence in respect of the Marine Scalefish Fishery exceeded the southern calamari quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the southern calamari quota entitlement for the following quota period—
- (i) if the catch exceeded the quota entitlement by not more than 50 kilograms—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeded the quota entitlement by more than 50 kilograms but not more than 100 kilograms—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
- (g) if the total catch of southern calamari taken during a quota period by the holder of a licence in respect of the Marine Scalefish Fishery exceeded the southern calamari quota entitlement under the licence for that quota period by more than 100 kilograms of southern calamari, the conditions of the licence may be varied so as to decrease the southern calamari quota entitlement under the licence for the following 3 quota periods by 1 kilogram for each kilogram taken in excess of the quota entitlement.

- (6) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (7) An application to vary unit entitlements must—
 - (a) be made in a manner and form approved by the Minister; and
 - (b) be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.

17B—Individual southern garfish catch quota system

- (1) In this regulation—

quota period—a quota period is a period of 12 months commencing on 1 July;

quota period 2021-2022 means the quota period commencing on 1 July 2021;

southern garfish quota entitlement or quota entitlement, in relation to a licence in respect of the Marine Scalefish Fishery or a rock lobster fishery and a southern garfish fishing zone, means the maximum number of kilograms of southern garfish that may be lawfully taken by the holder of the licence in that zone during a quota period, being the product of—
 - (a) the unit entitlement under that licence in respect of that zone; and
 - (b) the unit value for that zone and quota period,subject to any variation applying during that quota period;

unit entitlement, in relation to a licence in respect of the Marine Scalefish Fishery or a rock lobster fishery and a southern garfish fishing zone, means the number of southern garfish units for the time being allocated to the licence in respect of that zone;

unit value means the number of kilograms of southern garfish determined by the Minister to be the value of a southern garfish unit for a southern garfish fishing zone and a quota period.
- (2) The Minister must, by notice in the Gazette, on or before the commencement of the quota period 2021-2022—
 - (a) determine the total allowable commercial catch for that quota period for the Marine Scalefish Fishery, the Northern Zone Rock Lobster Fishery and the Southern Zone Rock Lobster Fishery and each southern garfish fishing zone; and
 - (b) determine the number of kilograms of southern garfish that is to be the value of a southern garfish unit for each southern garfish fishing zone and that quota period; and

- (c) determine the methodology or formula by which southern garfish units are to be allocated to licences in respect of the fishery on which a condition fixing a southern garfish quota entitlement is to be imposed (which may, without limitation, provide for or include a scheme for the allocation of additional southern garfish units on the basis of exceptional circumstances that apply to the holder of a licence, as determined by the Minister).
- (3) The Minister may vary or revoke a determination under subregulation (2) by further notice in the Gazette.
 - (4) The Minister must, on or before the commencement of each quota period commencing after the quota period 2021-2022, determine the number of kilograms of southern garfish that is to be the value of a southern garfish unit for each southern garfish fishing zone and that quota period.
 - (5) The Minister may impose or vary conditions on licences in respect of the Marine Scalefish Fishery or a rock lobster fishery fixing southern garfish quota entitlements as follows:
 - (a) a condition may be imposed on a licence in respect of the Marine Scalefish Fishery fixing a southern garfish quota entitlement;
 - (b) on joint application made to the Minister by the holders of any 2 licences in respect of the Marine Scalefish Fishery subject to a condition fixing a southern garfish quota entitlement in respect of the same southern garfish fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that southern garfish fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
 - (c) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a southern garfish quota entitlement in respect of that zone (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
 - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a southern garfish quota entitlement in respect of that zone may be imposed on that licence;
 - (d) on joint application made to the Minister by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone (the *first licence*) and the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern garfish quota entitlement in respect of the same southern garfish fishing zone (the *second licence*)—

- (i) the conditions of the first licence may be varied so as to increase the unit entitlement under the licence in respect of that zone; and
 - (ii) the conditions of the second licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone by a corresponding number of units;
 - (e) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a southern garfish quota entitlement in respect of that zone (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
 - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a southern garfish quota entitlement in respect of that zone may be imposed on that licence;
 - (f) if the total catch of southern garfish taken during a quota period by the holder of a licence in respect of the Marine Scalefish Fishery exceeded the southern garfish quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the southern garfish quota entitlement for the following quota period—
 - (i) if the catch exceeded the quota entitlement by not more than 200 kilograms—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeded the quota entitlement by more than 200 kilograms but not more than 400 kilograms—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
 - (g) if the total catch of southern garfish taken during a quota period by the holder of a licence in respect of the Marine Scalefish Fishery exceeded the southern garfish quota entitlement under the licence for that quota period by more than 400 kilograms of southern garfish, the conditions of the licence may be varied so as to decrease the southern garfish quota entitlement under the licence for the following 3 quota periods by 1 kilogram for each kilogram taken in excess of the quota entitlement.
- (6) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (7) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and

- (b) be completed in accordance with the instructions contained in the form; and
- (c) be accompanied by the prescribed fee.

18—Variation of regulation 18—Restrictions on taking certain species

- (1) Regulation 18—delete "a marine scalefish fishery" wherever occurring and substitute in each case:

the fishery

- (2) Regulation 18(1)—delete subregulation (1) and substitute:

- (1) The holder of a licence in respect of the fishery must not take vongole under the licence unless—
 - (a) the vongole are taken solely for the purpose of bait to be used to take aquatic resources under the licence; and
 - (b) the number of vongole taken for that purpose on any 1 day does not exceed the number fixed by condition of the licence as the maximum number of vongole that may be taken in any 1 day for that purpose.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) Regulation 18(6)—delete subregulation (6) and substitute:

- (6) The holder of a licence in respect of the fishery must not take sardines under the licence unless—
 - (a) the sardines are taken solely for the purpose of bait to be used to take aquatic resources under the licence; and
 - (b) the number of sardines taken for that purpose on any 1 day does not exceed the number fixed by condition of the licence as the maximum number of sardines that may be taken in any 1 day for that purpose.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (7) The holder of a licence in respect of the fishery must not take King George whiting in a King George whiting fishing zone for a commercial purpose unless the licence is subject to a condition fixing a King George whiting quota entitlement in relation to that zone.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (8) The holder of a licence in respect of the fishery must not take snapper in a snapper fishing zone for a commercial purpose unless the licence is subject to a condition fixing a snapper quota entitlement in relation to that zone.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (9) The holder of a licence in respect of the fishery must not take southern calamari in a southern calamari fishing zone for a commercial purpose unless the licence is subject to a condition fixing a southern calamari quota entitlement in relation to that zone.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (10) The holder of a licence in respect of the fishery must not take southern garfish in a southern garfish fishing zone for a commercial purpose unless the licence is subject to a condition fixing a southern garfish quota entitlement in relation to that zone.

Maximum penalty: \$5 000.

Expiation fee: \$315.

19—Variation of regulation 19—Restriction on use of cockle rakes

Regulation 19—delete "a marine scalefish fishery" and substitute:

the fishery

20—Variation of regulation 20—Pipi to be landed within State

Regulation 20—delete "Marine Scalefish Fishery" and substitute:

fishery

21—Variation of regulation 21—Restriction on use of sand crab pots

Regulation 21—delete "Marine Scalefish Fishery" and substitute:

fishery

22—Variation of regulation 22—Restriction on carriage of devices on registered boat

Regulation 22(1)—delete "Marine Scalefish Fishery" and substitute:

fishery

23—Revocation of regulation 23

Regulation 23—delete the regulation

24—Variation of regulation 24—Information to be provided—taking King George whiting

Regulation 24(1)—delete subregulation (1) and substitute:

- (1) If fishing activities involving the taking of King George whiting under a licence in respect of the fishery subject to a condition fixing a King George whiting quota entitlement are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.

25—Variation of regulation 25—Information to be provided—taking pipi

Regulation 25(1)—delete "Marine Scalefish Fishery" and substitute:

fishery

26—Insertion of regulations 25A to 25C

After regulation 25 insert:

25A—Information to be provided—taking snapper

- (1) If fishing activities involving the taking of snapper under a licence in respect of the fishery subject to a condition fixing a snapper quota entitlement are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

25B—Information to be provided—taking southern calamari

- (1) If fishing activities involving the taking of southern calamari under a licence in respect of the fishery subject to a condition fixing a southern calamari quota entitlement are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

25C—Information to be provided—taking southern garfish

- (1) If fishing activities involving the taking of southern garfish under a licence in respect of the fishery subject to a condition fixing a southern garfish quota entitlement are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

27—Revocation of regulation 26

Regulation 26—delete the regulation

28—Variation of regulation 27—Use of agents in fishing activities—licences under which boats are registered

- (1) Regulation 27(2)—delete "a marine scalefish fishery" and substitute:
the fishery

- (2) Regulation 27—delete "Marine Scalefish Fishery" wherever occurring and substitute in each case:

fishery

- (3) Regulation 27(6)—delete the subregulation (6)

29—Variation of regulation 28—Use of agents in fishing activities—licences under which no registered boats are used

- (1) Regulation 28—delete "Marine Scalefish Fishery" wherever occurring and substitute in each case:

fishery

- (2) Regulation 28(2)—delete "relevant quota entitlement" and substitute:

pipi quota entitlement

- (3) Regulation 28(2)—delete "a relevant fishing activity" and substitute:

the taking of pipi in the Lakes and Coorong

- (4) Regulation 28(5)—delete "a relevant fishing activity" and substitute:

the taking of pipi in the Lakes and Coorong

- (5) Regulation 28(9), definitions of *relevant fishing activity* and *relevant quota entitlement*—delete the definitions

30—Substitution of regulation 29

Regulation 29—delete the regulation and substitute:

29—Catch and disposal requirements—King George whiting

- (1) The holder of a licence in respect of the fishery subject to a condition fixing a King George whiting quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of King George whiting taken under the licence:
- (a) the holder of the licence or the registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of King George whiting taken under the licence as determined by the Minister;
 - (b) the holder of the licence or the registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the holder of the licence or the registered master must ensure that King George whiting taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master are each guilty of an offence.
Maximum penalty: \$5 000.
Expiation fee: \$500.
- (3) The holder of the licence must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$315.

31—Variation of regulation 30—Catch and disposal requirements—pipi

Regulation 30—delete "Marine Scalefish Fishery" wherever occurring and substitute in each case:

fishery

32—Variation of regulation 31—Catch and disposal requirements—blue crab

Regulation 31—delete "a marine scalefish fishery" wherever occurring and substitute in each case:

the fishery

33—Substitution of regulation 32

Regulation 32—delete the regulation and substitute:

32—Catch and disposal requirements—snapper

- (1) The holder of a licence in respect of the fishery subject to a condition fixing a snapper quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of snapper taken under the licence:
 - (a) the holder of the licence or the registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of snapper taken under the licence as determined by the Minister;
 - (b) the holder of the licence or the registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the holder of the licence or the registered master must ensure that snapper taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master are each guilty of an offence.
Maximum penalty: \$5 000.
Expiation fee: \$500.
- (3) The holder of the licence must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$315.

32A—Catch and disposal requirements—southern calamari

- (1) The holder of a licence in respect of the fishery subject to a condition fixing a southern calamari quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of southern calamari taken under the licence:
- (a) the holder of the licence or the registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of southern calamari taken under the licence as determined by the Minister;
 - (b) the holder of the licence or the registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the holder of the licence or the registered master must ensure that southern calamari taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master are each guilty of an offence.
Maximum penalty: \$5 000.
Expiation fee: \$500.
- (3) The holder of the licence must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$315.

32B—Catch and disposal requirements—southern garfish

- (1) The holder of a licence in respect of the fishery subject to a condition fixing a southern garfish quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of southern garfish taken under the licence:
 - (a) the holder of the licence or the registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of southern garfish taken under the licence as determined by the Minister;
 - (b) the holder of the licence or the registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the holder of the licence or the registered master must ensure that southern garfish taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master are each guilty of an offence.
Maximum penalty: \$5 000.
Expiation fee: \$500.
- (3) The holder of the licence must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$315.

34—Substitution of regulation 33

Regulation 33—delete the regulation and substitute:

33—King George whiting, pipi, snapper, southern calamari and southern garfish to be delivered or consigned to registered fish processor

- (1) The holder of a licence in respect of the fishery subject to a condition fixing a King George whiting quota entitlement must ensure that all King George whiting taken under the licence are delivered or consigned to a registered fish processor.
Maximum penalty: \$5 000.
Expiation fee: \$315.

- (2) The holder of a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement must ensure that all pipi taken under the licence are delivered or consigned to a registered fish processor.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (3) The holder of a licence in respect of the fishery subject to a condition fixing a snapper quota entitlement must ensure that all snapper taken under the licence are delivered or consigned to a registered fish processor.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (4) The holder of a licence in respect of the fishery subject to a condition fixing a southern calamari quota entitlement must ensure that all southern calamari taken under the licence are delivered or consigned to a registered fish processor.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (5) The holder of a licence in respect of the fishery subject to a condition fixing a southern garfish quota entitlement must ensure that all southern garfish taken under the licence are delivered or consigned to a registered fish processor.
Maximum penalty: \$5 000.
Expiation fee: \$315.

35—Revocation of regulation 34

Regulation 34—delete the regulation

36—Variation of regulation 35—Periodic returns

Regulation 35(1)—delete "a marine scalefish fishery" and substitute:
the fishery

37—Variation of regulation 37—Minister's determinations

Regulation 37(6)—delete "or 17" and substitute:
, 17, 17A or 17B

38—Variation of Schedule 1—Aquatic resources prescribed for Marine Scalefish Fishery

- (1) Schedule 1—after the heading to Schedule 1 insert:

Part 1—Aquatic resources prescribed for the purposes of regulation 4(2)(a)

- (2) Schedule 1—after "Oyster (Family Ostreidae)" insert:
Pipi (*Donax* spp)
- (3) Schedule 1—delete "Vongole"
- (4) Schedule 1—delete "Australian Anchovy (*Engraulis australis*)"

- (5) Schedule 1—delete "Maray (*Etrumeus teres*)"
- (6) Schedule 1—delete "Australian Sardine (*Sardinops sagax*)"
- (7) Schedule 1—delete "Blue Sprat (*Spratelloides robustus*)"
- (8) Schedule 1—delete "Sandy Sprat (*Hyperlophus vittatus*)"
- (9) Schedule 1—after "Skate of all species (Class Elasmobranchii)" insert:

Part 2—Aquatic resources prescribed for the purposes of regulation 4(2)(b)

Molluscs

Razorfish (*Pinna bicolor*)

Vongole

Scalefish

Australian Anchovy (*Engraulis australis*)

Maray (*Etrumeus teres*)

Australian Sardine (*Sardinops sagax*)

Blue Sprat (*Spratelloides robustus*)

Sandy Sprat (*Hyperlophus vittatus*)

39—Revocation of Schedule 2

Schedule 2—delete the Schedule

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 24 June 2021

No 87 of 2021

South Australia

Fisheries Management (Rock Lobster Fisheries) (Marine Scalefish Fishery Reform) Variation Regulations 2021

under the *Fisheries Management Act 2007*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Rock Lobster Fisheries) (Marine Scalefish Fishery Reform) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on 1 July 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 *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1)—after the definition of *giant crab* insert:

King George whiting means *Syllaginodes punctatus*;

King George whiting fishing zone has the same meaning as in the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*;

- (2) Regulation 3(1), definition of *marine scalefish fishery*—delete the definition and substitute:

Marine Scalefish Fishery means the fishery of that name constituted by the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*;

- (3) Regulation 3(1)—after the definition of *rock lobster pot entitlement* insert:

snapper means *Chrysophrys auratus*;

snapper fishing zone has the same meaning as in the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*;

- (4) Regulation 3(1)—after the definition of *South Australian licence* insert:

southern calamari means *Sepioteuthis australis*;

southern calamari fishing zone has the same meaning as in the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*;

southern garfish means *Hyporhamphus melanochir*;

southern garfish fishing zone has the same meaning as in the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*;

- (5) Regulation 3(1), definitions of *vongole fishing zone* and *vongole quota entitlement*—delete the definitions

- (6) Regulation 3(3)(b)—delete paragraph (b) and substitute:

- (b) common and scientific fish names are given according to AS5300—2019 *Australian Fish Names Standard* published by the Fisheries Research & Development Corporation, as in force from time to time;

5—Variation of regulation 4—Constitution of fisheries

- (1) Regulation 4(2)(b)—after "Schedule 1" insert:

Part 1

- (2) Regulation 4(2)(c)—delete "Razorfish (*Pinna bicolor*)" and substitute:

aquatic resources specified in Schedule 1 Part 2

- (3) Regulation 4(3)(b)—after "Schedule 1" insert:

Part 1

- (4) Regulation 4(3)(c)—delete "Razorfish (*Pinna bicolor*)" and substitute:
aquatic resources specified in Schedule 1 Part 2

6—Revocation of regulation 13

Regulation 13—delete the regulation

7—Insertion of regulations 17A to 17E

After regulation 17 insert:

17A—Individual King George whiting catch quota system

- (1) In this regulation—

King George whiting quota entitlement or **quota entitlement**, in relation to a licence in respect of a rock lobster fishery or the Marine Scalefish Fishery and a King George whiting fishing zone, means the maximum number of kilograms of King George whiting that may be lawfully taken by the holder of the licence in that zone during a quota period, being the product of—

- (a) the unit entitlement under that licence in respect of that zone; and
- (b) the unit value for that zone and quota period,

subject to any variation applying during that quota period;

quota period—a quota period is a period of 12 months commencing on 1 July;

quota period 2021-2022 means the quota period commencing on 1 July 2021;

unit entitlement, in relation to a licence in respect of a rock lobster fishery or the Marine Scalefish Fishery and a King George whiting fishing zone, means the number of King George whiting units for the time being allocated to the licence in respect of that zone;

unit value means the number of kilograms of King George whiting determined by the Minister to be the value of a King George whiting unit for a King George whiting fishing zone and a quota period.

- (2) The Minister must, by notice in the Gazette, on or before the commencement of the quota period 2021-2022—
- (a) determine the total allowable commercial catch for that quota period for the Northern Zone Rock Lobster Fishery, the Southern Zone Rock Lobster Fishery and the Marine Scalefish Fishery and each King George whiting fishing zone; and
 - (b) determine the number of kilograms of King George whiting that is to be the value of a King George whiting unit for each King George whiting fishing zone and that quota period; and

- (c) determine the methodology or formula by which King George whiting units are to be allocated to licences in respect of a rock lobster fishery on which a condition fixing a King George whiting quota entitlement is to be imposed (which may, without limitation, provide for or include a scheme for the allocation of additional King George whiting units on the basis of exceptional circumstances that apply to the holder of a licence, as determined by the Minister).
- (3) The Minister may vary or revoke a determination under subregulation (2) by further notice in the Gazette.
- (4) The Minister must, on or before the commencement of each quota period commencing after the quota period 2021-2022, determine the number of kilograms of King George whiting that is to be the value of a King George whiting unit for each King George whiting fishing zone and that quota period.
- (5) The Minister may impose or vary conditions on licences in respect of a rock lobster fishery or the Marine Scalefish Fishery fixing King George whiting quota entitlements as follows:
 - (a) a condition may be imposed on a licence in respect of a rock lobster fishery fixing a King George whiting quota entitlement;
 - (b) on joint application made to the Minister by the holders of any 2 licences in respect of the Northern Zone Rock Lobster Fishery subject to a condition fixing a King George whiting quota entitlement in respect of the same King George whiting fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that King George whiting fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
 - (c) on joint application made to the Minister by the holders of any 2 licences in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a King George whiting quota entitlement in respect of the same King George whiting fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that King George whiting fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
 - (d) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a King George whiting quota entitlement in respect of the same King George whiting fishing zone (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under the licence in respect of that zone; and

- (ii) the conditions of the second licence may be varied so as to increase the unit entitlement under that licence in respect of that zone by a corresponding number of units;
 - (e) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a King George whiting quota entitlement in respect of a particular King George whiting fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a King George whiting quota entitlement in respect of that zone (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
 - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a King George whiting quota entitlement in respect of that zone may be imposed on that licence;
 - (f) if the total catch of King George whiting taken during a quota period by the holder of a licence in respect of a rock lobster fishery exceeded the King George whiting quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the King George whiting quota entitlement for the following quota period—
 - (i) if the catch exceeded the quota entitlement by not more than 50 kilograms—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeded the quota entitlement by more than 50 kilograms but not more than 100 kilograms—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
 - (g) if the total catch of King George whiting taken during a quota period by the holder of a licence in respect of a rock lobster fishery exceeded the King George whiting quota entitlement under the licence for that quota period by more than 100 kilograms of King George whiting, the conditions of the licence may be varied so as to decrease the King George whiting quota entitlement under the licence for the following 3 quota periods by 1 kilogram for each kilogram taken in excess of the quota entitlement.
- (6) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (7) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
 - (b) be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.

17B—Individual snapper catch quota system

- (1) In this regulation—

quota period—a quota period is a period of 12 months commencing on 1 July;

quota period 2021-2022 means the quota period commencing on 1 July 2021;

snapper quota entitlement or **quota entitlement**, in relation to a licence in respect of a rock lobster fishery or the Marine Scalefish Fishery and a snapper fishing zone, means the maximum number of kilograms of snapper that may be lawfully taken by the holder of the licence in that zone during a quota period, being the product of—

- (a) the unit entitlement under that licence in respect of that zone; and
- (b) the unit value for that zone and quota period,

subject to any variation applying during that quota period;

South East Fishing Zone has the same meaning as in the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*;

South East snapper fishing zone means a snapper fishing zone constituted of the South East Fishing Zone;

unit entitlement, in relation to a licence under a rock lobster fishery or the Marine Scalefish Fishery and a snapper fishing zone, means the number of snapper units for the time being allocated to the licence in respect of that zone;

unit value means the number of kilograms of snapper determined by the Minister to be the value of a snapper unit for a snapper fishing zone and a quota period.

- (2) The Minister must, by notice in the Gazette, on or before the commencement of the quota period 2021-2022—
- (a) determine the total allowable commercial catch for that quota period for the Northern Zone Rock Lobster Fishery, the Southern Zone Rock Lobster Fishery and the Marine Scalefish Fishery and each snapper fishing zone; and
 - (b) determine the number of kilograms of snapper that is to be the value of a snapper unit for each snapper fishing zone and that quota period; and
 - (c) determine the methodology or formula by which snapper units are to be allocated to licences in respect of a rock lobster fishery on which a condition fixing a snapper quota entitlement is to be imposed (which may, without limitation, provide for or include a scheme for the allocation of additional snapper units on the basis of exceptional circumstances that apply to the holder of a licence, as determined by the Minister).
- (3) The Minister may vary or revoke a determination under subregulation (2) by further notice in the Gazette.

- (4) The Minister must, on or before the commencement of each quota period commencing after the quota period 2021-2022, determine the number of kilograms of snapper that is to be the value of a snapper unit for each snapper fishing zone and that quota period.
- (5) The Minister may impose or vary conditions on licences in respect of a rock lobster fishery or the Marine Scalefish Fishery fixing snapper quota entitlements as follows:
 - (a) a condition may be imposed on a licence in respect of a rock lobster fishery fixing a snapper quota entitlement;
 - (b) on joint application made to the Minister by the holders of any 2 licences in respect of a Northern Zone Rock Lobster Fishery subject to a condition fixing a snapper quota entitlement in respect of the same snapper fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that snapper fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
 - (c) on joint application made to the Minister by the holders of any 2 licences in respect of a Southern Zone Rock Lobster Fishery subject to a condition fixing a snapper quota entitlement in respect of the same snapper fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that snapper fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
 - (d) on joint application made to the Minister by the holder of a licence in respect of the Northern Zone Rock Lobster Fishery subject to a condition fixing a snapper quota entitlement in respect of the South East snapper fishing zone and the holder of a licence in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a snapper quota entitlement in respect of that snapper fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of the South East snapper fishing zone and decrease the unit entitlement under the other licence in respect of that snapper fishing zone by a corresponding number of units;
 - (e) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a snapper quota entitlement in respect of the same snapper fishing zone (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under the licence in respect of that zone; and
 - (ii) the conditions of the second licence may be varied so as to increase the unit entitlement under that licence in respect of that zone by a corresponding number of units;

- (f) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a snapper quota entitlement in respect of a particular snapper fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a snapper quota entitlement in respect of that zone (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
 - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a snapper quota entitlement in respect of that zone may be imposed on that licence;
 - (g) if the total catch of snapper taken during a quota period by the holder of a licence in respect of a rock lobster fishery exceeded the snapper quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the snapper quota entitlement for the following quota period—
 - (i) if the catch exceeded the quota entitlement by not more than 50 kilograms—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeded the quota entitlement by more than 50 kilograms but not more than 100 kilograms—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
 - (h) if the total catch of snapper taken during a quota period by the holder of a licence in respect of a rock lobster fishery exceeded the snapper quota entitlement under the licence for that quota period by more than 100 kilograms of snapper, the conditions of the licence may be varied so as to decrease the snapper quota entitlement under the licence for the following 3 quota periods by 1 kilogram for each kilogram taken in excess of the quota entitlement.
- (6) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (7) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
 - (b) be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.

17C—Individual southern calamari catch quota system

- (1) In this regulation—
- quota period*—a quota period is a period of 12 months commencing on 1 July;

quota period 2021-2022 means the quota period commencing on 1 July 2021;

southern calamari quota entitlement or **quota entitlement**, in relation to a licence in respect of a rock lobster fishery or the Marine Scalefish Fishery and a southern calamari fishing zone, means the maximum number of kilograms of southern calamari that may be lawfully taken by the holder of the licence in that zone during a quota period, being the product of—

- (a) the unit entitlement under that licence in respect of that zone; and
- (b) the unit value for that zone and quota period,

subject to any variation applying during that quota period;

unit entitlement, in relation to a licence in respect of a rock lobster fishery or the Marine Scalefish Fishery and a southern calamari fishing zone means the number of southern calamari units for the time being allocated to the licence in respect of that zone;

unit value means the number of kilograms of southern calamari determined by the Minister to be the value of a southern calamari unit for a southern calamari fishing zone and a quota period.

- (2) The Minister must, by notice in the Gazette, on or before the commencement of the quota period 2021-2022—
 - (a) determine the total allowable commercial catch for that quota period for the Northern Zone Rock Lobster Fishery, the Southern Zone Rock Lobster Fishery and the Marine Scalefish Fishery and each southern calamari fishing zone; and
 - (b) determine the number of kilograms of southern calamari that is to be the value of a southern calamari unit for each southern calamari fishing zone and that quota period; and
 - (c) determine the methodology or formula by which southern calamari units are to be allocated to licences in respect of a rock lobster fishery on which a condition fixing a southern calamari quota entitlement is to be imposed (which may, without limitation, provide for or include a scheme for the allocation of additional southern calamari units on the basis of exceptional circumstances that apply to the holder of a licence, as determined by the Minister).
- (3) The Minister may vary or revoke a determination under subregulation (2) by further notice in the Gazette.
- (4) The Minister must, on or before the commencement of each quota period commencing after the quota period 2021-2022, determine the number of kilograms of southern calamari that is to be the value of a southern calamari unit for each southern calamari fishing zone and that quota period.
- (5) The Minister may impose or vary conditions on licences in respect of a rock lobster fishery or the Marine Scalefish Fishery fixing southern calamari quota entitlements as follows:
 - (a) a condition may be imposed on a licence in respect of a rock lobster fishery fixing a southern calamari quota entitlement;

- (b) on joint application made to the Minister by the holders of any 2 licences in respect of the Northern Zone Rock Lobster Fishery subject to a condition fixing a southern calamari quota entitlement in respect of the same southern calamari fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that southern calamari fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
- (c) on joint application made to the Minister by the holders of any 2 licences in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a southern calamari quota entitlement in respect of the same southern calamari fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that southern calamari fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
- (d) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern calamari quota entitlement in respect of the same southern calamari fishing zone (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under the licence in respect of that zone; and
 - (ii) the conditions of the second licence may be varied so as to increase the unit entitlement under that licence in respect of that zone by a corresponding number of units;
- (e) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern calamari quota entitlement in respect of a particular southern calamari fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a southern calamari quota entitlement in respect of that zone (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
 - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a southern calamari quota entitlement in respect of that zone may be imposed on that licence;

- (f) if the total catch of southern calamari taken during a quota period by the holder of a licence in respect of a rock lobster fishery exceeded the southern calamari quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the southern calamari quota entitlement for the following quota period—
 - (i) if the catch exceeded the quota entitlement by not more than 50 kilograms—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeded the quota entitlement by more than 50 kilograms but not more than 100 kilograms—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
 - (g) if the total catch of southern calamari taken during a quota period by the holder of a licence in respect of a rock lobster fishery exceeded the southern calamari quota entitlement under the licence for that quota period by more than 100 kilograms of southern calamari, the conditions of the licence may be varied so as to decrease the southern calamari quota entitlement under the licence for the following 3 quota periods by 1 kilogram for each kilogram taken in excess of the quota entitlement.
- (6) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (7) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
 - (b) be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.

17D—Individual southern garfish catch quota system

- (1) In this regulation—

quota period—a quota period is a period of 12 months commencing on 1 July;

quota period 2021-2022 means the quota period commencing on 1 July 2021;

southern garfish quota entitlement or ***quota entitlement***, in relation to a licence in respect of a rock lobster licence or the Marine Scalefish Fishery and a southern garfish fishing zone, means the maximum number of kilograms of southern garfish that may be lawfully taken by the holder of the licence in that zone during a quota period, being the product of—

- (a) the unit entitlement under that licence in respect of that zone; and
- (b) the unit value for that zone and quota period,

subject to any variation applying during that quota period;

unit entitlement, in relation to a licence in respect of a rock lobster fishery or the Marine Scalefish Fishery and a southern garfish fishing zone, means the number of southern garfish units for the time being allocated to the licence in respect of that zone;

unit value means the number of kilograms of southern garfish determined by the Minister to be the value of a southern garfish unit for a southern garfish fishing zone and a quota period.

- (2) The Minister must, by notice in the Gazette, on or before the commencement of the quota period 2021-2022—
 - (a) determine the total allowable commercial catch for that quota period for the Northern Zone Rock Lobster Fishery, the Southern Zone Rock Lobster Fishery and the Marine Scalefish Fishery and each southern garfish fishing zone; and
 - (b) determine the number of kilograms of southern garfish that is to be the value of a southern garfish unit for each southern garfish fishing zone and that quota period; and
 - (c) determine the methodology or formula by which southern garfish units are to be allocated to licences in respect of a rock lobster fishery on which a condition fixing a southern garfish quota entitlement is to be imposed (which may, without limitation, provide for or include a scheme for the allocation of additional southern garfish units on the basis of exceptional circumstances that apply to the holder of a licence, as determined by the Minister).
- (3) The Minister may vary or revoke a determination under subregulation (2) by further notice in the Gazette.
- (4) The Minister must, on or before the commencement of each quota period commencing after the quota period 2021-2022, determine the number of kilograms of southern garfish that is to be the value of a southern garfish unit for each southern garfish fishing zone and that quota period.
- (5) The Minister may impose or vary conditions on licences in respect of a rock lobster fishery or the Marine Scalefish Fishery fixing southern garfish quota entitlements as follows:
 - (a) a condition may be imposed on a licence in respect of a rock lobster fishery fixing a southern garfish quota entitlement;
 - (b) on joint application made to the Minister by the holders of any 2 licences in respect of the Northern Zone Rock Lobster Fishery subject to a condition fixing a southern garfish quota entitlement in respect of the same southern garfish fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that southern garfish fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;

- (c) on joint application made to the Minister by the holders of any 2 licences in respect of the Southern Zone Rock Lobster Fishery subject to a condition fixing a southern garfish quota entitlement in respect of the same southern garfish fishing zone—the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of that southern garfish fishing zone and decrease the unit entitlement under the other licence in respect of that zone by a corresponding number of units;
- (d) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a southern garfish quota entitlement in respect of the same southern garfish fishing zone (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under the licence in respect of that zone; and
 - (ii) the conditions of the second licence may be varied so as to increase the unit entitlement under that licence in respect of that zone by a corresponding number of units;
- (e) on joint application made to the Minister by the holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern garfish quota entitlement in respect of a particular southern garfish fishing zone (the *first licence*) and the holder of a licence in respect of the Marine Scalefish Fishery not subject to a condition fixing a southern garfish quota entitlement in respect of that zone (the *second licence*)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that zone; and
 - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a southern garfish quota entitlement in respect of that zone may be imposed on that licence;
- (f) if the total catch of southern garfish taken during a quota period by the holder of a licence in respect of a rock lobster fishery exceeded the southern garfish quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the southern garfish quota entitlement for the following quota period—
 - (i) if the catch exceeded the quota entitlement by not more than 200 kilograms—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or

- (ii) if the catch exceeded the quota entitlement by more than 200 kilograms but not more than 400 kilograms—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
 - (g) if the total catch of southern garfish taken during a quota period by the holder of a licence in respect of a rock lobster fishery exceeded the southern garfish quota entitlement under the licence for that quota period by more than 400 kilograms of southern garfish, the conditions of the licence may be varied so as to decrease the southern garfish quota entitlement under the licence for the following 3 quota periods by 1 kilogram for each kilogram taken in excess of the quota entitlement.
- (6) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (7) An application to vary unit entitlements must—
 - (a) be made in a manner and form approved by the Minister; and
 - (b) be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.

17E—Restrictions on taking King George whiting, snapper, southern calamari and southern garfish

- (1) The holder of a licence in respect of a rock lobster fishery must not take King George whiting in a King George whiting fishing zone for a commercial purpose unless the licence is subject to a condition fixing a King George whiting quota entitlement in relation to that zone.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (2) The holder of a licence in respect of a rock lobster fishery must not take snapper in a snapper fishing zone for a commercial purpose unless the licence is subject to a condition fixing a snapper quota entitlement in relation to that zone.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (3) The holder of a licence in respect of a rock lobster fishery must not take southern calamari in a southern calamari fishing zone for a commercial purpose unless the licence is subject to a condition fixing a southern calamari quota entitlement in relation to that zone.
Maximum penalty: \$5 000.
Expiation fee: \$315.

- (4) The holder of a licence in respect of a rock lobster fishery must not take southern garfish in a southern garfish fishing zone for a commercial purpose unless the licence is subject to a condition fixing a southern garfish quota entitlement in relation to that zone.

Maximum penalty: \$5 000.

Expiation fee: \$315.

8—Variation of regulation 18—Restriction on taking of vongole and cockles

Regulation 18(1)—delete subregulation (1) and substitute:

- (1) The holder of a licence in respect of a rock lobster fishery must not take vongole under the licence unless—
 - (a) the vongole are taken solely for the purpose of bait to be used to take aquatic resources under the licence; and
 - (b) the number of vongole taken for that purpose on any 1 day does not exceed the number fixed by condition of the licence as the maximum number of vongole that may be taken in any 1 day for that purpose.

Maximum penalty: \$5 000.

Expiation fee: \$315.

9—Variation of regulation 21—Information to be provided—taking King George whiting

Regulation 21(1)—delete subregulation (1) and substitute:

- (1) If fishing activities involving the taking of King George whiting under a licence in respect of a rock lobster fishery subject to a condition fixing a King George whiting quota entitlement are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.

10—Insertion of regulations 21A to 21C

After regulation 21 insert:

21A—Information to be provided—taking snapper

- (1) If fishing activities involving the taking of snapper under a licence in respect of a rock lobster fishery subject to a condition fixing a snapper quota entitlement are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

21B—Information to be provided—taking southern calamari

- (1) If fishing activities involving the taking of southern calamari under a licence in respect of a rock lobster fishery subject to a condition fixing a southern calamari quota entitlement are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

21C—Information to be provided—taking southern garfish

- (1) If fishing activities involving the taking of southern garfish under a licence in respect of a rock lobster fishery subject to a condition fixing a southern garfish quota entitlement are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

11—Substitution of regulation 25

Regulation 25—delete the regulation and substitute:

25—Catch and disposal requirements—King George whiting

- (1) The holder of a licence in respect of a rock lobster fishery subject to a condition fixing a King George whiting quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of King George whiting taken under the licence:
 - (a) the holder of the licence or the registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of King George whiting taken under the licence as determined by the Minister;
 - (b) the holder of the licence or the registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;

- (c) the holder of the licence or the registered master must ensure that King George whiting taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master are each guilty of an offence.
Maximum penalty: \$5 000.
Expiation fee: \$500.
- (3) The holder of the licence must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$315.

25A—Catch and disposal requirements—snapper

- (1) The holder of a licence in respect of a rock lobster fishery subject to a condition fixing a snapper quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of snapper taken under the licence:
 - (a) the holder of the licence or the registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of snapper taken under the licence as determined by the Minister;
 - (b) the holder of the licence or the registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the holder of the licence or the registered master must ensure that snapper taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master are each guilty of an offence.
Maximum penalty: \$5 000.
Expiation fee: \$500.
- (3) The holder of the licence must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$315.

25B—Catch and disposal requirements—southern calamari

- (1) The holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern calamari quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of southern calamari taken under the licence:
 - (a) the holder of the licence or the registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of southern calamari taken under the licence as determined by the Minister;
 - (b) the holder of the licence or the registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the holder of the licence or the registered master must ensure that southern calamari taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

- (3) The holder of the licence must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$315.

25C—Catch and disposal requirements—southern garfish

- (1) The holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern garfish quota entitlement or the registered master of a registered boat used under such a licence must comply with the following provisions in respect of southern garfish taken under the licence:
 - (a) the holder of the licence or the registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of southern garfish taken under the licence as determined by the Minister;
 - (b) the holder of the licence or the registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;

- (c) the holder of the licence or the registered master must ensure that southern garfish taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master are each guilty of an offence.
Maximum penalty: \$5 000.
Expiation fee: \$500.
- (3) The holder of the licence must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$5 000.
Expiation fee: \$315.

12—Substitution of regulation 26

Regulation 26—delete the regulation and substitute:

26—King George whiting, snapper, southern calamari and southern garfish to be delivered or consigned to registered fish processor

- (1) The holder of a licence in respect of a rock lobster fishery subject to a condition fixing a King George whiting quota entitlement must ensure that all King George whiting taken under the licence are delivered or consigned to a registered fish processor.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (2) The holder of a licence in respect of a rock lobster fishery subject to a condition fixing a snapper quota entitlement must ensure that all snapper taken under the licence are delivered or consigned to a registered fish processor.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (3) The holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern calamari quota entitlement must ensure that all southern calamari taken under the licence are delivered or consigned to a registered fish processor.
Maximum penalty: \$5 000.
Expiation fee: \$315.
- (4) The holder of a licence in respect of a rock lobster fishery subject to a condition fixing a southern garfish quota entitlement must ensure that all southern garfish taken under the licence are delivered or consigned to a registered fish processor.
Maximum penalty: \$5 000.
Expiation fee: \$315.

13—Variation of regulation 31—Minister's determinations

Regulation 31(6)—delete "13, 15, 16 or 17" and substitute
15, 16, 17, 17A, 17B, 17C or 17D

14—Variation of Schedule 1—Aquatic resources prescribed for rock lobster fisheries

- (1) Schedule 1—after the heading to Schedule 1 insert:

Part 1—Aquatic resources prescribed for the purposes of regulation 4(2)(b) and (3)(b)

- (2) Schedule 1—delete "Vongole"
(3) Schedule 1—delete "Australian Anchovy (*Engraulis australis*)"
(4) Schedule 1—delete "Australian Sardine (*Sardinops sagax*)"
(5) Schedule 1—after "Skate of all species (Class Elasmobranchii)" insert:

Part 2—Aquatic resources prescribed for the purposes of regulation 4(2)(c) and (3)(c)**Molluscs**

Razorfish (*Pinna bicolor*)

Vongole

Scalefish

Australian Anchovy (*Engraulis australis*)

Australian Sardine (*Sardinops sagax*)

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 24 June 2021

No 88 of 2021

South Australia

Fisheries Management (Sardine Fishery) Regulations 2021

under the *Fisheries Management Act 2007*

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Schedule 1—Aquatic resources prescribed for Sardine Fishery

1—Short title

These regulations may be cited as the *Fisheries Management (Sardine Fishery) Regulations 2021*.

2—Commencement

These regulations come into operation on 1 July 2021.

3—Interpretation

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

Act means the *Fisheries Management Act 2007*;

Corporations Act means the *Corporations Act 2001* of the Commonwealth;

current company extract means a document prepared by the Australian Securities and Investment Commission from its national database kept under the Corporations Act that contains current details of the following in relation to a company:

- (a) the name of the company;
- (b) the address of the registered office of the company;
- (c) the date of registration of the company;
- (d) the State or Territory in which the company is taken to be registered under the Corporations Act;
- (e) the company's Australian Company Number;

- (f) whether the company is a proprietary company or a public company;
- (g) the full name of each director of the company;
- (h) the full name of each secretary (if any) of the company;

Department means the administrative unit of the Public Service responsible for assisting a Minister in the administration of the Act;

fishery means the Sardine Fishery constituted by these regulations;

Gulfs Zone means the Spencer Gulf, Gulf St. Vincent and surrounding waters contained within and bounded by a line commencing at Mean High Water Springs closest to 34°56'41.95" South, 135°37'30.03" East (near Cape Carnot, Eyre Peninsula), then beginning easterly following the line of Mean High Water Springs to the location closest to 35°36'21.55" South, 138°5'45.63" East (near Cape Jervis, Fleurieu Peninsula), then south-westerly to Mean High Water Springs closest to 35°43'1.15" South, 137°56'31.23" East (near Penneshaw, Kangaroo Island), then beginning westerly following the line of Mean High Water Springs to the location closest to 35°52'59.95" South, 136°32'8.19" East (near Vennachar Point, Kangaroo Island), then westerly to 35°52'59.95" South, 135°37'30.03" East, then northerly to the point of commencement;

Marine Scalefish Fishery means the fishery of that name constituted by the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*;

Outside Zone means the waters adjacent to South Australia that are not within the Gulfs Zone;

quota period—a quota period for the fishery means—

- (a) the period that commences on 1 July 2021 and ends on 31 December 2021; or
- (b) the period of 12 months commencing on 1 January 2022 or on 1 January in any subsequent year;

sardine means Australian Sardine (*Sardinops sagax*);

sardine fishing zone means—

- (a) the Gulfs Zone; or
- (b) the Outside Zone;

sardine net has the same meaning as in the *Fisheries Management (General) Regulations 2017*;

sardine quota entitlement or **quota entitlement**, in relation to a licence in respect of the fishery and a sardine fishing zone, means the maximum number of kilograms of sardines that may be lawfully taken by the holder of a licence in that zone during a quota period, being the product of—

- (a) the unit entitlement under that licence in respect of that zone; and
- (b) the unit value for that zone and quota period,

subject to any variation applying during that quota period;

unit entitlement, in relation to a licence in respect of the fishery and a sardine fishing zone, means the number of sardine units for the time being allocated to the licence in respect of that zone;

unit value means the number of kilograms of sardines determined by the Minister to be the value of a sardine unit for a sardine fishing zone and a quota period.

- (2) In these regulations, unless the contrary intention appears, *company*, *director*, *proprietary company* and *public company* have the same respective meanings as in the Corporations Act.
- (3) In these regulations—
 - (a) all lines in spatial descriptions are geodesics based on the Geocentric Datum of Australia 2020 (**GDA2020**) as defined in the determination under section 8A of the *National Measurement Act 1960* of the Commonwealth for the recognised-value standard of measurement position, and all coordinates are expressed in terms of GDA2020;
 - (b) common and scientific fish names are given according to AS5300—2019 *Australian Fish Names Standard* published by the Fisheries Research & Development Corporation, as in force from time to time;
 - (c) a reference to the *taking of aquatic resources* includes a reference to an act preparatory to, or involved in, the taking of aquatic resources.
- (4) A reference in these regulations to *sardine fishing zone*, *sardine quota entitlement* or *unit entitlement* in relation to the Marine Scalefish Fishery or a licence in respect of that fishery is a reference to that term as defined in regulation 17(2) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017* as in force immediately before the commencement of these regulations.

Note—

The *Fisheries Management (Marine Scalefish Fishery) Regulations 2017* were, immediately before the commencement of these regulations, known as the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017*.

4—Constitution of fishery

- (1) The Sardine Fishery is constituted.
- (2) The fishery consists of the taking of aquatic resources specified in Schedule 1 in the Gulfs Zone and the Outside Zone.

5—Issue of licences

- (1) Subject to this regulation, the Minister may issue licences in respect of the fishery.
- (2) An application for a licence in respect of the fishery may only be made—
 - (a) by a person who, immediately before 1 July 2021, held a licence in respect of the Marine Scalefish Fishery—
 - (i) subject to a condition fixing a sardine quota entitlement (unless the condition was imposed on the licence after the commencement of the MSF quota period 2021 and was expressed to apply only during the balance of that quota period); or
 - (ii) under which a sardine net was registered; or
 - (b) by a person—
 - (i) to whom a licence in respect of the fishery was transferred under these regulations; and
 - (ii) who makes the application on or before the expiration of that licence held by the person (or subsequent licence held by the person in substitution for that licence).

- (3) The Minister may only grant an application for a licence in respect of the fishery to a person referred to in subregulation (2)(a) if—
- (a) the person's licence in respect of the Marine Scalefish Fishery has been varied so as to revoke a condition of the licence fixing a sardine quota entitlement on the licence; or
 - (b) the person's licence in respect of the Marine Scalefish fishery has been surrendered.
- (4) In this regulation—
- Marine Scalefish Fishery*** means the fishery of that name constituted by the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*, as in force immediately before the commencement of this regulation;
- MSF quota period 2021*** means the period ending on 31 December 2021 defined as ***quota period 2021*** in regulation 17(2) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*, as in force immediately before the commencement of this regulation.

6—Transfer of licences

- (1) Licences in respect of the fishery are transferable.
- (2) An application for consent to the transfer of a licence must be accompanied by—
- (a) the licence to be transferred; and
 - (b) a form of return as required by regulation 15 completed by the holder of the licence up to the date of application; and
 - (c) if the transferee is a company—a current company extract relating to the transferee.
- (3) The Minister may only consent to the transfer of a licence if satisfied as to the following:
- (a) that any fees or other amounts payable in relation to the licence under the Act have been paid in full;
 - (b) that the licence to be transferred has not been suspended;
 - (c) that no proceedings alleging an offence against the Act are pending or likely to be commenced in the State against the holder of the licence;
 - (d) if the transferee is a natural person—that the transferee is at least 15 years of age and is a fit and proper person to hold a licence in respect of the fishery;
 - (e) if the transferee is a company—that each director of the company is a fit and proper person to be a director of a company that holds a licence in respect of the fishery.

7—Registration

An application by the holder of a licence in respect of the fishery—

- (a) to register a boat or device for use under the licence; or
 - (b) to register a person as a master of a boat that may be used under the licence,
- must be accompanied by the documents specified in the application form.

8—Revocation of registration

- (1) The Minister may, on application by the holder of a licence in respect of the fishery, revoke the registration of—
- (a) a boat or device used under the licence; or
 - (b) a person as a master of a boat that may be used under the licence.

- (2) An application for revocation of registration must—
 - (a) be made in the manner and form approved by the Minister; and
 - (b) be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the documents specified in the application form.

9—Individual sardine catch quota system

- (1) In this regulation—

Marine Scalefish Fishery means the fishery of that name constituted by the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*, as in force immediately before the commencement of this regulation;

MSF quota period 2020 means the period that ended on 31 December 2020 defined as **quota period 2020** in regulation 17(2) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*, as in force immediately before the commencement of this regulation;

MSF quota period 2021 means the period ending on 31 December 2021 defined as **quota period 2021** in regulation 17(2) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*, as in force immediately before the commencement of this regulation;

quota period 2021 means the quota period in respect of the fishery that ends on 31 December 2021.

- (2) The Minister must, on or before the commencement of each quota period, determine the number of kilograms of sardines that is to be the value of a sardine unit for a sardine fishing zone and the quota period.
- (3) The Minister may impose or vary conditions on licences in respect of the fishery fixing sardine quota entitlements as follows:
 - (a) a condition may be imposed on a licence in respect of the fishery fixing a sardine quota entitlement;
 - (b) if a licence in respect of the fishery is issued to a person who formerly held a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a sardine quota entitlement, the licence may be allocated a number of sardine units in respect of a sardine fishing zone equal to the number of sardine units in respect of that sardine fishing zone that were allocated to the person's licence in respect of the Marine Scalefish Fishery immediately before—
 - (i) that licence was surrendered; or
 - (ii) that licence was varied so as to revoke a condition of the licence imposing a sardine quota entitlement,disregarding any variation of that unit entitlement during the MSF quota period 2021 made before 1 July 2021 that was expressed to apply only for the balance of that quota period;
 - (c) the conditions of a licence issued to a person who formerly held a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a sardine quota entitlement for a particular sardine fishing zone may be varied to decrease the sardine quota entitlement in respect of that zone for the quota period 2021 by up to 1 kilogram of sardines for each kilogram of sardines taken before 1 July 2021 by the holder of the licence in respect of the Marine Scalefish Fishery in respect of that sardine fishing zone during the MSF quota period 2021;

- (d) the Minister may, not more than twice during a quota period, vary the conditions of all licences in respect of the fishery so as to increase the sardine quota entitlements under the licences by the same number of units in respect of the same sardine fishing zone;
- (e) on joint application made to the Minister by the holders of any 2 licences in respect of the fishery the conditions of those licences may be varied so as to increase (by whole units or part units) the unit entitlement under 1 of the licences in respect of a particular sardine fishing zone and decrease the unit entitlement under the other licence in respect of that sardine fishing zone by a corresponding number of units (or part units);
- (f) if—
 - (i) a licence in respect of the fishery is issued to a person who formerly held a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a sardine quota entitlement; and
 - (ii) the total catch of sardines taken pursuant to that licence in respect of the Marine Scalefish Fishery during the MSF quota period 2020 was less than the sardine quota entitlement under that licence for that sardine fishing zone and that quota period,

the conditions of that person's licence in respect of the fishery may be varied so as to increase the sardine quota entitlement in respect of that sardine fishing zone for the quota period 2021 by up to 1 kilogram of sardines for each kilogram by which the catch fell short of the sardine quota entitlement for the MSF quota period 2020;

- (g) if the total catch of sardines taken by the holder of a licence in respect of the fishery during a quota period exceeded the sardine quota entitlement under the licence for that quota period—the conditions of the licence may be varied so as to decrease the sardine quota entitlement—
 - (i) if the catch exceeded the quota entitlement by not more than 15 tonnes of sardines—by 1 kilogram for each kilogram taken in excess of the sardine quota entitlement; or
 - (ii) if the catch exceeded the quota entitlement by more than 15 tonnes but not more than 30 tonnes of sardines—by 2 kilograms for each kilogram taken in excess of the sardine quota entitlement;
- (h) if—
 - (i) the holder of a licence in respect of the fishery is convicted of an offence of contravening a condition of the licence fixing a sardine quota entitlement; and
 - (ii) the conduct constituting the offence involved the taking of more than 30 tonnes of sardines in excess of the quota entitlement,

the conditions of the licence may be varied so as to decrease the sardine quota entitlement under the licence for 3 quota periods following the conviction by 1 kilogram for each kilogram taken in excess of the sardine quota entitlement for the quota period during which the offence was committed;

- (i) a variation of a quota entitlement or unit entitlement under this subregulation (other than paragraph (e) or (h)) must be expressed to apply only for the balance of the quota period during which the variation is made.

- (4) In determining whether to vary the conditions of a licence under subregulation (3)(f) so as to increase the sardine quota entitlement under the licence for a particular sardine fishing zone and the quota period 2021, the Minister must take into account—
- (a) the total catch of sardines taken by the holder of the licence in respect of the Marine Scalefish Fishery in that sardine fishing zone during the MSF quota period 2021 to 30 June 2021; and
 - (b) any increase in the sardine quota entitlement under the licence in respect of the Marine Scalefish Fishery in respect of that sardine fishing zone for the MSF quota period 2021.
- (5) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and
 - (b) be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.
- (6) The holder of a licence in respect of the fishery subject to a condition fixing a sardine quota entitlement must not take sardines under the licence while the total number of sardine units allocated to the licence is less than 100 units.

Maximum penalty: \$5 000.

Expiation fee: \$315.

10—Restriction on use of certain registered boats to take sardines

- (1) A registered boat registered for use under more than 1 licence in respect of the fishery must not be used to take sardines under more than 1 such licence at any 1 time.
- (2) If subregulation (1) is contravened, the registered owner and the registered master of the registered boat are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

11—Information to be provided when certain registered boats used to take sardines

- (1) If a registered boat is, or is to be, used under more than 1 licence in respect of the fishery to take sardines, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.
- (2) If the determination of the Minister made for the purposes of subregulation (1) is not complied with, the registered owner and registered master of the registered boat are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

12—Catch and disposal requirements

- (1) If sardines are taken from a registered boat under a licence in respect of the fishery, the holder of the licence or the registered master must comply with the following provisions:
- (a) the holder of the licence or the registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of sardines taken under the licence as determined by the Minister;

- (b) the holder of the licence or the registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the holder of the licence or the registered master must ensure that the sardines are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master of the registered boat are each guilty of an offence.
- Maximum penalty: \$5 000.
Expiation fee: \$500.
- (3) The holder of the licence must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
- Maximum penalty: \$5 000.
Expiation fee: \$315.

13—Sardines to be delivered or consigned to registered fish processor

The holder of a licence in respect of the fishery must ensure that all sardines taken under the licence are delivered or consigned to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

14—Restriction on unloading of sardines onto other boats

The registered owner or registered master of a registered boat from which sardines are taken under a licence in respect of the fishery must not cause, suffer or permit the sardines to be unloaded onto another boat unless the other boat is specified on the certificate of registration of the registered fish processor to whom the sardines are to be consigned.

Maximum penalty: \$5 000.

Expiation fee: Expiation fee \$315.

15—Periodic returns

- (1) The holder of a licence in respect of the fishery must provide the Department with such returns in the manner and form, at such times and containing such information, as determined by the Minister.
- Maximum penalty: \$5 000.
Expiation fee: \$500.
- (2) The holder of a licence in respect of the fishery must keep a record of each return that the licence holder provides to the Department under this regulation in such manner, and for such period, as determined by the Minister.
- Maximum penalty: \$5 000.
Expiation fee: \$500.

16—Provision relating to keeping of records

A person required under these regulations to keep a record for a period of time must ensure that the record—

- (a) is maintained in a good condition and is legible; and
- (b) is kept so that it is readily accessible; and
- (c) is produced for inspection by a fisheries officer on request.

Maximum penalty: \$2 500.

Expiation fee: \$210.

17—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.
- (2) A determination may—
 - (a) be of general or limited application; and
 - (b) make different provision according to the persons, things or circumstances to which it is expressed to apply.
- (3) If the Minister makes a determination for the purposes of a regulation, notice of the determination—
 - (a) must be published on the Department's website; and
 - (b) may also be published in the Gazette.
- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination.
- (6) This regulation does not apply in relation to a determination made for the purposes of regulation 9.

Schedule 1—Aquatic resources prescribed for Sardine Fishery

Australian Anchovy (*Engraulis australis*)

Maray (*Etrumeus teres*)

Australian Sardine (*Sardinops sagax*)

Blue Sprat (*Spratelloides robustus*)

Sandy Sprat (*Hyperlophus vittatus*)

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 24 June 2021

No 89 of 2021

South Australia

Fisheries Management (Vongole Fishery) Regulations 2021

under the *Fisheries Management Act 2007*

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1—Short title

These regulations may be cited as the *Fisheries Management (Vongole Fishery) Regulations 2021*.

2—Commencement

These regulations come into operation on 1 July 2021.

3—Interpretation

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

Act means the *Fisheries Management Act 2007*;

Coffin Bay vongole fishing zone means the waters of or near Coffin Bay contained within and bounded by a line commencing at the line of Mean High Water Springs closest to 34°30'36.63" South, 135°22'46.41" East (generally south-west of Farm Beach), then beginning south-westerly following the line of Mean High Water Springs to the location closest to 34°27'20.27" South, 135°13'00.86" East (Point Burgess), then south-easterly to the point of commencement, but excluding any land or waters so encompassed that lie landward of the line of Mean High Water Springs;

Corporations Act means the *Corporations Act 2001* of the Commonwealth;

current company extract means a document prepared by the Australian Securities and Investment Commission from its national database kept under the Corporations Act that contains current details of the following in relation to a company:

- (a) the name of the company;
- (b) the address of the registered office of the company;

- (c) the date of registration of the company;
- (d) the State or Territory in which the company is taken to be registered under the Corporations Act;
- (e) the company's Australian Company Number;
- (f) whether the company is a proprietary company or a public company;
- (g) the full name of each director of the company;
- (h) the full name of each secretary (if any) of the company;

Department means the administrative unit of the Public Service responsible for assisting a Minister in the administration of the Act;

fishery means the Vongole Fishery constituted by these regulations;

Marine Scalefish Fishery means the fishery of that name constituted by the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*;

Port River vongole fishing zone means the waters of or near Port Gawler contained within and bounded by a line commencing at the line of Mean High Water Springs closest to 34°40'12.21" South, 138°26'35.28" East (end of Port Gawler road), then beginning easterly following the line of Mean High Water Springs to the location closest to 34°46'58.98" South, 138°28'40.51" East, then north-westerly to the point of commencement, but excluding any land or waters so encompassed that lie landward of the line of Mean High Water Springs;

quota period—a quota period for the fishery is a period of 12 months commencing on 1 July;

unit entitlement means the number of vongole units for the time being allocated to a licence;

unit value means the number of kilograms of vongole determined by the Minister to be the value of a vongole unit for a vongole fishing zone and a quota period;

vongole means any mollusc of the genus *Katelysia*;

vongole fishing zone means—

- (a) the Coffin Bay vongole fishing zone; or
- (b) the Port River vongole fishing zone; or
- (c) the West Coast vongole fishing zone;

vongole quota entitlement or **quota entitlement**, in relation to a licence in respect of the fishery and a vongole fishing zone, means the maximum number of kilograms of vongole that may be lawfully taken by the holder of the licence in that zone during a quota period, being the product of—

- (a) the unit entitlement under that licence in respect of that zone; and
- (b) the unit value for that zone and quota period,

subject to any variation applying during that quota period;

West Coast vongole fishing zone means—

- (a) the waters of or near Smoky Bay contained within and bounded by a line commencing at the line of Mean High Water Springs closest to 32°15'48.57" South, 133°46'09.73" East (Cape D'Estrees), then beginning easterly following the line of Mean High Water Springs to the location closest to 32°23'54.30" South, 133°52'00.18" East (Cape Missiessy), then westerly to the line of Mean High Water Springs closest to 32°23'55.69" South, 133°43'09.47" East (Goalen Rocks), then north-easterly to the point of commencement, but excluding any land or waters so encompassed that lie landward of the line of Mean High Water Springs; and
 - (b) the waters of or near Streaky Bay contained within and bounded by a line commencing at the line of Mean High Water Springs closest to 32°39'22.12" South, 134°17'13.61" East (most northern point of Perlubie beach), then beginning north-easterly following the line of Mean High Water Springs to the location closest to 32°42'37.61" South, 134°05'09.00" East, then north-easterly to the point of commencement, but excluding any land or waters so encompassed that lie landward of the line of Mean High Water Springs; and
 - (c) the waters of or near Venus Bay contained within and bounded by a line commencing at the line of Mean High Water Springs closest to 33°10'19.32" South, 134°41'04.39" East (Port Kenny jetty), then beginning easterly following the line of Mean High Water Springs to the location closest to 33°13'48.63" South, 134°39'38.89" East (South Head), then northerly to the line of Mean High Water Springs closest to 33°13'31.43" South, 134°39'41.84" East (North Head), then beginning north-easterly following the line of Mean High Water Springs to the location closest to 33°10'51.19" South, 134°38'14.72" East, then north-easterly to the point of commencement, but excluding any land or waters so encompassed that lie landward of the line of Mean High Water Springs.
- (2) In these regulations, unless the contrary intention appears, **company**, **director**, **proprietary company** and **public company** have the same respective meanings as in the Corporations Act.
 - (3) In these regulations—
 - (a) all lines in spatial descriptions are geodesics based on the Geocentric Datum of Australia 2020 (**GDA2020**) as defined in the determination under section 8A of the *National Measurement Act 1960* of the Commonwealth for the recognised-value standard of measurement position, and all coordinates are expressed in terms of GDA2020;
 - (b) common and scientific fish names are given according to AS5300—2019 *Australian Fish Names Standard* published by the Fisheries Research & Development Corporation, as in force from time to time;
 - (c) a reference to the **taking of vongole** includes a reference to an act preparatory to, or involved in, the taking of vongole.

- (4) A reference in these regulations to *unit entitlement*, *vongole fishing zone* or *vongole quota entitlement* in relation to the Marine Scalefish Fishery or a licence in respect of that fishery is a reference to that term as defined in regulation 14(1) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017* as in force immediately before the commencement of these regulations.

Note—

The *Fisheries Management (Marine Scalefish Fishery) Regulations 2017* were, immediately before the commencement of these regulations, known as the *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017*.

4—Constitution of fishery

- (1) The Vongole Fishery is constituted.
- (2) The fishery consists of the taking of vongole in a vongole fishing zone.

5—Issue of licences

- (1) Subject to this regulation, the Minister may issue licences in respect of the fishery.
- (2) An application for a licence in respect of the fishery may only be made—
- (a) by a person who, immediately before 1 July 2021, held a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a vongole quota entitlement (unless the condition was imposed on the licence after the commencement of the MSF quota period 2020-2021 and was expressed to apply only during the balance of that quota period); or
- (b) by a person—
- (i) to whom a licence in respect of the fishery was transferred under these regulations; and
- (ii) who makes the application on or before the expiration of that licence held by the person (or subsequent licence held by the person in substitution for that licence).
- (3) The Minister may only grant an application for a licence in respect of the fishery to a person referred to in subregulation (2)(a) if—
- (a) the person's licence in respect of the Marine Scalefish Fishery has been varied so as to revoke a condition of the licence fixing a vongole quota entitlement on the licence; or
- (b) the person's licence in respect of the Marine Scalefish Fishery has been surrendered.
- (4) In this regulation—

Marine Scalefish Fishery means the fishery of that name constituted by the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*, as in force immediately before the commencement of this regulation;

MSF quota period 2020-2021 means the period that ended on 30 June 2021 defined as *quota period 2020-2021* in regulation 14(1) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*, as in force immediately before the commencement of this regulation.

6—Transfer of licences

- (1) Licences in respect of the fishery are transferable.

- (2) An application for consent to the transfer of a licence must be accompanied by—
 - (a) the licence to be transferred; and
 - (b) a form of return as required by regulation 15 completed by the holder of the licence up to the date of application; and
 - (c) if the transferee is a company—a current company extract relating to the transferee.
- (3) The Minister may only consent to the transfer of a licence if satisfied as to the following:
 - (a) that any fees or other amounts payable in relation to the licence under the Act have been paid in full;
 - (b) that the licence to be transferred has not been suspended;
 - (c) that no proceedings alleging an offence against the Act are pending or likely to be commenced in the State against the holder of the licence;
 - (d) if the transferee is a natural person—that the transferee is at least 15 years of age and is a fit and proper person to hold a licence in respect of the fishery;
 - (e) if the transferee is a company—that each director of the company is a fit and proper person to be a director of a company that holds a licence in respect of the fishery.

7—Registration

An application by the holder of a licence in respect of the fishery—

- (a) to register a boat or device for use under the licence; or
 - (b) to register a person as a master of a boat that may be used under the licence,
- must be accompanied by the documents specified in the application form.

8—Revocation of registration

- (1) The Minister may, on application by the holder of a licence in respect of the fishery, revoke the registration of—
 - (a) a boat or device used under the licence; or
 - (b) a person as a master of a boat that may be used under the licence.
- (2) An application for revocation of registration must—
 - (a) be made in the manner and form approved by the Minister; and
 - (b) be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the documents specified in the application form.

9—Individual vongole catch quota system

- (1) In this regulation—

Marine Scalefish Fishery means the fishery of that name constituted by the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*, as in force immediately before the commencement of this regulation;

MSF quota period 2019-2020 means the period that ended on 30 June 2020 defined as ***quota period 2019-2020*** in regulation 14(1) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*, as in force immediately before the commencement of this regulation;

MSF quota period 2020-2021 means the period that ended on 30 June 2021 defined as **quota period 2020-2021** in regulation 14(1) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*, as in force immediately before the commencement of this regulation;

quota period 2021-2022 means the quota period in respect of the fishery that ends on 30 June 2022.

- (2) The Minister must, on or before the commencement of each quota period, determine the number of kilograms of vongole that is to be the value of a vongole unit for a vongole fishing zone and a quota period.
- (3) The Minister may impose or vary conditions on licences in respect of the fishery as follows:
 - (a) a condition may be imposed on a licence in respect of the fishery fixing a vongole quota entitlement;
 - (b) if a licence in respect of the fishery is issued to a person who formerly held a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a vongole quota entitlement, the licence may be allocated a number of vongole units in respect of a vongole fishing zone equal to the number of vongole units in respect of that vongole fishing zone that were allocated to the person's licence in respect of the Marine Scalefish Fishery immediately before—
 - (i) that licence was surrendered; or
 - (ii) that licence was varied so as to revoke a condition of the licence imposing a vongole quota entitlement,disregarding any variation of that unit entitlement made during the MSF quota period 2020-2021 that applied only for the balance of that quota period;
 - (c) on joint application made to the Minister by the holders of any 2 licences in respect of the fishery the conditions of the licences may be varied so as to increase the unit entitlement under 1 of the licences in respect of a particular vongole fishing zone and decrease the unit entitlement under the other licence in respect of that vongole fishing zone by a corresponding number of units;
 - (d) on joint application made to the Minister by the holder of a licence in respect of the fishery subject to a condition fixing a vongole quota entitlement in respect of a particular vongole fishing zone (the **first licence**) and the holder of a licence in respect of the fishery not subject to a condition fixing a vongole quota entitlement in respect of that vongole fishing zone (the **second licence**)—
 - (i) the conditions of the first licence may be varied so as to decrease the unit entitlement under that licence in respect of that vongole fishing zone; and
 - (ii) a corresponding number of units may be allocated to the second licence and a condition fixing a vongole quota entitlement in respect of that vongole fishing zone may be imposed on that licence;
 - (e) if—
 - (i) a licence in respect of the fishery is issued to a person who formerly held a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a vongole quota entitlement; and
 - (ii) the total catch of vongole taken pursuant to that licence in respect of the Marine Scalefish Fishery during the MSF quota period 2019-2020 was less than the vongole quota entitlement under that licence for that vongole fishing zone and that quota period,

the conditions of that person's licence in respect of the fishery may be varied so as to increase the vongole quota entitlement in respect of that vongole fishing zone for the quota period 2021-2022 by up to 1 kilogram of vongole for each kilogram by which the catch fell short of the vongole quota entitlement for the MSF quota period 2019-2020;

- (f) if the total catch of vongole taken during a quota period by the holder of a licence in respect of the fishery exceeded the vongole quota entitlement under the licence for that quota period, the conditions of the licence may be varied so as to decrease the vongole quota entitlement—
 - (i) if the catch exceeded the quota entitlement by not more than 50 kilograms—by 1 kilogram for each kilogram taken in excess of the quota entitlement; or
 - (ii) if the catch exceeded the quota entitlement by more than 50 kilograms but not more than 250 kilograms—by 2 kilograms for each kilogram taken in excess of the quota entitlement;
 - (g) if—
 - (i) the holder of a licence in respect of the fishery is convicted of an offence of contravening a condition of the licence fixing a vongole quota entitlement; and
 - (ii) the conduct constituting the offence involved the taking of more than 250 kilograms of vongole in excess of the vongole quota entitlement,the conditions of the licence may be varied so as to decrease the vongole quota entitlement under the licence for 3 quota periods following the conviction by 1 kilogram for each kilogram taken in excess of the quota entitlement for the quota period during which the offence was committed;
 - (h) if—
 - (i) the holder of a licence in respect of the fishery has assisted in the carrying out of research work under the Act in relation to the fishery; and
 - (ii) the Minister considers that it is appropriate to compensate or reward the holder of the licence for the time spent in providing that assistance,the conditions of the licence may be varied so as to increase the vongole quota entitlement under the licence.
- (4) In determining whether to vary the conditions of a licence under subregulation (3)(e) so as to increase the vongole quota entitlement under the licence for a particular vongole fishing zone and the quota period 2021-2022, the Minister must take into account—
- (a) the total catch of vongole taken by the holder of the licence in respect of the Marine Scalefish Fishery in that vongole fishing zone during the MSF quota period 2020-2021; and
 - (b) any increase in the vongole quota entitlement under the licence in respect of the Marine Scalefish Fishery licence in respect of that vongole fishing zone for the MSF quota period 2020-2021.
- (5) If a variation of a unit entitlement is to have effect only for the balance of the quota period during which the variation is made, the variation must be expressed to have such effect.
- (6) An application to vary unit entitlements must—
- (a) be made in a manner and form approved by the Minister; and

- (b) be completed in accordance with the instructions contained in the form; and
 - (c) be accompanied by the prescribed fee.
- (7) The holder of a licence in respect of the fishery must not take vongole for a commercial purpose in a vongole fishing zone unless the licence is subject to a condition fixing a vongole quota entitlement in respect of that vongole fishing zone.

Maximum penalty: \$5 000.

Expiation fee: \$315.

10—Information to be provided

- (1) If fishing activities involving the taking of vongole under a licence in respect of the fishery are, or are to be, engaged in, the Department must be notified, in the manner and form, and at such times, as determined by the Minister, of the information specified by the Minister in the determination.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence is guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

11—Use of agents in fishing activities—licences under which boats are registered

- (1) This regulation applies only in relation to licences under which 1 or more registered boats are used to take vongole.
- (2) The holder of a licence in respect of the fishery, or the registered master of a registered boat used under such a licence, must not cause or permit a person to be engaged on the shore as an agent of the holder of the licence in the taking of vongole under the licence unless—
- (a) the holder of the licence or the registered master is at the same time also engaged on the shore in the taking of vongole; and
 - (b) the holder of the licence or the registered master (as the case may be) and the other person remain, while so engaged, within 700 metres of each other.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The holder of a licence in respect of the fishery, or the registered master of a registered boat used under such a licence, must not cause or permit more than 2 persons to be engaged at the same time on the shore as agents of the holder of the licence in the taking of vongole under the licence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

12—Use of agents in taking of vongole—licences under which no registered boats are used

- (1) This regulation applies only in relation to licences under which there are no registered boats.
- (2) The holder of a licence in respect of the fishery must not cause or permit a person to be engaged on the shore as an agent of the holder of the licence in the taking of vongole under the licence unless—
- (a) the holder of the licence is at the same time also engaged on the shore in the taking of vongole; and

- (b) the holder of the licence and the other person remain, while so engaged, within 700 metres of each other.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) The holder of a licence in respect of the fishery must not cause or permit more than 2 persons to be engaged at the same time on the shore as agents of the holder of the licence in the taking of vongole under the licence.

Maximum penalty: \$5 000.

Expiation fee: \$315.

13—Catch and disposal requirements

- (1) The holder of a licence in respect of the fishery or the registered master of a registered boat used under the licence must comply with the following provisions in respect of vongole taken under the licence:

- (a) the holder of the licence or the registered master must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the catch and disposal of vongole taken under the licence as determined by the Minister;
- (b) the holder of the licence or the registered master must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
- (c) the holder of the licence or the registered master must ensure that vongole taken under the licence are weighed, stored, placed in containers, sealed, tagged, and transported, delivered, consigned or otherwise disposed of, and accompanied by such information, in accordance with the requirements (if any) as determined by the Minister.

- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the holder of the licence and the registered master are each guilty of an offence.

Maximum penalty: \$5 000.

Expiation fee: \$500.

- (3) The holder of the licence must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$315.

14—Vongole to be delivered or consigned to registered fish processor

The holder of a licence in respect of the fishery must ensure that all vongole taken under the licence are delivered or consigned to a registered fish processor.

Maximum penalty: \$5 000.

Expiation fee: \$315.

15—Periodic returns

- (1) The holder of a licence in respect of the fishery must provide the Department with such returns in the manner and form, at such times and containing such information, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$500.

- (2) The holder of a licence in respect of the fishery must keep a record of each return that the licence holder provides to the Department under this regulation in such manner, and for such period, as determined by the Minister.

Maximum penalty: \$5 000.

Expiation fee: \$500.

16—Provision relating to keeping of records

A person required under these regulations to keep a record for a period of time must ensure that the record—

- (a) is maintained in a good condition and is legible; and
- (b) is kept so that it is readily accessible; and
- (c) is produced for inspection by a fisheries officer on request.

Maximum penalty: \$2 500.

Expiation fee: \$210.

17—Minister's determinations

- (1) The Minister may make a determination for the purposes of a regulation.
- (2) A determination may—
 - (a) be of general or limited application; and
 - (b) make different provision according to the persons, things or circumstances to which it is expressed to apply.
- (3) If the Minister makes a determination for the purposes of a regulation, notice of the determination—
 - (a) must be published on the Department's website; and
 - (b) may also be published in the Gazette.
- (4) As soon as practicable after a determination of the Minister is made, a notice in writing setting out the date on which notice of the determination is published and the terms of the determination must be given to the persons bound by the determination in a manner and form that, in the opinion of the Minister, will bring the determination to the attention of those persons.
- (5) The Minister may, by further determination, vary or revoke a determination.
- (6) This regulation does not apply in relation to a determination made for the purposes of regulation 9.

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 24 June 2021

No 90 of 2021

South Australia

Fisheries Management (Demerit Points) (Marine Scalefish Fishery Reform) Variation Regulations 2021

under the *Fisheries Management Act 2007*

Contents

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Demerit Points) (Marine Scalefish Fishery Reform) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on 1 July 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 *Fisheries Management (Demerit Points) Regulations 2017*

4—Variation of Schedule 1—Demerit point offences and demerit points

- (1) Schedule 1, Part 1, clause 2, table, entry relating to clause 29 of Schedule 6 of the *Fisheries Management (General) Regulations 2017*—delete the entry

- (2) Schedule 1, Part 2, clause 7, table—after the entry relating to regulation 15(3) of the *Fisheries Management (Fish Processors) Regulations 2017* insert:

15A(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of King George whiting, failing to provide such information to Department, or failing to comply with Minister's requirements as to records and information, or weighing, storing, placement, sealing, tagging, sale, transport, delivery, consignment etc of King George whiting purchased or obtained by, or consigned or delivered to, fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
15A(3)	<i>Failing to keep records made under subregulation (1) in relation to King George whiting as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
15B(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of snapper, failing to provide such information to Department, or failing to comply with Minister's requirements as to records and information, or weighing, storing, placement, sealing, tagging, sale, transport, delivery, consignment etc of snapper purchased or obtained by, or consigned or delivered to, fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
15B(3)	<i>Failing to keep records made under subregulation (1) in relation to snapper as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
15C(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of southern calamari, failing to provide such information to Department, or failing to comply with Minister's requirements as to records and information, or weighing, storing, placement, sealing, tagging, sale, transport, delivery, consignment etc of southern calamari purchased or obtained by, or consigned or delivered to, fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
15C(3)	<i>Failing to keep records made under subregulation (1) in relation to southern calamari as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

- | | | |
|--------|--|----|
| 15D(2) | <i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of southern garfish, failing to provide such information to Department, or failing to comply with Minister's requirements as to records and information, or weighing, storing, placement, sealing, tagging, sale, transport, delivery, consignment etc of southern garfish purchased or obtained by, or consigned or delivered to, fish processor—</i> | |
| | (a) if the offence is expiated | 15 |
| | (b) in any other case | 75 |
| 15D(3) | <i>Failing to keep records made under subregulation (1) in relation to southern garfish as determined by Minister—</i> | |
| | (a) if the offence is expiated | 10 |
| | (b) in any other case | 50 |
- (3) Schedule 1, Part 2, clause 10, table, entry relating to regulation 4(3) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete the entry
- (4) Schedule 1, Part 2, clause 10, table, entry relating to regulation 11 of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete "*in respect of a marine scalefish fishery*"
- (5) Schedule 1, Part 2, clause 10, table, entry relating to regulation 12 of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete the entry
- (6) Schedule 1, Part 2, clause 10, table, entry relating to regulation 14(7) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete the entry
- (7) Schedule 1, Part 2, clause 10, table, entry relating to regulation 17(6) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete the entry
- (8) Schedule 1, Part 2, clause 10, table, entry relating to regulation 18(1) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete "*(other than licence subject to vongole quota entitlement) taking vongole other than for purpose of bait to be used under licence, or taking on 1 day for such purpose number of vongole in excess of daily limit—*" and substitute:
- taking vongole other than for purpose of bait to be used under licence, or taking vongole on 1 day for such purpose in excess of daily limit fixed by condition of licence—*
- (9) Schedule 1, Part 2, clause 10, table, entry relating to regulation 18(6) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete the entry and substitute:
- | | | |
|-------|---|----|
| 18(6) | <i>Licence holder taking sardines other than for purpose of bait to be used under licence, or taking sardines on 1 day for such purpose in excess of daily limit fixed by condition of licence—</i> | |
| | (a) if the offence is expiated | 15 |
| | (b) in any other case— | |
| | (i) first offence | 45 |
| | (ii) second offence | 60 |
| | (iii) third or subsequent offence | 75 |

18(7)	<i>Licence holder taking King George whiting for commercial purpose without quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
18(8)	<i>Licence holder taking snapper for commercial purpose without quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
18(9)	<i>Licence holder taking southern calamari for commercial purpose without quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
18(10)	<i>Licence holder taking southern garfish for commercial purpose without quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
(10)	Schedule 1, Part 2, clause 10, table, entry relating to regulation 23(2) of the <i>Fisheries Management (Marine Scalefish Fishery) Regulations 2017</i> —delete the entry	
(11)	Schedule 1, Part 2, clause 10, table, entry relating to regulation 24(2) of the <i>Fisheries Management (Marine Scalefish Fishery) Regulations 2017</i> —delete " <i>Failing to comply with Minister's determination by failing to notify Department of certain information before fishing activities involving taking of vongole under licence subject to vongole quota entitlement—</i> " and substitute: <i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to notify Department of certain information before fishing activities involving taking of King George whiting under licence subject to King George whiting quota entitlement—</i>	

- (12) Schedule 1, Part 2, clause 10, table—after the entry relating to regulation 25(2) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017* insert:

25A(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to notify Department of certain information before fishing activities involving taking of snapper under licence subject to snapper quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
25B(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to notify Department of certain information before fishing activities involving taking of southern calamari under licence subject to southern calamari quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
25C(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to notify Department of certain information before fishing activities involving taking of southern garfish under licence subject to southern garfish quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75

- (13) Schedule 1, Part 2, clause 10, table, entry relating to regulation 26(2) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete the entry

- (14) Schedule 1, Part 2, clause 10, table, entry relating to regulation 27(6) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete the entry

- (15) Schedule 1, Part 2, clause 10, table, entry relating to regulation 28(2) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete "relevant fishing activity" and substitute:

taking pipi in the Lakes and Coorong

- (16) Schedule 1, Part 2, clause 10, table, entry relating to regulation 29(2) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete "vongole" wherever occurring and substitute in each case:

King George whiting

- (17) Schedule 1, Part 2, clause 10, table, entry relating to regulation 32(2) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete "sardines" and substitute:

snapper

- (18) Schedule 1, Part 2, clause 10, table, entry relating to regulation 32(2) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete "sardine" and substitute:

snapper

- (19) Schedule 1, Part 2, clause 10, table—after the entry relating to regulation 32(3) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017* insert:

32A(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of southern calamari taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of southern calamari taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
32A(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
32B(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of southern garfish taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of southern garfish taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
32B(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

- (20) Schedule 1, Part 2, clause 10, table, entry relating to regulation 33(1) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete "vongole" wherever occurring and substitute in each case:

King George whiting

- (21) Schedule 1, Part 2, clause 10, table, entry relating to regulation 33(2) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete "Marine Scalefish Fishery"

- (22) Schedule 1, Part 2, clause 10, table, entry relating to regulation 33(3) of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete the entry and substitute:

33(3)	<i>Licence holder failing to ensure all snapper taken under licence subject to snapper quota entitlement are delivered or consigned to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
33(4)	<i>Licence holder failing to ensure all southern calamari taken under licence subject to southern calamari quota entitlement are delivered or consigned to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
33(5)	<i>Licence holder failing to ensure all southern garfish taken under licence subject to southern garfish quota entitlement are delivered or consigned to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

- (23) Schedule 1, Part 2, clause 10, table, entry relating to regulation 34 of the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*—delete the entry

- (24) Schedule 1, Part 2, clause 17, table, entry relating to regulation 13(6) of the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*—delete the entry

- (25) Schedule 1, Part 2, clause 17, table—after the entry relating to regulation 15(6) of the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017* insert:

17E(1)	<i>Licence holder taking King George whiting for commercial purpose without King George whiting quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

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|--------|--|----|
| 17E(2) | <i>Licence holder taking snapper for commercial purpose without snapper quota entitlement—</i> | |
| | (a) if the offence is expiated | 15 |
| | (b) in any other case— | |
| | (i) first offence | 45 |
| | (ii) second offence | 60 |
| | (iii) third or subsequent offence | 75 |
| 17E(3) | <i>Licence holder taking southern calamari for commercial purpose without southern calamari quota entitlement—</i> | |
| | (a) if the offence is expiated | 15 |
| | (b) in any other case— | |
| | (i) first offence | 45 |
| | (ii) second offence | 60 |
| | (iii) third or subsequent offence | 75 |
| 17E(4) | <i>Licence holder taking southern garfish for commercial purpose without southern garfish quota entitlement—</i> | |
| | (a) if the offence is expiated | 15 |
| | (b) in any other case— | |
| | (i) first offence | 45 |
| | (ii) second offence | 60 |
| | (iii) third or subsequent offence | 75 |
- (26) Schedule 1, Part 2, clause 17, table, entry relating to regulation 18(1) of the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*—delete "*Licence holder (other than licence subject to vongole quota entitlement) taking vongole other than for the purpose of bait or taking vongole in excess of the daily limit—*" and substitute:
- Licence holder taking vongole other than for the purpose of bait to be used under licence, or taking vongole on 1 day for such purpose in excess of daily limit fixed by condition of licence—*
- (27) Schedule 1, Part 2, clause 17, table, entry relating to regulation 21(2) of the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017*—delete "*vongole*" wherever occurring and substitute in each case:
- King George whiting*
- (28) Schedule 1, Part 2, clause 17, table—after the entry relating to regulation 21(2) of the *Fisheries Management (Rock Lobster Fisheries) Regulations 2017* insert:
- | | | |
|--------|--|----|
| 21A(2) | <i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to notify Department of certain information before fishing activities involving taking of snapper under licence subject to snapper quota entitlement—</i> | |
| | (a) if the offence is expiated | 15 |
| | (b) in any other case | 75 |

21B(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to notify Department of certain information before fishing activities involving taking of southern calamari under licence subject to southern calamari quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
21C(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to notify Department of certain information before fishing activities involving taking of southern garfish under licence subject to southern garfish quota entitlement—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
(29) Schedule 1, Part 2, clause 17, table, entry relating to regulation 25(2) of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2017</i> —delete "vongole" wherever occurring and substitute in each case:		
<i>King George whiting</i>		
(30) Schedule 1, Part 2, clause 17, table—after the entry relating to regulation 25(2) of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2017</i> insert:		
25A(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of snapper taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of snapper taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
25A(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
25B(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of southern calamari taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of southern calamari taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	

	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
25B(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
25C(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of southern garfish taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of southern garfish taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
25C(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
(31)	Schedule 1, Part 2, clause 17, table, entry relating to regulation 26 of the <i>Fisheries Management (Rock Lobster Fisheries) Regulations 2017</i> —delete the entry and substitute:	
26(1)	<i>Licence holder failing to ensure all King George whiting taken under licence subject to King George whiting quota entitlement are delivered or consigned to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
26(2)	<i>Licence holder failing to ensure all snapper taken under licence subject to snapper quota entitlement are delivered or consigned to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

26(3)	<i>Licence holder failing to ensure all southern calamari taken under licence subject to southern calamari quota entitlement are delivered or consigned to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
26(4)	<i>Licence holder failing to ensure all southern garfish taken under licence subject to southern garfish quota entitlement are delivered or consigned to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75

(32) Schedule 1, Part 2—after clause 17 insert:

17A—Fisheries Management (Sardine Fishery) Regulations 2021

Regulation	Description of offence	Demerit points
9(6)	<i>Licence holder taking sardines while unit entitlement is below prescribed number—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
10(2)	<i>Being registered owner or registered master of boat registered under more than 1 licence in respect of the fishery used to take sardines under more than 1 licence at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
11(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to notify Department of certain information before boat registered under more than 1 licence in respect of the fishery is used to take sardines under such licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75

Regulation	Description of offence	Demerit points
12(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of sardines taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of sardines taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
12(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
13	<i>Licence holder failing to ensure all sardines taken under licence are delivered or consigned to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
14	<i>Licence holder or registered master causing, suffering or permitting sardines to be unloaded onto boat not specified on certificate of registration of fish processor to whom sardines are to be consigned—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
15(1)	<i>Failing to provide return to Department as determined by Minister—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
15(2)	<i>Failing to keep record of return provided to Department as determined by Minister—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50

Regulation	Description of offence	Demerit points
16	<i>Failing to keep records in good condition etc or failing to produce records for inspection by fisheries officer—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

(33) Schedule 1, Part 2—after clause 18 insert:

19—Fisheries Management (Vongole Fishery) Regulations 2021

Regulation	Description of offence	Demerit points
9(7)	<i>Licence holder taking vongole for commercial purpose in a vongole fishing zone without quota entitlement relating to that zone—</i>	
	(a) first offence	45
	(b) second offence	60
	(c) third or subsequent offence	75
10(2)	<i>Failing to comply with Minister's determination made for purposes of subregulation (1) by failing to notify Department of certain information before fishing activities involving taking of vongole under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	75
11(2)	<i>Causing or permitting agents to be engaged in taking vongole on shore when licence holder or registered master is not also so engaged etc at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
11(3)	<i>Causing or permitting more than prescribed number of agents to be engaged in taking vongole on shore at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
12(2)	<i>Causing or permitting agents to be engaged in taking vongole on shore when licence holder is not also so engaged etc at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
12(3)	<i>Causing or permitting more than prescribed number of agents to be engaged in taking vongole on shore at the same time—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50

Regulation	Description of offence	Demerit points
13(2)	<i>Licence holder or registered master failing to comply with Minister's determination made for purposes of subregulation (1) by failing to record information in respect of catch and disposal of vongole taken under licence, failing to provide such information to Department, or failing to comply with Minister's requirements as to weighing, storing, placement, sealing, tagging, transport, delivery, consignment etc of vongole taken under licence—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
13(3)	<i>Failing to keep records as determined by Minister—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50
14	<i>Licence holder failing to ensure all vongole taken under licence are delivered or consigned to registered fish processor—</i>	
	(a) if the offence is expiated	15
	(b) in any other case—	
	(i) first offence	45
	(ii) second offence	60
	(iii) third or subsequent offence	75
15(1)	<i>Failing to provide return to Department as determined by Minister—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
15(2)	<i>Failing to keep record of return provided to Department as determined by Minister—</i>	
	(a) if the offence is expiated	15
	(b) in any other case	50
16	<i>Failing to keep records in good condition etc or failing to produce records for inspection by fisheries officer—</i>	
	(a) if the offence is expiated	10
	(b) in any other case	50

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 24 June 2021

No 91 of 2021

South Australia

Fisheries Management (Blue Crab Fishery) (Marine Scalefish Fishery Reform) Variation Regulations 2021

under the *Fisheries Management Act 2007*

Contents

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- 1 Short title
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- 3 Variation provisions

Part 2—Variation of *Fisheries Management (Blue Crab Fishery) Regulations 2013*

- 4 Variation of regulation 3—Interpretation
 - 5 Variation of regulation 10—Individual blue crab catch quota system
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Blue Crab Fishery) (Marine Scalefish Fishery Reform) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on 1 July 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 *Fisheries Management (Blue Crab Fishery) Regulations 2013*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *blue crab quota entitlement* or *quota entitlement*—delete "a marine scalefish fishery" and substitute:
 - the Marine Scalefish Fishery
- (2) Regulation 3(1), definition of *marine scalefish fishery*—delete the definition and substitute:
 - Marine Scalefish Fishery* means the fishery of that name constituted by the *Fisheries Management (Marine Scalefish Fishery) Regulations 2017*;
- (3) Regulation 3(1), definition of *unit entitlement*—delete "a marine scalefish fishery" and substitute:
 - the Marine Scalefish Fishery

(4) Regulation 3(3)(b)—delete paragraph (b) and substitute:

- (b) common and scientific fish names are given according to AS5300—2019 *Australian Fish Names Standard* published by the Fisheries Research & Development Corporation, as in force from time to time;

5—Variation of regulation 10—Individual blue crab catch quota system

Regulation 10(2)—delete "a marine scalefish fishery" wherever occurring and substitute in each case:

the Marine Scalefish Fishery

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 24 June 2021

No 92 of 2021

South Australia

Fisheries Management (Fish Processors) (Marine Scalefish Fishery Reform) Variation Regulations 2021

under the *Fisheries Management Act 2007*

Contents

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Part 2—Variation of *Fisheries Management (Fish Processors) Regulations 2017*

- 4 Variation of regulation 3—Interpretation
 - 5 Insertion of regulations 15A to 15D
 - 15A Requirements relating to processing of King George whiting
 - 15B Requirements relating to processing of snapper
 - 15C Requirements relating to processing of southern calamari
 - 15D Requirements relating to processing of southern garfish
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Fish Processors) (Marine Scalefish Fishery Reform) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on 1 July 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 *Fisheries Management (Fish Processors) Regulations 2017*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3—after the definition of *giant crab* insert:

King George whiting means *Syllaginodes punctatus*;
- (2) Regulation 3—after the definition of *sardine* insert:

snapper means *Chrysophrys auratus*;
southern calamari means *Sepioteuthis australis*;
southern garfish means *Hyporhamphus melanochir*;

5—Insertion of regulations 15A to 15D

After regulation 15 insert:

15A—Requirements relating to processing of King George whiting

- (1) A registered fish processor must comply with the following provisions in respect of King George whiting purchased or obtained by, or consigned or delivered to, the fish processor:
 - (a) the fish processor must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the King George whiting as determined by the Minister;
 - (b) the registered fish processor must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the fish processor must ensure that King George whiting purchased or obtained by, or consigned or delivered to, the fish processor are—
 - (i) accompanied by such information; and
 - (ii) weighed, stored, placed in containers, sealed, tagged, and sold, transported, delivered, consigned or otherwise disposed of or dealt with, at such places and at such times, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the fish processor is guilty of an offence.

Maximum penalty: \$2 500.
Expiation fee: \$210.
- (3) The fish processor must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.

Maximum penalty: \$2 500.
Expiation fee: \$210.

15B—Requirements relating to processing of snapper

- (1) A registered fish processor must comply with the following provisions in respect of snapper purchased or obtained by, or consigned or delivered to, the fish processor:
 - (a) the fish processor must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the snapper as determined by the Minister;
 - (b) the registered fish processor must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;

- (c) the fish processor must ensure that snapper purchased or obtained by, or consigned or delivered to, the fish processor are—
 - (i) accompanied by such information; and
 - (ii) weighed, stored, placed in containers, sealed, tagged, and sold, transported, delivered, consigned or otherwise disposed of or dealt with, at such places and at such times, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the fish processor is guilty of an offence.
Maximum penalty: \$2 500.
Expiation fee: \$210.
- (3) The fish processor must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$2 500.
Expiation fee: \$210.

15C—Requirements relating to processing of southern calamari

- (1) A registered fish processor must comply with the following provisions in respect of southern calamari purchased or obtained by, or consigned or delivered to, the fish processor:
 - (a) the fish processor must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the southern calamari as determined by the Minister;
 - (b) the registered fish processor must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the fish processor must ensure that southern calamari purchased or obtained by, or consigned or delivered to, the fish processor are—
 - (i) accompanied by such information; and
 - (ii) weighed, stored, placed in containers, sealed, tagged, and sold, transported, delivered, consigned or otherwise disposed of or dealt with, at such places and at such times, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the fish processor is guilty of an offence.
Maximum penalty: \$2 500.
Expiation fee: \$210.

- (3) The fish processor must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$2 500.
Expiation fee: \$210.

15D—Requirements relating to processing of southern garfish

- (1) A registered fish processor must comply with the following provisions in respect of southern garfish purchased or obtained by, or consigned or delivered to, the fish processor:
- (a) the fish processor must, in the manner and form, at such places and at such times, as determined by the Minister, record such information in respect of the southern garfish as determined by the Minister;
 - (b) the registered fish processor must provide the information recorded under paragraph (a) to the Department in the manner and form, and at such times, as determined by the Minister;
 - (c) the fish processor must ensure that southern garfish purchased or obtained by, or consigned or delivered to, the fish processor are—
 - (i) accompanied by such information; and
 - (ii) weighed, stored, placed in containers, sealed, tagged, and sold, transported, delivered, consigned or otherwise disposed of or dealt with, at such places and at such times, in accordance with the requirements (if any) as determined by the Minister.
- (2) If a determination of the Minister made for the purposes of subregulation (1) is not complied with, the fish processor is guilty of an offence.
Maximum penalty: \$2 500.
Expiation fee: \$210.
- (3) The fish processor must keep records made under subregulation (1) in the manner, at such place, and for such period, as determined by the Minister.
Maximum penalty: \$2 500.
Expiation fee: \$210.

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 24 June 2021

No 93 of 2021

South Australia

Fisheries Management (General) (Miscellaneous) Variation Regulations 2021

under the *Fisheries Management Act 2007*

Contents

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 - 5 Variation of Schedule 6—Classes of fishing activities prescribed for purposes of section 70 of Act
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-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (General) (Miscellaneous) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on 1 July 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 *Fisheries Management (General) Regulations 2017*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *Murray Mouth*—delete the definition and substitute:

Murray Mouth means the Coorong and coastal waters within 500 metres of 35°33'30.78" South, 138°52'47.34" East;

- (2) Regulation 3(2)(b)—delete paragraph (b) and substitute:

- (b) common and scientific fish names are given according to AS5300—2019 *Australian Fish Names Standard* published by the Fisheries Research & Development Corporation, as in force from time to time;

5—Variation of Schedule 6—Classes of fishing activities prescribed for purposes of section 70 of Act

Schedule 6, Part 1, Division 6, clause 29—delete the clause

6—Variation of Schedule 7—Areas in which use of fish nets is prohibited under section 70 of Act

Schedule 7, Part 1, Murray Mouth—delete the description of the waters under the heading "Murray Mouth" and substitute:

The Coorong and coastal waters within 500 metres of 35°33'30.78" South,
138°52'47.34" East.

7—Variation of Schedule 11—Expiation fees

Schedule 11, table—delete the item relating to clause 29

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 24 June 2021

No 94 of 2021

South Australia

Fisheries Management (Lakes and Coorong Fishery) (Marine Scalefish Fishery Reform) Variation Regulations 2021

under the *Fisheries Management Act 2007*

Contents

Part 1—Preliminary

- 1 Short title
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Part 2—Variation of *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009*

- 4 Variation of regulation 3—Interpretation
 - 5 Variation of regulation 4—Constitution of fishery
 - 6 Variation of Schedule 1—Aquatic resources prescribed for Lakes and Coorong Fishery
 - 7 Variation of Schedule 2—Revocation and transitional provisions
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Lakes and Coorong Fishery) (Marine Scalefish Fishery Reform) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on 1 July 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 *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *Marine Scalefish Fishery*—delete "*Fisheries*" second occurring and substitute:

Fishery

- (2) Regulation 3(2)(c)—delete paragraph (c) and substitute:
- (c) common and scientific fish names are given according to AS5300—2019 *Australian Fish Names Standard* published by the Fisheries Research & Development Corporation, as in force from time to time.

5—Variation of regulation 4—Constitution of fishery

- (1) Regulation 4(2)(a)—after "Schedule 1" insert:
- Part 1
- (2) Regulation 4(2)(b)—delete "Razorfish (*Pinna bicolor*)" and substitute:
- aquatic resources specified in Schedule 1 Part 2

6—Variation of Schedule 1—Aquatic resources prescribed for Lakes and Coorong Fishery

- (1) Schedule 1—after the heading to Schedule 1 insert:

Part 1—Aquatic resources prescribed for the purposes of regulation 4(2)(a)

- (2) Schedule 1—delete "Vongole"
- (3) Schedule 1—delete "Australian Anchovy (*Engraulis australis*)"
- (4) Schedule 1—delete "Australian Sardine (*Sardinops sagax*)"
- (5) Schedule 1—after "Skate of all species (Class Elasmobranchii)" insert:

Part 2—Aquatic resources prescribed for the purposes of regulation 4(2)(b)

Molluscs

Razorfish (*Pinna bicolor*)

Vongole

Scalefish

Australian Anchovy (*Engraulis australis*)

Australian Sardine (*Sardinops sagax*)

7—Variation of Schedule 2—Revocation and transitional provisions

Schedule 2, clause 4—delete the clause

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 24 June 2021

No 95 of 2021

South Australia

Fisheries Management (Miscellaneous Developmental Fishery) (Marine Scalefish Fishery Reform) Variation Regulations 2021

under the *Fisheries Management Act 2007*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Fisheries Management (Miscellaneous Developmental Fishery) Regulations 2013*

- 4 Variation of regulation 3—Interpretation
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Miscellaneous Developmental Fishery) (Marine Scalefish Fishery Reform) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on 1 July 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 *Fisheries Management (Miscellaneous Developmental Fishery) Regulations 2013*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *prescribed fishery regulations*, paragraph (e)—delete "*Fisheries*" second occurring and substitute:
Fishery
- (2) Regulation 3(1), definition of *prescribed fishery regulations*—after paragraph (h) insert:
 - (i) the *Fisheries Management (Sardine Fishery) Regulations 2021*;
 - (j) the *Fisheries Management (Vongole Fishery) Regulations 2021*;

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 24 June 2021

No 96 of 2021

South Australia

Fisheries Management (Vessel Monitoring Scheme) (Sardine Fishery) Variation Regulations 2021

under the *Fisheries Management Act 2007*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Fisheries Management (Vessel Monitoring Scheme) Regulations 2017*

- 4 Variation of regulation 3—Interpretation
 - 5 Variation of regulation 4—Requirement to install VMS unit
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Fisheries Management (Vessel Monitoring Scheme) (Sardine Fishery) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on the day on which the *Fisheries Management (Sardine Fishery) Regulations 2021* come into operation.

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 *Fisheries Management (Vessel Monitoring Scheme) Regulations 2017*

4—Variation of regulation 3—Interpretation

- (1) Regulation 3(1), definition of *prescribed fishing activity*, paragraph (a)—delete paragraph (a)
- (2) Regulation 3(1), definition of *prescribed fishing activity*—after paragraph (c) insert:
 - (ca) in relation to a fishery authority in respect of the Sardine Fishery—means the taking of sardines in the Gulfs Zone and the Outside Zone for a commercial purpose;
- (3) Regulation 3(1), definition of *registered boat*, paragraph (a)—delete paragraph (a)

- (4) Regulation 3(1), definition of *registered boat*—after paragraph (c) insert:
- (ca) a registered boat used under a fishery authority in respect of the Sardine Fishery; or
- (5) Regulation 3(2)(a)—delete paragraph (a)
- (6) Regulation 3(2)—after paragraph (b) insert:
- (ba) *Gulfs Zone, Outside Zone, sardine, Sardine Fishery* and *sardine quota entitlement* have the same respective meanings as in the *Fisheries Management (Sardine Fishery) Regulations 2021*;
- (7) Regulation 3(2)—after paragraph (c) insert:
- (ca) *sardine net* has the same meaning as in the *Fisheries Management (General) Regulations 2017*;

5—Variation of regulation 4—Requirement to install VMS unit

Regulation 4(2)—delete "Marine Scalefish Fishery subject to a condition fixing a sardine quota entitlement," and substitute:

Sardine Fishery,

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 24 June 2021

No 97 of 2021

RULES OF COURT

SOUTH AUSTRALIA

Uniform Civil (No 5) Amending Rules 2021

By virtue and in pursuance of the *Supreme Court Act 1935*, the *District Court Act 1991* and the *Magistrates Court Act 1991*, and all other enabling powers, we, the Chief Justice of the Supreme Court, the Chief Judge of the District Court and the Chief Magistrate of the Magistrates Court, make the following Uniform Civil (No 5) Amending Rules 2021.

1. These Rules may be cited as the *Uniform Civil (No 5) Amending Rules 2021*.
2. The *Uniform Civil Rules 2020* are amended as set out below.
3. The amendments made by these Rules come into effect on the later of—
 - (a) 1 July 2021; or
 - (b) the date of their publication in the *Gazette*.
4. Subrule 3.1(1) is amended by inserting “or a person appearing or required to appear before the Court” after “a party”.
5. Subrule 13.4(2) is deleted and substituted as follows:
 - “(2) An application for review must be made as soon as practicable, and in any event within 7 days, after the exercise of power the subject of the application—
 - (a) if the application is an originating document—by filing a notice of review in the prescribed form referred to in rule 214.2 with the respondent shown as the Registrar.
 - (b) otherwise—by filing an interlocutory application and supporting affidavit in accordance with rule 102.1.

Notes—

An exercise, either at first instance by the Registrar or by a Magistrate, Master or Judge on review under this rule, of administrative power (as opposed to judicial power) is not subject to appeal.

An appeal against an exercise by a Registrar of the Court’s jurisdiction under Chapter 2 Part 1 (relating to the taxation of costs or enforcement of judgments) is governed by Chapter 18 Part 6 and not by this rule.”

6. Existing subrule 42.3(3) is renumbered to become 42.3(4) and a new subrule 42.3(3) is inserted as follows:
 - “(3) In the case of a person in custody or detention in a government institution—a document is served by *post service* on a person (*the recipient*) if it is sent by express post via Australia Post addressed to the prisoner, care of the Chief Executive of the Department for Correctional Services or the Department of Human Services, Youth Justice respectively.”
7. Paragraph 42.3(4)(b) is amended as follows:
 - “(b) under subrule (2)—when the recipient replies to or acknowledges receipt of the document; or”
8. A new paragraph 42.3(4)(c) is inserted after paragraph 42.3(4)(b) as follows:
 - “(c) under subrule (3)—3 business days after Australia Post’s online tracking facility records the envelope containing the document as having been delivered to the address.”
9. A new paragraph 61.8(1)(ca) is inserted after paragraph 61.8(1)(c) as follows:
 - “(ca) the applicant has served a concerns notice complying with section 12A of the *Defamation Act 2005*.”
10. Paragraph 64.2(2)(b) is amended by deleting “notice of acting or”.
11. A note is inserted after subrule 118.1(1) as follows:

Note—

In this Part an interlocutory hearing includes all hearings in a proceeding other than a trial.”
12. Subrule 133.1(3) is amended by deleting “since the institution of the proceeding”.
13. Subrule 186.1(2) is deleted and substituted as follows:
 - “(2) The Court may, if satisfied that the interests of justice so require—
 - (a) vary a judgment;
 - (b) set aside a judgment and reopen a proceeding; or
 - (c) set aside a default judgment by consent.”
14. Subrule 195.3(5) is amended by deleting “may” and substituting “will”.
15. The note in Subrule 213.1(2) relating to the *South Australian Employment Tribunal Act 2014* is amended by deleting “permission of a Judge of the Supreme Court” and substituting “permission of the Court of Appeal”.
16. Rule 215.3 is amended by deleting subrule 215.3(2) and substituting:
 - “(2) The Court may order a stay of the appeal until security is given.”

17. Rule 215.3 is further amended by inserting:
 - (a) subrule 215.3(3) after subrule 215.3(2):

“(3) The Court may vary or revoke an order for security for costs and may order further security.”
 - (b) subrule 215.3(4) after subrule 215.3(3):

“(4) If security is not given, the Court may dismiss the appeal.”
 - (c) subrule 215.3(5) after subrule 215.3(4):

“(5) If the appeal has been stayed under subrule (2) for 3 months without security having been given, the appeal is automatically dismissed for want of prosecution.”
 - (d) subrule 215.3(6) after subrule 215.3(5):

“(6) If the appeal is dismissed under subrule (4) or (5), the Court may, for special reasons, reinstate the appeal.”
18. Rule 242.1(1) is amended by deleting “bring a claim or to formulate a claim” and substituting “bring or formulate a proceeding”.
19. Paragraph 254.11(3)(b) is amended by deleting “an interested party” and substituting “a respondent”.
20. Subrule 257.8(1) is amended by inserting “by email or” after “notice of the hearing”.
21. Paragraph 269.2(1)(l) is amended by deleting “section 90 of the Trustee Act” and substituting “section 91 of the Trustee Act or under section 70 of the *Administration and Probate Act 1919*”.

In accordance with the *Supreme Court Act 1935*, the *District Court Act 1991* and the *Magistrates Court Act 1991*, and all other enabling powers, the *Uniform Civil (No 5) Amending Rules 2021* have been made—

- as rules of the Supreme Court by 3 or more Judges of the Supreme Court; and
- as rules of the District Court by the Chief Judge and 2 or more other Judges of the District Court; and
- as rules of the Magistrates Court by the Chief Magistrate and 2 or more other Magistrates,

and such rules will apply to and in relation to the Court in accordance with their terms.

Dated this 10th day of June 2021.

CHIEF JUSTICE KOURAKIS
CHIEF JUDGE EVANS
CHIEF MAGISTRATE HRIBAL

STATE GOVERNMENT INSTRUMENTS

ASSOCIATIONS INCORPORATION ACT 1985

SECTION 42(2)

Dissolution of Association

WHEREAS the CORPORATE AFFAIRS COMMISSION (the Commission) pursuant to section 42(1) of the *Associations Incorporation Act 1985* (the Act) is of the opinion that the undertaking or operations of YOUTH OPPORTUNITIES ASSOCIATION (SA) INCORPORATED (the Association) being an incorporated association under the Act are being carried on, or would more appropriately be carried on by a company limited by guarantee incorporated under the *Corporations Act 2001* (Cth) AND WHEREAS the Commission was on 11 March 2021 requested by the Association to transfer its undertaking to YOUTH OPPORTUNITIES AUSTRALIA LIMITED (Australian Company Number 651 052 881), the Commission pursuant to section 42(2) of the Act DOES HEREBY order that on 24 June 2021, the Association will be dissolved, the property of the Association becomes the property of YOUTH OPPORTUNITIES AUSTRALIA LIMITED and the rights and liabilities of the Association become the rights and liabilities of YOUTH OPPORTUNITIES AUSTRALIA LIMITED.

Given under the seal of the Commission at Adelaide.

Dated: 24 June 2021

LAUREN HILLIKER
A delegate of the Corporate Affairs Commission

AUTHORISED BETTING OPERATIONS ACT 2000

Notice Pursuant to Section 54(1)(c)

Pursuant to section 54(1)(c) of the *Authorised Betting Operations Act 2000*, I, Dini Soulio, Liquor and Gambling Commissioner, hereby declare that it is a condition of a bookmakers licence that the licensee may accept bets (not being bets made by telephone, internet or other electronic means) at the Marree Sports Club Inc's Camel Cup race, being held on 3 July 2021, or such later date to which the meeting may be adjourned.

Dated: 19 June 2021

DINI SOULIO
Liquor and Gambling Commissioner

AUTHORISED BETTING OPERATIONS ACT 2000

SECTION 4(1)(A)

GR NOTICE NO. 3 OF 2021

Approved Contingencies (Marree Sports Club Inc—Camel Cup) Notice 2021

I, Dini Soulio, Liquor and Gambling Commissioner, by this notice, approve contingencies relating to sporting or other events within Australia:

1. Citation

This notice may be cited as the Approved Contingencies (Marree Sports Club Inc—Camel Cup) Notice 2021.

2. Approval

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

3. Definitions

In this Notice—

“Event”—

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

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

“race”, with respect to horses, includes—

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

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

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

TABLE

Camel Cup race meeting conducted by or on behalf of Marree Sports Club Inc. at the Marree Racecourse on 3 July 2021 or such later date to which the meeting may be adjourned

No.	Description of Event	Prizes	Approved Contingencies
1.	A 400m qualifying race open to all	First—\$400 Second—\$200 Third—\$100	Win, place or derivative
2.	A 400m qualifying race open to all	First—\$400 Second—\$200 Third—\$100	Win, place or derivative
3.	A 400m qualifying race open to all	First—\$400 Second—\$200 Third—\$100	Win, place or derivative
4.	A 400m qualifying race open to all	First—\$400 Second—\$200 Third—\$100	Win, place or derivative
5.	A 400m qualifying race open to all	First—\$400 Second—\$200 Third—\$100	Win, place or derivative
6.	A 300m race open to all	First—\$300 Second—\$150 Third—\$100	Win, place or derivative
7.	A 250m race open to intermediate camels	First—\$300 Second—\$150 Third—\$100	Win, place or derivative
8.	A 400m race open to all first place getters of the 5 qualifying races	First—\$2,500 and trophy Second—\$1250 Third—\$600 Fourth—\$250 Fifth—\$100	Win, place or derivative
9.	A 400m race open to all second place getters of the 5 qualifying races	First—\$1,500 and plate Second—\$750 Third—\$500 Fourth—\$200 Fifth—\$100	Win, place or derivative
10.	A 200m race open to all camels	First—\$300 Second—\$150 Third—\$100	Win, place or derivative
11.	A 200m race open to those camels who haven't won an event through the day	First—\$400 Second—\$200 Third—\$100	Win, place or derivative
12.	A 1,000m race open to all	First—\$400 Second—\$200 Third—\$100	Win, place or derivative

Dated: 19 June 2021

DINI SOULIO
Liquor and Gambling Commissioner

DEVELOPMENT ACT 1993

SECTION 48

Decision by the Minister for Planning and Local Government as Delegate of the Governor

Preamble

- On 18 February 2016 notice of the Governor's decision to grant a development authorisation under Section 48 of the *Development Act 1993*, in respect of a proposal to establish and operate a golf course resort on the south eastern coast of Kangaroo Island by Programmed Turnpoint Pty Ltd, was published in the *Gazette* at p 535.
- Simultaneously, the Governor delegated his power to grant a variation to the Kangaroo Island Golf Course Resort development authorisation to the Minister for Planning pursuant to Section 48(8) of the *Development Act 1993*.
- Variations to the development authorisation were notified in the *Gazette* on 30 May 2017 at p 1956 (related to modifications to the layout of the development), on 21 March 2019 at p 904 (related to a 12 month extension of time to commence construction), on 6 June 2019 at p 1721 (related to modifications to the layout of the development), on 7 November 2019 at p 3738 (related to changes to conditions of authorisation requirements for the staging of construction) and on 2 July 2020 at p 3724 (related to a 12 month extension of time to commence construction).
- By letter dated 8 April 2021, The Cliffs Kangaroo Island Pty Ltd, being the beneficiary of the development authorisation, sought a variation to the authorisation so as to permit modifications to the layout of the development.

5. I am satisfied that the Public Environmental Report and Assessment Report prepared in relation to the proposed Major Development are appropriate and have had regard, when considering the proposed Major Development, to all relevant matters under Section 48(5).
6. For ease of reference the conditions attached to the Kangaroo Island Golf Course Resort development authorisation dated 2 July 2020 are republished in full hereunder.

Decision

Pursuant to Section 48(7a) and 48(7)(b)(ii) of the *Development Act 1993* (as it applies pursuant to reg. 11(3) of the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017*); and having due regard to the matters set out in Section 48(5) and all other relevant matters; and exercising the power of the Governor delegated by notice in the *Gazette* dated 18 February 2016 pursuant to Section 48(8), I:

- (a) vary the Kangaroo Island Links Pty Ltd Kangaroo Island Golf Course Resort development authorisation dated 2 July 2020, subject to the conditions set out below;
- (b) specify under Section 48(7)(b)(iii) all matters which are the subject of conditions herein as matters in respect of which the conditions of this authorisation may be varied or revoked, or new conditions attached; and
- (c) specify for the purposes of Section 48(11)(b) that substantial work must be commenced on site no later than 30 May 2022, failing which I may cancel this authorisation under Section 48(11).

CONSOLIDATED VERSION OF CONDITIONS OF AUTHORISATION

General

1. The proponent shall carry out the development generally in accordance with the:
 - (a) Development Application, prepared by Programmed Turnpoint Pty Ltd, dated April 2014, except as varied by the conditions listed below or to the extent that they are varied by the plans and drawings described in paragraph 1 (d-g);
 - (b) Public Environmental Report, prepared by Programmed Turnpoint Pty Ltd, dated April 2015, except as varied by the conditions listed below or to the extent that they are varied by the plans and drawings described in paragraph 1 (d-g);
 - (c) Response Document prepared by Branford Planning + Design on behalf of Programmed Turnpoint Pty Ltd, dated August 2015, except as varied by the conditions listed below or to the extent that they are varied by the plans and drawings described in paragraph 1 (d-g);
 - (d) Variation application, comprising a letter from Kangaroo Island Links Pty Ltd to the Minister for Planning, dated 26 April 2017; document titled 'Development Update—Kangaroo Island Resort, Located at Pennington Bay, Kangaroo Island South Australia' prepared by Kangaroo Island Links Pty Ltd, dated 23 February 2017; and layout plan dated 27 March 2017, except as varied by the conditions listed below or to the extent that they are varied by the plans and drawings described in paragraph 1 (e-g);
 - (e) Variation application, comprising a letter from Sinclair Brook Pty Ltd to the Department of Planning, Transport and Infrastructure, dated 5 March 2019; document titled 'The Cliffs, Kangaroo Island—Master Plan' prepared by HASSELL, dated 18 January 2019; and document titled 'The Cliffs, Kangaroo Island—Comparison Report' prepared by HASSELL, dated 28 February 2019, except as varied by the conditions listed below or to the extent that they are varied by the plans and drawings described in paragraph 1 (f-g); and
 - (f) Variation application, comprising a letter from Sinclair Brook Pty Ltd to the Department of Planning, Transport and Infrastructure, dated 9 September 2019, except as varied by the conditions listed below or to the extent that they are varied by the plans and drawings described in paragraph 1(g); and
 - (g) Variation application, comprising a letter from URPS to the Attorney General's Department, dated 8 April 2021, and attached plan dated 25/03/2021.
2. The proponent shall have completed the development within five years of the date of this authorisation, failing which the authorisation may be cancelled.
3. In accordance with Conditions 1 and 2 above, the development shall be completed in accordance with the following, failing which I may cancel the authorisation:
 - (a) Essential infrastructure works, including power and water supply to the site, shall be completed prior to any other works (excluding works related to the construction of the golf course), and be substantially commenced no later than 30 May 2022.
 - (b) Works on the golf course shall be completed prior to the commencement of any residential development on the site, excluding land division for that purpose.
 - (c) The clubhouse and tourist accommodation must be commenced within 12 months of completion of the golf course.
 - (d) All external and internal road upgrades, including intersection works and car parking areas, shall be commenced and completed prior to occupation of development on the site, and prior to commencing commercial operations.

Prior to the Commencement of Construction Works

4. The junction of Hog Bay Road and Davies Road shall be realigned to a standard that is trafficable for construction traffic and to the reasonable satisfaction of the Department of Planning, Transport and Infrastructure and the Kangaroo Island Council. A Construction Traffic Management Plan shall be prepared to the reasonable satisfaction of the Department of Planning, Transport and Infrastructure and the Kangaroo Island Council, prior to construction commencing on site.

The following information shall be submitted for further assessment and approval by the Minister for Planning, prior to the commencement of construction works:

5. Building Rules compliance, following assessment and certification by a private certifier, the Kangaroo Island Council or by a person determined by the Minister for Planning, as complying with the provisions of the Building Rules (or the Building Rules as modified according to criteria prescribed by the *Development Regulations 2008*). For the purposes of this condition 'building work' does not include plant and equipment or temporary buildings that are not permanently attached to the land (refer to relevant Advisory Notes below).
6. Final detailed plans for all structures on site and for each component of the development (including site plans, floor plans, elevations, cross-sections, rendered perspectives, final golf course layout and other relevant specifications). The final design specification for the golf course Hole 14 shall address the requirements for a 'Line of Sight Exclusion Zone' related to the White-bellied Sea Eagle, as detailed in the report titled-'Kangaroo Island Golf Resort: Threatened Species Management Plan', prepared by EBS Ecology, dated 27 March 2019.

In regard to the golf course, individual construction works plans for holes 1-4, 7-9, 12-16 and 18 and the practice putting green, prepared by a suitably qualified expert in environmental management and in consultation with the Department for Environment and Water, prior to the construction of each hole. Each work plan should identify areas of risk and specific management measures to be implemented in relation to cliff stability, sand dune erosion, threatened species, Aboriginal heritage and native vegetation protection (where relevant).

7. A Preliminary Site Investigation/Site History Report to determine whether a potentially contaminating land use has occurred on the site in the past, prepared in consultation with the Environment Protection Authority.
8. A sand drift erosion and cliff stability investigation shall be completed, in consultation with the Department for Environment and Water, and findings included into the final design of the golf course.
9. A Construction Environmental Management and Monitoring Plan (CEMMP), prepared in consultation with the Environment Protection Authority, the Department for Environment and Water and the Kangaroo Island Council. The CEMMP must incorporate measures to address (but not be limited to) the following matters:
 - (a) traffic management for the duration of demolition and construction;
 - (b) construction and works noise management to ensure compliance with the *Environment Protection (Noise) Policy 2007*;
 - (c) management of air quality (including odour and dust);
 - (d) sequencing of development (including construction timelines for works on site, as well as periods and hours of construction);
 - (e) occupational health and safety matters;
 - (f) bio-security and wash down procedures to minimise the transfer of pests and pathogens during the construction process;
 - (g) soils (including fill importation), stockpile management and prevention of soil contamination (such as from chemical use and storage, pest plants and pathogens);
 - (h) soil erosion and sediment control (including rehabilitation and stabilisation of land as construction progresses);
 - (i) stormwater management, prior to implementation of a permanent solution;
 - (j) groundwater (including prevention of groundwater contamination);
 - (k) site contamination and remediation (where required);
 - (l) Aboriginal Heritage to ensure compliance with the *Aboriginal Heritage Act 1988*;
 - (m) waste management for all waste streams and overall site clean-up;
 - (n) use and storage of chemicals, oil, construction-related hazardous substances and other materials that have the potential to contaminate the environment (including proposed emergency responses); and
 - (o) site security, fencing and safety (including the management of public access and local traffic).
10. An Integrated Water Management Plan (IWMP), prepared in consultation with the Environment Protection Authority and the Department for Environment and Water. The plan must incorporate measures and actions to address (but not be limited to) the following issues:
 - (a) a site plan identifying all water related features and infrastructure for the storage, treatment and/or reuse of potable water, stormwater, wastewater and irrigation water;
 - (b) water balance information, including the total water needs of all components of the development;
 - (c) observation wells and a water level and water quality monitoring program;
 - (d) total wastewater generation from the development (based on projected wastewater volumes per day);
 - (e) predicted greywater generation volumes and a description of how all greywater will be collected, stored and re-used on site (if greywater is to be collected separately to wastewater);
 - (f) predicted evaporative losses from water and wastewater storages;
 - (g) a description of how all wastewater will be collected, stored and re-used on site (including the capacity of the system);
 - (h) a Reclaimed Water Irrigation Management Plan, prepared in accordance with the EPA Guideline 'Wastewater Irrigation Management Plan—a Drafting Guide for Wastewater Irrigators' (June 2009);
 - (i) details of the proposed wastewater storage lagoon liners, prepared in accordance with the EPA Guideline 'Wastewater Lagoon Construction' (November 2014);
 - (j) predicted stormwater generation volumes and details of stormwater quality improvements, including the location and sizing of bio-retention swales and basins, anticipated quality improvements and details of any other proposed stormwater quality treatment features;
 - (k) management of the potential impacts from nutrient and chemical runoff from the golf course, including details regarding the management of pesticides and herbicides, in accordance with the EPA 'Guidelines for Responsible Pesticide Use' (December 2005) and the EPA 'Safe and Effective Pesticide Use: a Handbook for Commercial Spray Operators';
 - (l) control of the spread of turf grasses; and
 - (m) contingencies to address any detrimental effects, especially on local hydrology.
11. Preparation and implementation of a Cultural Heritage Management Plan for the site (including the infrastructure corridors), to be prepared in consultation with relevant Aboriginal heritage representatives, to establish protocols for the discovery of any Aboriginal sites, objects and/or remains during construction.

During Construction Works and Prior to Operation of the Development

12. All works shall be undertaken in accordance with the approved plans, drawings, specifications and other documentation provided in accordance with conditions 4 to 11 listed above.

The following information shall be submitted for further assessment and approval by the Minister for Planning a minimum of six months prior to commercial operation of the development:

13. Final plans, drawings, specifications and financial and maintenance arrangements (including Deeds of Agreement) associated with road infrastructure upgrades for the intersection of Hog Bay Road and Davies Road, prepared in consultation with the Department of Planning, Transport & Infrastructure and the Kangaroo Island Council. All works shall then be fully completed prior to commercial operation of the development.
14. Final plans, drawings, specifications and financial and maintenance arrangements (including Deeds of Agreement) associated with road infrastructure upgrades for Davies Road and Cathers Road, prepared to the reasonable satisfaction of the Kangaroo Island Council. All works shall then be fully completed prior to commercial operation of the development.

15. An Operational Environmental Management and Monitoring Plan (OEMMP), prepared in consultation with the Environment Protection Authority, the Department for Environment and Water and the Kangaroo Island Council. The OEMMP must incorporate measures to address (but not be limited to) the following matters:
 - (a) general operational noise management (such as from machinery noise), to ensure compliance with the *Environment Protection (Noise) Policy 2007*;
 - (b) a Waste Management strategy detailing the collection, storage and disposal of waste (for all waste streams) to comply with the *Environment Protection (Waste to Resources) Policy 2010*;
 - (c) wastewater collection and treatment to comply with general obligations of the *Environment Protection (Water Quality) Policy 2004*;
 - (d) traffic management associated with the preparation of events;
 - (e) noise from live and/or recorded music and public address systems for events;
 - (f) a Kangaroo and Wallaby Management Strategy (including any proposed site fencing and implementation of natural barriers);
 - (g) emergency and evacuation procedures (including a Fire Management Plan prepared in consultation with the Country Fire Service); and
 - (h) ongoing sustainability initiatives (including power, water, flora and fauna management) and details of proposed methods for ongoing monitoring and reporting.
16. A Native Vegetation Management, Rehabilitation and Revegetation Plan, prepared in consultation with the Department for Environment and Water and the Kangaroo Island Natural Resources Management Board. The plan also should include details on how weeds and pests are to be managed following commencement of operations.

During Operation of the Development

17. Operations on the site shall be undertaken in accordance with the approved plans, drawings, specifications and other documentation provided in accordance with conditions 12-16 as listed above.
18. The development/site shall be maintained in a serviceable condition and operated in an orderly manner at all times consistent with conditions of approval, to the satisfaction of the Minister for Planning.
19. Undeveloped allotments shall be maintained in a neat and tidy condition at all times, with soil surfaces stabilised to minimise erosion, to the satisfaction of the Minister for Planning.
20. Recycled water (wastewater, greywater and stormwater) must be stored separately from the main water supply storage in accordance with relevant EPA Guidelines.
21. All liquids that have the ability to cause environmental harm must be stored within a bunded compound that has a capacity of at least 120% of the volume of the largest container, in accordance with the EPA 'Bunding and Spill Management Guidelines' (2007).

ADVISORY NOTES

1. Approvals will be required for all structures on site and for each component of the development, including:
 - the resort clubhouse building and associated facilities;
 - the tourist accommodation (lodges and suites);
 - storage sheds and other storage structures;
 - the water storage dam; and
 - any land division to create certificates of title for separate allotments.

In respect of land division documentation, surveyed plans sufficient to satisfy Lands Titles Office procedure should be provided.
2. Further designs and plans (i.e. subject to separate applications to the Minister for Planning or the Development Assessment Commission, as the Governor's delegate) will be required should further development approval be sought for dwellings or additional tourist accommodation.
3. Pursuant to Development Regulation 64, the applicant is advised that the Kangaroo Island Council or private certifier conducting a Building Rules assessment must-
 - (a) provide to the Minister a certification in the form set out in Schedule 12A of the *Development Regulations 2008* in relation to the building works in question; and
 - (b) to the extent that may be relevant and appropriate-
 - (i) issue a Schedule of Essential Safety Provisions under Division 4 of Part 12; and
 - (ii) assign a classification of the building under these regulations; and
 - (iii) ensure that the appropriate levy has been paid under the *Construction Industry Training Fund Act 1993*.

Regulation 64 of the *Development Regulations 2008* provides further information about the type and quantity of all Building Rules certification documentation for Major Developments required for referral to the Minister for Planning.
4. The Kangaroo Island Council or private certifier undertaking Building Rules assessments must ensure that the assessment and certification are consistent with this development authorisation (including any Conditions or Advisory Notes that apply in relation to this development authorisation).
5. Should the applicant wish to vary the Major Development or any of the components of the Major Development, an application may be submitted, provided that the development application variation remains within the ambit of the Public Environmental Report and Assessment Report referred to in this development authorisation. If an application variation involves substantial changes to the proposal, pursuant to Section 47 of the *Development Act 1993*, the applicant may be required to prepare an amended Public Environmental Report for public inspection and purchase. An amended Assessment Report may also be required to assess any new issues not covered by the original Assessment Report and a decision made by the Governor pursuant to Section 48 of the *Development Act 1993*.
6. The applicant's CEMMP and other Plans should be prepared taking into consideration (and with explicit reference to) relevant EPA policies and guideline documents, including, but not limited to:
 - (a) the *Environment Protection (Air Quality) Policy 1994*;
 - (b) the *Environment Protection (Noise) Policy 2007*;
 - (c) the *Environment Protection (Water Quality) Policy 2003*;

- (d) the *Environment Protection (National Pollutant Inventory) Policy 2008*;
 - (e) the Standard for the Production and Use of Waste Derived Fill (if applicable) (2013);
 - (f) the Bunding and Spill Management Guidelines (2012);
 - (g) the Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry (1999);
 - (h) Handbooks for Pollution Avoidance; and
 - (i) any other legislative requirements, Guidelines and Australian Standards requiring compliance.
7. All works and activities must be undertaken in accordance with the General Environmental Duty as defined in Part 4, Section 25(1) of the *Environment Protection Act 1993* (which requires that a person must not undertake any activity, which pollutes, or may pollute; without taking all reasonable and practical measures to prevent or minimise harm to the environment), relevant Environment Protection Policies made under Part 5 of the *Environment Protection Act 1993* and other relevant publications and guidelines.
8. A site contamination consultant must be engaged to prepare the Preliminary Site Investigation Report, in accordance with Schedules A and B of the National Environment Protection (Assessment of Site Contamination) Measure 1999 (NEPM). If the report identifies that a potentially contaminating activity has occurred, an accredited Site Contamination Auditor must provide a Site Contamination Audit Report that states the site is suitable for residential use or the site does not pose unacceptable risks to human health and the environment for the proposed commercial area (e.g. short term tourist accommodation).
- Statements by site contamination consultants in relation to site contamination must be clearly qualified as to the existence of site contamination at the site by specifying the land uses that were taken into account in forming that opinion as required by Section 103ZA of the *Environment Protection Act 1993*.
9. Best practice with regard to bioretention is considered to be a design which uses the guidance contained in the Cooperative Research Centre 'Water Sensitive Cities Guidelines for Stormwater Biofiltration Systems—Summary Report' (2015), available at: www.watersensitivecities.org.au. To be effective at treating stormwater on a long term basis, it is recommended that at least 50% of the plants used for bioretention are those recommended in the Report.
10. The applicant is reminded of its obligations under the *Native Vegetation Regulations 2003* whereby any native vegetation clearance must be undertaken in accordance with a management plan that has been approved by the Native Vegetation Council that results in a significant environmental benefit on the property where the development is being undertaken, or a payment is made into the Native Vegetation Fund of an amount considered by the Native Vegetation Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by Section 21(6) of the *Native Vegetation Act 1991*, prior to any clearance occurring.
11. Kangaroos are protected under the *National Parks and Wildlife Act 1972*. South Australia has a Kangaroo Management Plan which has been approved under federal legislation, and a planning decision does not include approvals for the culling of Kangaroos, which is a separate matter to be carefully managed in consultation with the for Environment and Water and Natural Resources Kangaroo Island.
12. The applicant is reminded of its obligations under the *Aboriginal Heritage Act 1988*, whereby any 'clearance' work that may require permission to disturb, damage or destroy Aboriginal Sites, must be undertaken with the full authorisation of the Minister for Aboriginal Affairs and Reconciliation, according to Section 23 of the Act.
13. The applicant, and all agents, employees and contractors, such as construction crews, must be conversant with the provisions of the *Aboriginal Heritage Act 1988*, particularly the requirement to immediately contact the Department of Aboriginal Affairs and Reconciliation in the event that archaeological items (especially skeletal material) are uncovered during earthmoving.
14. The applicant is reminded of its obligations under the Commonwealth *Environment Protection and Biodiversity Conservation Act 1999* (EPBC Act), not to undertake any activity that could have a significant impact on any matter of National Environmental Significance, without first referring it to Commonwealth Minister for the Environment for consideration under the Act.
15. The Minister has a specific power to require testing, monitoring, auditing and reporting under Section 48C of the *Development Act 1993*.

Dated: 16 June 2021

VICKIE CHAPMAN MP
Minister for Planning and Local Government

DEVELOPMENT ACT 1993

SECTION 48(8)

Decision by the Minister for Planning and Local Government Under Delegation from the Governor

Preamble

1. On 5 June 2003, a major development declaration was made for the subdivision and development of land at Buckland Park near Virginia north of Adelaide ('the declaration'). The Minister for Urban Development and Planning ('the Minister') gave notice in the *Government Gazette* that he was of the opinion that it was appropriate for the proper assessment of the development of major environmental, social or economic importance that Section 46 of the *Development Act 1993* ('the Act') applied to any development of a kind listed in Schedule 1 of that notice in parts of the State listed in Schedule 2 of that notice.
2. The declaration was varied by notice in the *Government Gazette* on 4 January 2007 to, amongst other things, expand the major development declaration.
3. A proposal from Walker Corporation Pty Ltd ('the proponent') to develop a substantial staged residential and commercial development at Buckland Park was the subject of a development application lodged in May 2007 ('the major development').
4. The declaration was varied again by notice in the *Government Gazette* on 12 June 2008 to include additional land parcels within the major development declaration.
5. The major development was the subject of an Environmental Impact Statement ('EIS'), which was completed and put on public display on 19 September 2007, and an Assessment Report was produced, and was assessed in accordance with Section 46 and Section 46B of the Act. By notice in the *Government Gazette* on 4 February 2010, the Governor:
 - (a) granted provisional development authorisation subject to conditions (in Part B of the notice), with specified reserved matters (in Part A of the notice), for the following components:
 - (i) land division, creating 8 superlots which include the 5 residential land division stages, employment lands, recreation/water management and transport infrastructure areas shown in plans 19000p01-r3, r5 and r6, 5 November 2009 (Fyfe Engineers Surveyors);

- (ii) Precinct 1 land division (Superlot 1 under the land division application) which comprised 614 residential allotments, a school site, display centre and shopping/community centre over 62.23 hectares;
 - (iii) proposed partial closure of Legoe Road under Part 7A (Section 34C(2)(a)(ii)) of the *Roads (Opening and Closing) Act 1991* (to take effect on a day to be fixed by subsequent order of the Governor or Minister published in the *Gazette*);
 - (iv) construction of a Neighbourhood Centre as set out in the detailed drawings; and
 - (v) construction of a display village as detailed by the proponent (The display village is now to be under the authority of the council for decision making).
- (b) specified the period up until 1 February 2012 (subsequently amended) as the time within which substantial work must be commenced on site, failing which the Governor may cancel the authorisation.
- Future Precincts (Beyond 1 and 2) of the major development (3-5) will be determined when detailed land division applications are lodged. The object of this decision notice is a decision on:
- (i) new Superlot plan
 - (ii) Precinct 2 Land Division
 - (iii) Precinct 2C Land division
 - (iv) Road Closure of part of Buckland Park Road (on 18 December 2017).
6. The proponent requested in the past (and was granted) modifications to the provisional development authorisation to allow more practicality in implementing the proposal and satisfying the reserved matters and conditions of the authorisation. In summary, the matters related to:
- (a) the requirement for a scheme description;
 - (b) affordable housing requirements
 - (c) the requirement for a construction environment management and monitoring plan (CEMMP);
 - (d) signage associated with the proposed neighbourhood centre; and
 - (e) various elements of the Schedule of Commitments.
7. In response to the request, by notice in the *Government Gazette* on 21 October 2010, the Minister (under delegation) varied the provisional development authorisation by:
- (a) removing specified reserved matters entirely from the authorisation;
 - (b) revoking and varying specified conditions;
 - (c) attaching new conditions;
 - (d) reserving remaining specific matters for further assessment;
 - (e) specifying that the reserved matters must be completed by 31 October 2011 (which was achieved); and
 - (f) specifying the period up until 31 October 2013 (subsequently extended) as the time within which substantial work must be commenced on site, failing which the Governor may cancel the authorisation.
8. On 23 December 2010 a Development Plan Amendment ('DPA') was authorised by the Minister which provides policy guidance for the residential, commercial and other uses of Buckland Park as expressed in the provisional development authorisation for the major development.
9. The proponent requested further modifications to satisfy the reserved matters related to employment of a Community Worker (d) (4) (letter dated 8 November 2010), provision of power through an electricity provider (d) (9) (letter dated 8 November 2010), negotiation with DECS/Virginia Primary School on the need for demountable class rooms (d) (11) (letter dated 10 November 2010) and liaison with the City of Playford in relation to provisions of library services (d) (6) (letter dated 2 December 2010). By notice in the *Government Gazette* on 10 March 2011, the Presiding Member of the Development Assessment Commission (DAC) (under delegation) varied the provisional development authorisation by:
- (a) moving reserved matters (d) (4) and (d) (9) to conditions; and
 - (b) removing reserved matters (d) (6) and (d) (11) entirely from the provisional development authorisation as they were assessed as having been satisfied.
10. The proponent requested further modifications on 28 February 2011 (as altered by a letter dated 11 July 2011) for an amended land division plan for Stage 1 (including a further 5 sub stages). The number of allotments was reduced from 614 to 609 (for the entire Precinct 1), with an increase in open space of 7.4 hectares. The road hierarchy and lot layout was also amended following discussions with the City of Playford and other agencies. A request to increase the number of display homes from 32 to 45 was also dated 11 March 2011 (approval for display homes was subsequently removed and is now under the authority of the council). By notice in the *Government Gazette* on 15 September 2011, the Presiding Member of the Development Assessment Commission (under delegation) varied the provisional development authorisation by:
- (a) moving the following from reserved matters to conditions:
 - (i) draft Residential Guidelines and Encumbrance [reserved matter (a) from Schedule 1] (letter dated 11 April 2011);
 - (ii) provision of an Affordable Housing Plan, in relation to the land division for Stage 1 [reserved matter (b) from Schedule 1] (letter dated 15 April 2011);
 - (iii) Community Bus timetabling and staffing (Playford Council) [reserved matter D3] (letter dated 1 June 2011);
 - (iv) agreement for water services (SA Water) [reserved matter D6] (letter dated 8 November 2010);
 - (v) agreement for gas services (APA) [reserved matter D7] (letter dated 21 June 2011);
 - (vi) proponent to prepare a Recreation Facilities Strategy for Stage 1 in collaboration with the City of Playford's Buckland Park Project Control Group [reserved matter D4] (letter dated 6 July 2011); and
 - (vii) final design drawings for the signalised intersection of Legoe Road with Port Wakefield Road to the satisfaction of Department for Transport, Energy and Infrastructure ('DTEI') [reserved matter D1] (letter from DTEI to proponent dated 29 June 2011).

- (b) removing the following reserved matter entirely from the provisional development authorisation as it was assessed as having been satisfied:
- (i) a reconfigured land division plan to create a 40m buffer between the SA Potato grower's horticultural activity (on the southern side of Precinct 1 land division) and the outer boundary of the subdivision area [reserved matter (c)] (Amended Precinct 1 plan was submitted by proponent on 28 February 2011);
 - (ii) attaching a new reserved matter requiring the proponent to prepare a concept design of the ultimate grade separated intersection with Legoe Road and Port Wakefield Road (D9); and
 - (iii) granting an extension of time until 31 December 2011 (later satisfied) to satisfy the remaining reserved matters (D2, D5 and D8) (in response to a request by letter dated 5 August 2011).
11. By notice in the *Government Gazette* on 22 December 2011, the Presiding Member of the DAC (under delegation) varied the development authorisation (no longer a provisional development authorisation as all reserved matters were deemed to be satisfied or moved to conditions) by moving the following reserved matters to conditions:
- (a) reserved matter D(2) regarding emergency access and D(8) regarding the flood access plan for Port Wakefield Road (letter from proponent dated 15 November 2011 approved by the relevant authorities) were deemed to be satisfied and made conditions;
 - (b) reserved matter D(5) regarding maintenance schedules and handover and defects liability periods was deemed to be satisfied (letters received from the proponent and the City of Playford dated 16 August 2011) and made a condition (included in the landscape and engineering designs information);
 - (c) reserved matter D(9) (letter from proponent dated 7 December 2011) regarding the grade separated intersection of Legoe Road and Port Wakefield Road was approved by DTEI (minute of 8 December 2011 from Director, Road Transport Policy and Planning of DTEI to Director, Planning and Assessment at DPLG) was deemed to be satisfied and made a condition; and
 - (d) reserved matters (e), (f) and (g) regarding building rules assessment and display village design were removed as reserved matters and made conditions to provide consistency with other recent prior decisions under Section 48 of the Act.
12. In response to a request by the proponent (letters dated 15 December 2011 and 3 July 2012), by notice in the *Government Gazette* on 24 January 2013, I (under delegation) varied the development authorisation by:
- (a) removing the obligation to provide recycled water (purple pipes) to individual homes (letter dated 13 July 2012 Section 4 only, with attached letters from SA Water dated 14 May 2012 and email dated 7 November 2012 (specifying that the removal of the obligation shall be limited to individual homes only), a letter from the City of Playford dated 21 November 2012 and an email dated 26 November 2012); and
 - (b) delaying the obligation to handover the substation site to ETSA Utilities (now known as SA Power Networks) from prior to electrification of Precinct 1 to December 2017 (letter dated 30 September 2015 from Walker Corporation).
13. In response to a request by the proponent, by notice in the *Government Gazette* on 23 December 2013, the Governor varied the development authorisation to:
- (a) provide a permanent pump station, temporary tanks for the storage of waste water for up to 350 allotments (in Precinct 1) and associated infrastructure to be located within the proposed 'Precinct 2C 5' of the Superlot area (letter and report dated 2 May 2013); and
 - (b) provide an allotment for the proposed pump station and holding tanks within the proposed 'Precinct 2C 5' (application for land division (292/D079/12) dated 17 October 2012)—('the proposed amended major development').
14. In response to a request by the proponent by notice in the *Government Gazette* on 5 March 2015 for Precinct 1 Report dated August 2013 Revision B by Walker Corporation was varied amending:
- (a) Land Division and residential mix;
 - (b) Neighbourhood centre location/design and timing (temporary to permanent);
 - (c) Display village location; (subsequently removed from the decision notice), and
 - (d) Primary School location.
15. The proponent also requested (and was granted) the removal of the need for separate (DAC) approval of the display village as the City of Playford has authority to make decisions on dwellings at Buckland Park and is able to make decisions about the display homes. The following would be removed from the existing decision notice:
- (a) Paragraph 1(a) delete the wording "Display Village";
 - (b) Remove listed drawing titled 'Precinct 1 Display Plan';
 - (c) Removal of conditions 47 and 48; and
 - (d) Amendment of Part B, note 1(a) to remove the reference to display village.
- This was approved in the decision notice of 3 July 2014.
16. The proponent also requested (letter of 17 December 2014) further minor amendment of Precinct 1. The proposed changes were to its sequencing of stages. Some lots increased in size and some medium density lots were removed, resulting in a reduction of total lots from 556 to 525.
17. There have also been 2 minor road alignment changes.
18. Modified plans were also provided and have replaced 5 existing approved plans and were approved by the Presiding Member of DAC on 5 March 2015.
19. The proponent submitted an Amendment to the EIS in November 2014 with an associated report which was advertised for public comment on 11 March 2015 until 27 March 2015 for a period of three weeks. No public comments were received. The Amendment to the EIS was also circulated to the City of Playford and to relevant Government agencies. An amendment to the Assessment Report has also been prepared for the Governor. A revised approval which provided for Stages 2 and 2C was approved by the Governor on 16 February 2017.
20. The Development Application and associated Land Division applications (which have been submitted via EDALA) are for:
- (a) An amended Superlot Plan
 - (b) Land Division plan for Precinct 2 (including stages within it) (DA 292/D027/15)
 - (c) Land Division for Precinct 2C (DA 292/D018/15)

- (d) Notification of Road Closure for the northern (unmade) part of Buckland Road (18 December 2017)
 - (e) Extension of time for 'substantial commencement' of the intersection with Port Wakefield Road for two years from 31 October 2015 to 31 October 2017.
21. In response to a request by the proponent on 13 September 2017, the Minister (under delegation) granted a one year extension of time to 31 October 2018 to substantially commence the development.
 22. On 10 October 2017 the proponent requested a further variation of the development authorisation to further extend the time by which the development must be substantially commenced and the Minister has agreed to vary the development authorisation in response to that request in the following respects:
 - (a) extend the time within which substantial work must be commenced on the site by a further three years until 31 October 2021;
 - (b) removing from the authorisation the definition of "substantial commencement"; and
 - (c) expressly requiring completion to the satisfaction of the Commissioner for Highways of the signalised intersection at the junction of Port Wakefield Road and Legoe Road prior to lodgement with the Lands Titles Office of a Plan of Division creating new residential allotments for Precinct 1, 2 or 2C, other than a Plan of Division creating allotments for the sole purpose of the Display Village as approved in Precinct 1.
 23. On 14 May 2020 the proponent requested a further variation of the development authorisation to provide for minor amendments to the land division for Precinct 1 and 2C. The proposed amendments comprise adjustment to lot boundaries to incorporate more lots of approximately 300m². The reduction in some allotment sizes result in an increase in the total number of lots in Precinct 1 (from 525 to 552). In Precinct 2C, the reduced allotment sizes result in a larger area of open space and reduced allotment number (from 45 to 44). The staging labels have also been amended in that Precinct 2C is now Stage 6 of Precinct 1. The State Commission Assessment Panel has agreed to vary the development authorisation in response to that request.
 24. On 4 March 2021, the proponent requested a variation of the development authorisation to provide for minor amendments to the land division for Precinct 1. The proposed amendments comprise provisions of a new local road within Stage 3, and adjustment of boundaries in Stages 2 and 3 to vary the allotment mix and incorporate an additional lot into Stage 2. The request also sought to increase the total number of allotments within the Display Village from 32 to 33. The State Commission Assessment Panel has agreed to vary the development authorisation in response to that request.
 25. More than five years have elapsed since the Environmental Impact Statement was completed and put on public display. As required by Section 48(4) of the Act, it has been reviewed to see if it should be amended under Section 47 and an amendment was found to be necessary. This amendment was put on public display for a period of three weeks in November 2014, no submissions were received. I am satisfied, for the purposes of Section 48B of the Act, that the proposed amended major development (and associated documents) is within the ambit of the Environmental Impact Statement and Assessment Report (or as amended) as originally prepared under Division 2 of Part 4 of the Act.
 26. I am satisfied that an appropriate EIS and Assessment Report that encompass the proposed amended major development have previously been prepared (in accordance with Section 46B, Division 2 of Part 4 of the Act) and the amended documents required under Section 47 and as required by Section 48(3)(b) of the Act, and have had regard, when considering the proposed amended major development, to all relevant matters under Section 48(5) of the Act.
 27. I have decided to grant development authorisation to the proposed amended major development under Section 48 (7)(a) of the Act, subject to conditions as provided for in Section 48(7) of the Act, as well as 48(2)(b)(i).
 28. For ease of reference I have reproduced the development authorisation in its entirety herein. A revised time to commence substantial works on the site of the development has been included and must be undertaken by 31 October 2021.

Decision

Pursuant to Section 48 of the Act, I, and having regard to the matters set out in Section 48(5) and all other relevant matters, I:

- (a) grant a development authorisation to the proposed amended major development under Section 48(7)(a) subject to the conditions set out in Part A below;
- (b) specify all matters relating to this development authorisation as matters in respect of which conditions of this authorisation may be varied, revoked, or new conditions attached; and
- (c) specify for the purposes of Section 48(11)(b) the period up until 31 October 2021 as the time within which substantial work must be commenced on site, failing which I may cancel this authorisation.

PART A: CONDITIONS OF DEVELOPMENT AUTHORISATION

1. Except where minor amendments may be required by other legislation, or conditions imposed herein, the major development shall be undertaken in strict accordance with the following documents:
 - (a) Development Application from the proponent dated May 2007 (except to the extent that it may be varied by a subsequent document in this paragraph);
 - (b) Buckland Park Environmental Impact Statement and Appendices dated March 2009 the proponent (except to the extent that it may be varied by a subsequent document in this paragraph);
 - (c) Buckland Park Response Document and Appendices dated October 2009 the proponent (except to the extent that it may be varied by a subsequent document in this paragraph);
 - (d) Letter dated 10 November 2009 from the proponent—Additional information on Sea Level Rise;
 - (e) Letter dated 10 November 2009 from the proponent—Additional information on Access during a Flood Event;
 - (f) Letter dated 12 November 2009 from the proponent—Redesigned illustrations of the Superlot Proposal for the Master Plan;
 - (g) Letter dated 17 November 2009 from the proponent—Additional Information on Mosquitoes;
 - (h) Letter dated 18 November 2009 from the proponent—Schedule of Infrastructure; updated on 13 July 2015
 - (i) Letter dated 24 November 2009 from the proponent—Additional Information on Flood and Stormwater;
 - (j) Drawing Numbers specified below provided in consolidated maps dated 9 November 2009 Cover sheet Revision 3;
 - (k) Letter dated 17 December 2009 setting out the details of the 'Display Homes' in the display village;
 - (l) Assessment Report prepared by the Minister for Urban Development and Planning dated January 2010;
 - (m) Letter dated 1 March 2010 Re Provisional Approval February 2010.
 - (n) Letter dated 19 July 2010 from the proponent Reserved Matter (d) (6) re Water provision/SA Water;

- (o) Letter dated 8 November 2010 from the proponent Reserved Matter d (6) re Water and wastewater provision;
- (p) Letter dated 8 November 2010 from the proponent—Reserved Matter (d) (9) Electricity provision;
- (q) Letter dated 8 November 2010 from the proponent Reserved Matter (d) (4) Community Worker;
- (r) Letter dated 22 November 2010 from the proponent—wording of OEMMP condition;
- (s) Letter dated 2 December 2010 from the proponent—Reserved Matter (d) (6) Library Services;
- (t) Letter dated 10 November 2010 from the proponent—Reserved Matter (d) (11) DECS/Virginia Primary;
- (u) Letter dated 28 February from the proponent description of proposed modifications including Stage 1 (later amended in letter from 11 July 2011);
- (v) Letter dated 11 March 2011 from the proponent proposed modifications to Display home numbers to 45;
- (w) Letter dated 11 April 2011 from the proponent Reserved Matter (a) Draft Residential guidelines and draft encumbrance document;
- (x) Letter dated 15 April 2011 from the proponent—Reserved Matter (b) Affordable Housing;
- (y) Letter dated 1 June 2011 from the proponent—Reserved Matter (d) (3) Community Bus;
- (z) Letter dated 21 June 2011 from the proponent Reserved Matter (d) (7) provision of gas;
- (aa) Letter dated 29 June 2011 from DTEI—Reserved matter (d) (1);
- (bb) Letter dated 6 July 2011 from the proponent—Reserved Matter (d) (4) Recreational Strategy;
- (cc) Letter dated 1 July 2011 from the proponent—Amended Superlot plan with grade separation intersection land allowance;
- (dd) Letter dated 11 July 2011 from the proponent with final Land Division plans;
- (ee) Letter dated 5 August 2011 from the proponent for time extension on completion of reserve matters to 21 December 2011;
- (ff) Letter dated 16 August 2011 from the proponent re (d) (5) landscaping maintenance schedules and handover and defects liability periods (including Report from Swanbury and Penglase August 2011, Ref 10127, Rev E);
- (gg) Letter dated 6 September 2011 from City of Playford re (d) (5);
- (hh) Letter dated 15 November 2011 from the proponent re reserved matter (d) (2) (second emergency access);
- (ii) Letter dated 15 November 2011 from the proponent re reserved matter (d) (8) (Flood access plan);
- (jj) Minute from Director Transport Policy and Planning DTEI to Director Planning and Assessment DPLG dated 10 November 2011, re (d) (8) (Flood access plan);
- (kk) Letter dated 7 December 2011 from the proponent re reserved matter (d) (9) (ultimate grade separated intersection);
- (ll) Minute from Director Transport Policy and Planning DTEI to Director Planning and Assessment dated 8 December 2011 Re (d) (9) ultimate grade separated intersection;
- (mm) Letter from the proponent of 5 December 2011 for extension of time for completion of the Port Wakefield Road intersection from 31 October 2013 to 31 October 2014;
- (nn) Letter from the proponent of 13 July 2012, sections 4 and 5 only with attached letters from SA Water (14 May 2012) and ETSA;
- (oo) Email from the proponent on 7 November 2012 relating to the use of recycled water to individual homes;
- (pp) Letter from City of Playford re removal of Purple Pipes obligation dated 21 November 2012;
- (qq) Email from City of Playford ‘clarification of Council correspondence re Recycled Water Infrastructure for Buckland Park’ dated 26 November 2012;
- (rr) Letter from EPA dated 24 July 2012 commenting on separation distances for proposed WWMF;
- (ss) Letter from the proponent of 3 May 2013 and the attached ‘Development Application for a Waste Water Management Facility’;
- (tt) Email from Department of Health and Ageing (Tony Farror) dated 31 March 2013;
- (uu) Letter from the City of Playford dated 21 June 2013;
- (vv) Land Division application 292/D079/12 dated 17 October 2012.
- (ww) Application to amend Buckland Park Authorisation, Precinct 1 dated August 2013(Revision B);
- (xx) Letter from the City of Playford dated 25 October 2013;
- (yy) Letter from the proponent regarding Precinct 1 amendment dated 4 November 2013;
- (zz) Email from the proponent to DPTI 12 May 2014; and
- (aaa) Letter from the proponent regarding Precinct 2 and 2C dated 17 December 2014.
- (bbb) Letter from the proponent dated 25 March 2015 for an extension of time for the intersection with Port Wakefield Road
- (ccc) Letter from the proponent dated 30 September 2015 defer need for SAPN sub-station land until December 2017
- (ddd) Buckland Park (Riverlea) Development Application/Amendment to the EIS for Superlot (staging) amendment. Precinct 2 Land Division and Road closure, from the proponent dated November 2014;
- (eee) Buckland Park (Riverlea) Development Application, Stage 2C Land Division dated February 2015;
- (fff) Land Division Application 292/D027/15 dated February 2015 with amended plans, Precinct 2;
- (ggg) Land Division Application 292/D018/15 dated 2 February 2015, Stage 2C;
- (hhh) Letter to DPTI from the proponent, requesting time extension for ‘substantial commencement’ from 31/10/15 to 31/10/17, dated 25 March 2015.
- (iii) Letter to DPTI dated 14 September 2015 from the City of Playford concerning the closure of Buckland Road on 18 December 2015 (amended via email to 18 December 2017)
- (jjj) Email from the proponent dated 29 September 2015 and endorsement by the City of Playford on wording for provision of commercial/community service for Precinct 2.

- (kkk) Letter from the proponent dated 13 September 2017 for an extension of time for ‘substantial commencement’ from 31 October 2017 to 31 October 2017.
- (lll) Letter dated 10 October 2017 requesting extension of time to substantially commence the development.
- (mmm) Letter from the proponent dated 14 May 2020 requesting minor amendments to the land division for Precinct 1, Stages 1-5 and Stage 6 (previously Precinct 2C).
- (nnn) Letter from the proponent dated 3 March 2021 requesting minor amendments to the land division for Stages 2 and 3 of Precinct 1, and an increase in the number of Display Village allotments to 33.

DRAWINGS

REF	REV	AUTHOR	TITLE	DATE
2108183A-SK-019	F	Parsons Brinckerhoff	Buckland Park proposed interchange	With letter of 7 December 2011
A056410	Issue C	Alexander Symonds	Superlot concept Plan Division Sheets 1-3	10 August 2015

PRECINCT 1

20A2439.01-5	Rev V	Walker Corporation & Alexander Symonds	Proposed Plan of Division—Riverlea Precinct 1, Stages 1 to 5—Sheets 1-6	11 January 2021
20A2439LM	Rev P	Walker Corporation & Alexander Symonds	Precinct 1 Residential Allotment Mix Modification	12 January 2021
20A2439PC1	Rev K	Walker Corporation & Alexander Symonds	Precinct 1 Residential Pedestrian and cycling network Modification	12 January 2021
20A2439FC21	Rev K	Walker Corporation & Alexander Symonds	Precinct 1 Residential Special Fencing Control Modification	12 January 2021
20A2439AH1	Rev K	Walker Corporation & Alexander Symonds	Precinct 1 Affordable housing Modification	12 January 2021
ARO1.01 Precinct 1	Rev B	Walker Corporation	Residential Land Use	4 November 2013

PRECINCT 2

AO35613PC	Rev B	Walker Corporation & Alexander Symonds	Precinct 2 Pedestrian and cycling Network 1 of 2	22 July 2015
AO35613PC	Rev B	Walker Corporation & Alexander Symonds	Precinct 2 Pedestrian and cycling Network 2 of 2	22 July 2015
AO35613FC	Rev B	Walker Corporation & Alexander Symonds	Precinct 2 Special Fencing Control 1 of 2	22 July 2015
AO35613FC	Rev B	Walker Corporation & Alexander Symonds	Precinct 2 Fencing Control 2 of 2	22 July 2015
AO 35613LM	Rev B	Walker Corporation & Alexander Symonds	Precinct 2 Affordable Housing Modification (410 allotments) 1 of 2	22 July 2015
AO35613LM	Rev B	Walker Corporation & Alexander Symonds	Precinct 2 Affordable Housing Modification (410 allotments) 2 of 2	
AO35613LM	Rev B	Walker Corporation & Alexander Symonds	Residential Allotment Mix 1 of 2	22 July 2015
AO35613LM	Rev B	Walker Corporation & Alexander Symonds	Residential Allotment Mix 2 of 2	22 July 2015
AO35613LM	Rev B	Walker Corporation & Alexander Symonds	Residential Allotment Mix modification 1 of 2	22 July 2015
AO35613Prop	D	Walker Corporation & Alexander Symonds	Sheet Index	22 July 2015
AO35613PROP	D	Walker Corporation & Alexander Symonds	Sheets 1 to 13	22 July 2015

PRECINCT 1, STAGE 6

A56410PROP6(E)	Rev D	Walker Corporation & Alexander Symonds	Residential allotment plan	14 April 2020
A056410LM6	Rev E	Walker Corporation & Alexander Symonds	Residential allotment mix	15 May 2020
A056410FC6	Rev E	Walker Corporation & Alexander Symonds	Special Fencing Control	15 May 2020
A056410PC6	Rev B	Walker Corporation & Alexander Symonds	Pedestrian and Cycling Network	15 May 2020
A056410AH6	Rev E	Walker Corporation & Alexander Symonds	Affordable Housing Modification (7 allotments)	15 May 2020

PRECINCT 1**NEIGHBOURHOOD CENTRE**

2. A Traffic Management Plan for the Neighbourhood Centre and Display Village shall be submitted to the City of Playford for approval prior to the issue of a Building Rules certification for its construction. The Plan should include:
 - designs for vehicle circulation, manoeuvring and loading areas.
 - loading and unloading facilities for commercial vehicles which mitigate potential conflicts with other traffic and pedestrians, and which are located to mitigate visual impacts.
 - connections between the Neighbourhood Centres and associated facilities, considering the Playford Development Plan, the potential to share parking between various facilities, pedestrians and bike access, and availability of bus services.
3. The layout of parking areas for the Neighbourhood centre shall meet the Australian/New Zealand Standard 2890.1:2004, Parking Facilities—Off-street car parking and line markings and Australian Standard 2890.2-2002 Parking Facilities—off-street commercial vehicle facilities (including service areas).
4. Access and egress from the car parking areas of the Neighbourhood centre shall be designed in accordance with the Australian/New Zealand Standard 2890.1 2004, Parking Facilities, Part 1 off street car parking.
5. All car parking areas, driveways and vehicle manoeuvring areas for the neighbourhood centre shall be properly maintained at all times.
6. Any traffic control devices shall be designed and constructed in accordance with the main standard of the Manual of Uniform Traffic Control Devices—AS 1742.
7. Lighting shall be provided within the car parking area of the Neighbourhood Centre including the open space/park/playground and land division in accordance with: street lighting and lighting for outdoor car parks AS/NZS; lighting for roads and public spaces, in particular, lighting for outdoor car parks AS/NZS.
8. Access and egress from the car parking areas of the Neighbourhood centre shall be designed in accordance with the Australian/New Zealand Standards for Commercial vehicles 2890.2.
9. Detailed architectural and landscape plans for the Neighbourhood Centre and associated buildings shall be submitted to the City of Playford for approval prior to issue of a Building Rules certification for its construction. The plans shall include:
 - an articulated and high quality architectural statement to Riverlea Boulevard.
 - community space.
 - the incorporation of building plant located on the roof into contained area that is not openly visible.
 - water play and playground details.
 - landscaped areas and pedestrian routes.
10. Proponent to commit to employment of a community worker after discussions with the City of Playford on the role and employment conditions of the worker.

ENGINEERING DESIGN

11. Stormwater Management Plan for stage 1 (Precinct 1) be negotiated with City of Playford, the Environment Protection Agency (EPA) and the Department of Environment, Water and Natural Resources and to the satisfaction of the State Commission Assessment Panel (SCAP) (as delegate of the Minister).
12. Water-sensitive urban design measures and practices shall be adopted for the management of run-off, including stormwater capture and reuse.
13. Proponent to prepare water storage treatment and re-use system within Precinct 1 for Council approval.
14. Final detailed design of the lake shall be submitted to Council for approval.
15. A Management Agreement shall be entered into with the Council regarding the lake's construction, operation, maintenance and handover to Council. It shall include the following provisions:
 - establishment of an on-going lake management working party comprising Council and proponent representatives;
 - dual connections to the lake to allow interaction between each water supply;
 - discharge of all stormwater runoff from the Neighbourhood Centre into the lake;
 - establishment of a water quality testing regime;
 - annual reporting of maintenance and management costs to the working party;
 - Walker will manage and maintain the lake for a period of 10 years;
 - at the commencement of management of Year 9, Proponent and Council will conduct a practical completion walk-over and Walker will provide Council with a dilapidation report which describes the asset wear of the lake. The parameters of the dilapidation report will be agreed by Council prior to its preparation;
 - at the completion of management Year 10, Walker and Council will conduct a final Completion walk over; and
 - at the time of handover to Council the lake must be supplied with water from a renewable source (WRSV or ASR system).
16. The proponent will prepare a revised landscape strategy for Precinct 1, which will:
 - set desired character;
 - set urban design objectives;
 - set design themes and principles;
 - nominate street tree themes;
 - design pedestrian paths and cycle ways (including provision for bicycle parking);

- include Management plans for landscape items; and
 - include the already agreed maintenance schedules, handover and defects liability periods provided in the Swanbury and Penglase Report of August 2011, Ref 10127, Rev E.
17. The Precinct 1 landscape strategy will be reviewed in conjunction with the City of Playford to ensure consistency with the amended Precinct 1 plans (subsequently completed).
 18. A signalised intersection at the junction of Port Wakefield Road/Legoe Road must be provided by the proponent to the satisfaction of Department of Planning, Transport and Infrastructure (DPTI) and approved by the SCAP on behalf of the Minister.
 19. Detailed design of local roads to be constructed and commissioned in accordance with City of Playford specifications and to the City of Playford's approval.
 20. Road Typologies for Precinct 1 shall be reviewed and collated within a separate road typology document for the approval of the City of Playford.
 21. Any traffic control devices for residential areas shall be designed and constructed in accordance with the main standard of the Manual of Uniform Traffic Control Devices—AS 1742.
 22. Engineering construction plans for roads, drainage and footpaths and intersections to the satisfaction of the City of Playford.
 23. Any Traffic control devices for the commercial and industrial areas shall be designed and constructed in accordance with the main standard of the Manual of Uniform Traffic Control Devices—AS 1742.
 24. Cut and fill batters required for road works shall be in accordance with the requirements of the Engineering Design Guidelines of the City of Playford.
 25. Proponent to enter into an agreement with an electricity provider for the provision of required upgrades.
 26. Final Design drawings for the signalised intersection of Legoe Road with Port Wakefield Road to the satisfaction of the Department of Planning, Transport and Infrastructure.
 27. Proponent to enter into an agreement with a licensed water entity for all water and wastewater requirements for Stage 1 (Precinct 1) (where appropriate).
 28. Detailed design of the lake feature in Precinct 1 is subject to agreement by the City of Playford.
 29. The detailed design for the Neighbourhood Centre (including architectural elements, community space, open space areas, traffic movement and car parking) is subject to agreement by the City of Playford and the SCAP.

WASTE WATER MANAGEMENT FACILITY FOR STAGE 1 (WWMF)

Noise

30. The plant building to be constructed of:
 - (a) 200mm block walls or 100mm precast concrete walls.
 - (b) Metal deck roof (eg. colour bond or equivalent).
31. No natural ventilation or un-attenuated louvers in the building enclosure Double Solid Core door with compression acoustic seals (a metal roller door is not recommended).
32. Ventilation system (air inlet and air outlet) with sound power level not exceeding 77dBA re 10-12W.
33. The generator to be located on the western side of the plant building (shielded from the eastern and south eastern residences) and housed in an acoustic attenuator so its total sound power is less than 85dBA. The location of the generator is critical and must be on the western side of the building.
34. Sewer pumps to be located within the plant building.

Road access

35. The temporary roadway is proposed to follow the Right of Way outlined in Land Division 292/D079/12 which aligns with the creation of a public road as identified within approved Stage 1 subdivision plans referenced in the this Gazette Notice.
36. Prior to construction, indicative design detail for the temporary roadway must be submitted to the Council for review. The design of the roadway should include:
 - appropriate capture and disposal of stormwater runoff;
 - appropriate signage is considered for the junction of the temporary roadway to Riverlea Boulevard;
 - proposed maintenance requirements are outlined to ensure the integrity of the temporary roadway is monitored and replaced when necessary; and
 - a management plan for decommissioning the temporary roadway is prepared, so as to ensure that temporary road material is removed from site prior to construction of the final roadway.
37. Final design detail for the construction of the road way as a public road will be required to be submitted to Council prior to construction.

Management Plans

38. A Facility Management Plan must be prepared in conjunction with SA Water, the system operator and Walker Corporation prior to the Facility's commissioning.

Bunding of Storage Tanks

39. The wastewater storage tanks to be installed with a banded compound. This must be designed to meet the requirements of the EPA guideline Bunding and Spill Management (2007).

Odour Management

40. Prior to the operation of the WWMF, an odour monitoring plan for the operation of the pump station and storage tanks must be prepared to the reasonable satisfaction of the EPA and must be implemented as per the plan details.
41. Prior to the operation of the WWMF, a management plan for the operation of the bi-filtration bed fitted to the vacuum pump station must be prepared to the reasonable satisfaction of the EPA and must be implemented at all times during the operation of the pump station.

Future Uses

42. It is noted that the temporary storage tanks for the WWMF will be sited within a future residential area (both roadways and allotments). As such, upon decommissioning of the storage tanks a site contamination audit should be undertaken to ensure that this area is suitable for future residential development.
43. If development is delayed, adequate measures should be in place to ensure management and maintenance of the facility by the proponent.

LAND DIVISION FOR WWMF

44. While this allotment may be required to be created as part of the initial construction works for the site, if the required infrastructure is not installed, the proposed allotment should not be utilised for any future residential purposes.
45. SA Water Corporation advise that all internal piping that crosses the allotment boundaries must be severed or redirected at the developers/owners cost to ensure that the pipework relating to each allotment is contained within its boundaries.

RESIDENTIAL DEVELOPMENT

46. Residential Guidelines and an Encumbrance document incorporating all details as per the Response Document shall be provided for any Community titled and Torrens Titled allotments.
47. Proponent to review and implement the agreed (with Council) Recreation Facilities Strategy (May 2010) for Stage 1 (Precinct 1) as required.

PRIOR TO COMMENCEMENT OF CONSTRUCTION WORK

48. A Construction Environment Monitoring and Management Plan for Stage 1 is completed to the satisfaction of the EPA and the SCAP on behalf of the Minister.
49. Operational Environment Monitoring and Management Plans for the Neighbourhood Centre are completed to the satisfaction of the EPA and the SCAP on behalf of the Minister.
50. Compliance with the Building Rules in relation to the Neighbourhood Centre of the Major Development for Stage 1 (Precinct 1) prior to construction.

DURING CONSTRUCTION

51. Normal operating hours for construction activities and construction truck movements to and from the site shall be from 7am to 7pm. Monday to Saturday inclusive.
52. Stockpiled soils shall be suitably managed to control dust emissions, erosion and weed infestation.
53. Undeveloped allotments shall be maintained in a neat and tidy condition, with soil surfaces stabilised to minimise erosion.

PRIOR TO REGISTRATION OF NEW ALLOTMENTS

54. The Proponent must not lodge with the Lands Titles Office a Plan of Division for the creation of new residential allotments under this development authorisation until the following requirements have been fully satisfied:
 - (a) enter into a legally binding agreement with the Minister for Human Services or his delegate dedicating a portion of the total Stage 1 residential allotments to the provision of affordable housing such that 15 per cent of the total residential development will meet the 'affordable housing criteria' as determined by the Minister by notice in the *South Australian Government Gazette* on October 2009 as amended by further notice from time to time;
 - (b) provide a Plan, developed to the satisfaction of the Director, Affordable Housing and Asset Renewal SA, for Stage 1 of the development showing the proposed location of the 15 per cent of dwellings that will meet the affordable housing criteria; and
 - (c) subject to sub-paragraphs (d) and (e) below, complete construction of a signalised intersection at the junction of Port Wakefield Road/Legoe Road to the satisfaction of Department of Planning, Transport and Infrastructure and approved by the State Commission Assessment Panel on behalf of the Minister.
 - (d) Sub-paragraph (c) above does not apply to a Plan of Division for the creation of allotments for the sole purpose of a Display Village comprising a total of no more than 33 single dwelling residential allotments as approved under this authorisation as part of Precinct 1 of the development. The proponent shall submit to the Minister prior to obtaining development authorisation for the Display Village Plan of Division, a copy of the proposed Plan of Division.
 - (e) Sub-paragraph (c) does not apply to a further Plan of Division for the first 145 residential allotments as approved under this authorisation as part of Precinct 1 of the development if construction of a signalised intersection at the junction of Port Wakefield Road/Legoe Road has reached at least the 'Port Wakefield Road northbound carriageways and junction—Install Asphalt to underside wearing course' project milestone as per the approved construction program, to the satisfaction of Department of Infrastructure and Transport. In the event that delay to construction completion occurs, temporary traffic management arrangements will be provided by the proponent to ensure all necessary movements are managed safely to the satisfaction of the Department of Infrastructure and Transport.
55. The proponent shall provide 2 copies of certified surveyed plans for Stage 1, which satisfy compliance with section 51 and the subsequent issue of Certificates of Title.
56. Landscaping and streetscaping of the common areas of the site shall commence prior to the issuing of the Certificates of Title for Stage 1 of the land division, and when established shall be maintained in good health and condition at all times. A plant shall be replaced if and when it dies or becomes seriously diseased. A weed control plan shall also be implemented.

57. That the acoustic barriers and fencing surrounding the open space and along any boulevards shall be treated with a suitable anti-graffiti coating to facilitate easy removal of graffiti.
58. The proponent to provide accurate projections of resident populations to allow Department of Health to plan for local and regional health services prior to the registration of the first residential allotment, and thereafter at 12 month intervals.
59. Final agreement between the City of Playford and the proponent for the provision, timetabling and staffing of the community bus to be provided by the proponent as per the Infrastructure Schedule in the supporting information provided by the proponent in November 2009 (updated in 2015).

DURING THE NEIGHBOURHOOD CENTRE'S OPERATION

60. All car parking areas, driveways and vehicle manoeuvring areas for the neighbourhood centre shall be properly maintained at all times.
61. Waste disposal vehicles and general delivery vehicles shall only service the Neighbourhood Centre development between the hours of 7am and 7pm Monday to Saturday inclusive, and shall only load or unload within the confines of the subject land.
62. The waste and any general storage areas of the Neighbourhood Centre buildings and car parking areas shall be kept in a neat, tidy, safe, healthy condition, contained and hidden from view at all times.

'SUBSTANTIAL COMMENCEMENT'

The development to which this development authorisation relates must be commenced by substantial work on the site of the development by 31 October 2021, failing which I may cancel the development authorisation.

PRECINCT 2 AND PRECINCT 1, STAGE 6 (previously Precinct 2C)

63. No allotments within Precinct 2 shall have section 51 granted until such time as:
 - (a) 50% of Precinct 1 (including Stage 6) have been completed with section 51 approval; and
 - (b) commitments for a community space and worker, bus service and convenience shopping are fulfilled.

Engineering Design

64. A Stormwater Management Plan for Precinct 2 be negotiated with the Council, the EPA and DEWNR, to the satisfaction of the SCAP as delegate of the Minister prior to commencement of work on Precinct 2.
65. Water sensitive urban design measures and practices shall be adopted for the management of run-off, including stormwater capture and reuse.
66. The proponent to prepare water storage treatment and re-use system within Precinct 2 (public reserves and areas) for Council approval.
67. The Precinct 2 and Precinct 1, Stage 6 landscape strategy will follow the guidelines set out in the 'Riverlea Landscape Master Plan Report'. This report guides the establishment and ongoing management of the public realm landscapes and includes the following aspects:
 - set desired character;
 - set urban design objectives;
 - set design themes and principles;
 - nominate street tree themes;
 - design pedestrian paths and cycle ways (including provision for bicycle parking);
 - include management plans for landscape items; and
 - include agreed maintenance schedules, handover and defects liability periods with the Council
68. All public roads within the development will be local roads under the care and control of the Council.
69. Road typologies for Precinct 2 and Precinct 1, Stage 6 will be consolidated into the (by then) existing road typologies for Precinct 1, to the satisfaction of the Council.
70. Any traffic control devices for residential areas shall be designed and constructed in accordance with the main standard of the Manual of Uniform traffic Control devices _ AS 1742.
71. Engineering construction plans for roads, drainage and footpaths and intersections to the satisfaction of the Council.
72. Cut and fill batters required for road works shall be in accordance with the requirements of the Engineering and Design Guidelines for the Council.
73. Proponent to enter into an agreement with a licensed water entity for all water and wastewater requirements for Precinct 2 (Precinct 1, Stage 6 will initially be serviced via the approved WWMF for the first 350 allotments).
74. Detailed design for the open space areas is subject to agreement by the Council.
75. Subject to Section 34B of the *Roads (Opening and Closing) Act 1991*, Buckland Road between Legoe Road and the Gawler River will be closed on 19 December 2016 (as agreed with the Council) and the relevant plans will be lodged with the Surveyor General within 3 months of this closure.

Residential Development

76. Residential Guidelines and an Encumbrance document incorporating all details as per the (original) Response Document shall be provided for any Community Titled and Torrens Titled allotments.
77. Proponent to provide and implement an agreed Recreation Facilities Strategy in agreement with the Council as required.

Prior to Construction Work

78. A Construction Environment Monitoring and Management Plan (CEMMP) for Precinct 2 and Precinct 1, Stage 6 must be completed to the satisfaction of the EPA and SCAP on behalf of the Minister before construction commences (see notes for content of CEMMP)
79. An Operational Environment and Monitoring Management Plan (OEMMP) including the following and considering the suggested inclusions in the 'Notes' section attached:
 - A Mosquito Management Plan (in consultation with the Department of Health)
 - An approved significant Environmental Benefit SEB plan are to be completed for Precincts 2 and Precinct 1, Stage 6 and to the satisfaction of the EPA and SCAP.

During Construction

80. Normal operating hours for the construction activities and construction work movements to and from the site shall be from 7am to 7pm Monday to Saturday inclusive.
81. Stockpiled soils shall be suitably managed to control dust emissions, erosion and weed infestation.
82. Undeveloped allotments shall be left in a neat and tidy condition, with soil surfaces stabilised to minimise erosion.

Prior to Registration of New Allotments

83. The Proponent must:

- (a) Enter into a legally binding agreement with the Minister for Planning or his delegate dedicating a portion of the total Precinct 2 and Precinct 1, Stage 6 residential allotments to the provision of affordable housing such that 15% of the total residential development will meet the 'affordable housing criteria' as determined by the Minister by notice in the *South Australian Government Gazette* on October 2009 as amended by notice from time to time;
 - (b) Provide a Plan developed to the satisfaction of the Director Affordable Housing and Asset Strategy within Renewal SA, for Precinct 2 and Precinct 1, Stage 6 showing the proposed location of the 15% of dwellings that will meet the affordable housing criteria; and
 - (c) subject to sub-paragraph (d) below, complete construction of a signalised intersection at the junction of Port Wakefield Road/Legoe Road to the satisfaction of Department of Planning, Transport and Infrastructure and approved by the State Commission Assessment Panel on behalf of the Minister.
 - (d) Sub-paragraph (c) above does not apply to a Plan of Division for the creation of allotments for the sole purpose of a Display Village comprising a total of no more than 33 single dwelling residential allotments as approved under this authorisation as part of Precinct 1 of the development. The proponent shall submit to the Minister prior to obtaining development authorisation for the Display Village Plan of Division, a copy of the proposed Plan of Division.
84. The proponent must provide 2 copies of certified survey plans for Precinct 2 and Precinct 1, Stage 6, which satisfy compliance with section 51 and the subsequent issue of Certificates of Title.
85. Landscaping and streetscaping of the common areas of the site shall commence prior to issuing of the Certificates of Title for Precinct 2 and Precinct 1, Stage 6 and when established shall be maintained in good health and condition at all times. A plant shall be replaced if and when it dies or becomes seriously diseased. A weed control plan shall also be implemented.
86. That any fencing surrounding the open space and along any boulevards shall be treated with a suitable anti-graffiti coating to facilitate easy removal of graffiti.
87. Proponent to provide accurate projections of resident populations to the Department of Health to plan for local and regional health services at 12 month intervals.

‘SUBSTANTIAL COMMENCEMENT’

The development to which this development authorisation relates (Precinct 1 phase) must be commenced by substantial work on the site of the development by 31 October 2021, failing which the Governor may cancel the development authorisation.

PART B: NOTES TO PROPONENT

1. The following is advised to the proponent:

(a) **Building Rules**

The proponent must obtain a Building Rules assessment and certification from either the Council or a private certifier (at the proponent's option) and forward to the Minister all relevant certification documents as outlined in Regulation 64 of the *Development Regulations 2008* in relation to the building works for the Neighbourhood Centre; and

Pursuant to Development Regulation 64, the proponent is especially advised that the Council or private certifier conducting a Building Rules assessment must:

- provide to the Minister for Planning a certification in the form set out in Schedule 12A of the *Development Regulations 2008* in relation to the building works in question; and
- to the extent that may be relevant and appropriate:
 - (i) issue a Schedule of Essential Safety Provisions under Division 4 of Part 12;
 - (ii) assign a classification of the buildings under these regulations; and
 - (iii) ensure that the appropriate levy has been paid under the Construction Industry Training Fund 1993.

Regulation 64 of the *Development Regulations 2008* provides further information about the type and quantity of all Building Rules certification documentation for major developments required for referral to the Minister for Planning. The City of Playford or private certifier undertaking Building Rules assessments must ensure that the assessment and certification are consistent with the provisional development authorisation (including its Conditions and Notes).

(b) **A Construction, Environmental Management and Monitoring Plan covering preconstruction and construction phases.**

A Construction Environmental Management and Monitoring Plan (CEMMP) covering both pre-construction and construction phases shall be prepared in consultation with the EPA, before its submission to the State Commission Assessment Panel on behalf of the Minister. The CEMMP shall include the following:

- reference to, and methods of adherence to, all relevant EPA policies and codes of practice for construction sites, including the inclusion of a copy of Schedule 1 of the *Environment Protection Act 1993* as an Appendix to the Construction Environmental Management and Monitoring Plan to ensure contractors are aware of EPA requirements;
- address management issues during construction and including a site audit (or as required by EPA);
- timing, staging and methodology of the construction process and working hours (refer also to conditions outlining working hours);
- a risk assessment relating to the potential impacts of construction activities;
- traffic management strategies during construction, including transport beyond the development site;
- management of infrastructure services during construction;
- control and management of construction noise, vibration, dust and mud;
- stormwater and groundwater management during construction;
- control and management of any floodwater risk across the site;
- identification and management of contaminated soils and groundwater, should these be encountered;
- site security, fencing and safety and management of impacts on local amenity for residents, traffic and pedestrians;
- disposal of construction waste, any hazardous waste and refuse in an appropriate manner according to the nature of the waste; and
- protection and cleaning of roads and pathways as appropriate; and
- overall site cleanup.

The CEMMP should be prepared taking into consideration, and with explicit reference to, relevant EPA policies and guideline documents, including the Environment Protection (Noise) Policy 2007.

(c) **Operational Environment Management Plan**

The Operational Environment Management Plan would need to be prepared the commercial components, to the reasonable satisfaction of the EPA, the Department of Environment, Water and Natural Resources and the Council, prior to construction commencing, for approval by the SCAP on behalf of the Minister.

2. The proponent is advised that noise emissions from the Neighbourhood centre and residential (display village) development will be subject to the *Environment Protection (Noise) Policy 2007* and the *Environment Protection Act 1993*.
3. If the development is not substantially commenced by 31 October 2021, the Governor may cancel this development authorisation.
4. The proponent is advised of the General Environmental Duty under Section 25 of the *Environment Protection Act 1993*, which provides that a person must not undertake any activity, which pollutes, or may pollute, without taking all reasonable and practical measures to prevent or minimise harm to the environment.
5. The proponent is advised of the requirement to comply with the EPA's 'Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry' during demolition and construction of the development.
6. The proponent is advised that the *Development Act 1993* outlines the roles and responsibilities of the applicant and the Council for matters relating to building works during and after construction of the neighbourhood centre and associated works.
7. Partial closure of Legoe Road under Part 7A (Section 34C(2)(a)(ii)) of the *Roads (Opening and Closing) Act 1991* as described in drawing number 19000PO2—r5 Issue 5—Sheets 1-4 to take effect on a day to be fixed by subsequent order of the Governor or Minister published in the *Gazette*, once surveyed Land Division plans have been submitted and alternate physical access is provided to all affected allotments.
8. Section 51 of the *Development Act 1993* will apply to the land division in that the proponent will need to satisfy the requirements of this Section in order to implement this land division, including completion of the signalised intersection at the junction of Port Wakefield Road/Legoe Road.
9. This approval does not include any approval for dwellings as it is not part of this application.
10. This approval does not include any approval for signs (as defined as 'Development' under the *Development Act 1993*) as it is not part of this application.
11. The provisions of the *Food Act 2001*, and associated food regulations apply.
12. Any Sanitation units installed in the Neighbourhood Centre will be installed as per the requirements of the *Public and Environmental Health Act (1987)*.
13. That provision shall be made for secure storage of shopping trolleys within the neighbourhood complex at night to the reasonable satisfaction of the City of Playford.
14. In addition to the Building Code of Australia, the proponent must comply with the *Commonwealth Disability Discrimination Act 1992*, in planning access for the disabled.
15. The main standard for traffic control devices is the Manual of Uniform Traffic Control Devices—AS 1742. There are many standards under AS 1742 covering the various traffic control devices that may need to be referred to.
16. As per Schedule 8, Item 23, *Development Regulations 2008*, and the *Affordable Housing Act 2007* for the proposal to include 15 per cent affordable housing.
17. The proponent should note that they and their contractors must comply with the requirements of the *Aboriginal Heritage Act 1988*.
18. The proponent should note that they and their contractors must comply with the *Adelaide Dolphin Sanctuary Act 2005* and the general duty of care under that Act.
19. Proponent to undertake vegetation surveys and to complete a Significant Environmental Benefit (SEB) with attached Vegetation Management Plans to the satisfaction of the Department of Environment, Water and Natural Resources for Stages 2-5 where native vegetation exists on the site (there is no native vegetation in Stage 1).
20. Approval for further Road closures under the *Roads (Opening and Closing Act) 1991*, will be required in future stages of the development and will proceed through the normal (Council) process in relation to this matter.
- 20A. The proponent must take all reasonable and practicable measures to prevent odour impacts at sensitive receivers (in the form of environmental nuisance) from all odour sources including the pump stations, storage tanks and the effluent transfer and transport.
- 20B. The management plan for the biofiltration bed associated with the WWMF should include how aspects of the biofiltration such as moisture control, microbial efficiency, condition and maintenance will be monitored and managed.
21. The Minister has a specific power to require testing, monitoring and auditing under Section 48C of the Act.

Given under my hand at Adelaide, 16 June 2021.

REBECCA RUTSHACK
Deputy Presiding Member
State Commission Assessment Panel

ENVIRONMENT PROTECTION ACT 1993

South Australia

Environment Protection (Waste to Resources) Policy Amendment Notice 2021

under section 32 of the *Environment Protection Act 1993*

Part 1—Preliminary

1—Short title

This notice may be cited as the *Environment Protection (Waste to Resources) Policy Amendment Notice 2021*.

2—Commencement

The amendment of the environment protection policy effected by this notice comes into operation on 1 December 2021, immediately after the amendment of the environment protection policy effected by the *Environment Protection (Waste to Resources) Policy (Waste Depot Levy) Amendment Notice 2021* comes into operation.

3—Amendment provisions

In this notice, a provision under a heading referring to the amendment of a specified environment protection policy under the *Environment Protection Act 1993* amends the environment protection policy so specified.

Part 2—Amendment of *Environment Protection (Waste to Resources) Policy 2010*

4—Amendment of clause 4—Certain material declared not to be waste

Clause 4(3)—after the definition of *landfill depot* insert:

operational use has the same meaning as in regulation 68A(1) of the *Environment Protection Regulations 2009*.

Made by the Minister for Environment and Water

On 31 May 2021

ESSENTIAL SERVICES COMMISSION ACT 2002

Electricity Transmission Code

Notice is hereby given that:

1. Pursuant to section 28(2) of the *Essential Services Commission Act 2002*, the Essential Services Commission has varied the Electricity Transmission Code (designated as TC/09.4) to apply to the electricity industry, a regulated industry under the *Electricity Act 1996*.
2. The Electricity Transmission Code, as varied, will take effect on and from 24 June 2021.
3. The variations were required to remove the Leigh Creek Coal exit point from the Electricity Transmission Code, to clarify the notification requirements in relation to unplanned interruptions and to make minor editorials.
4. A copy of the Electricity Transmission Code may be inspected or obtained from the Essential Services Commission, Level 1, 151 Pirie Street, Adelaide and is also available at www.escosa.sa.gov.au.
5. Queries in relation to the variation to the Electricity Transmission Code may be directed to the Essential Services Commission, Level 1, 151 Pirie Street, Adelaide. Telephone (08) 8463 4444, free call 1800 633 592 or email escosa@escosa.sa.gov.au.

Execution:

The Electricity Transmission Code was executed by the Chief Executive Officer of the Essential Services Commission with due authority on 22 June 2021.

A. WILSON
Chief Executive Officer
Authorised Signatory
Essential Services Commission

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Exemption Number: ME9903159

Take notice that pursuant to section 115 of the *Fisheries Management Act 2007*, the employees of the Department for Environment and Water (DEW) listed in Schedule 1 (the 'exemption holder') and their nominated agents are exempt from sections 70 of the *Fisheries Management Act 2007* and regulation 5 and clauses 4, 39 (a), 40 and 41 of Schedule 6 of the *Fisheries Management (General) Regulations 2017* but only insofar as the exemption holder is permitted in the areas specified in Schedule 2, to undertake the activities described in Schedule 3, subject to the conditions set out in Schedule 4 from 17 June 2021 until 16 June 2022, unless varied or revoked earlier.

SCHEDULE 1

- Executive Director, National Parks and Wildlife Service, Department for Environment and Water
- Director, Regional Operations, Department for Environment and Water

SCHEDULE 2

Waters of the state.

SCHEDULE 3

The setting of a fish net with dimensions not greater than 150m by 3m if used by an unlicensed person, or not greater than the dimensions listed in Part 1 Schedule 6 of the *Fisheries Management (General) Regulations 2017* if used by a licenced person with a commercial fishing licence endorsed with a haul net, to capture aquatic mammals and marine turtles as required for the proper administration of the *National Parks and Wildlife Act 1972* consistent with DEW's Marine Mammal Intervention Policy (Ref: DEWNR 97/14/002).

SCHEDULE 4

1. All mammals and marine turtles captured during the exempted activity must be released back into the water where they were captured as soon as practicable and may not be retained.
2. The exemption holder or their nominated agents must take all reasonable steps to minimise the extent of injury, damage, or harm to all captured aquatic animals when undertaking the activity.
3. The nominated agents of the exemption holder are:
 - Wardens appointed under the *National Parks and Wildlife Act 1972*;
 - A licence holder or a registered master of a Marine Scalefish Fishery licence endorsed with a haul net who is authorised to capture aquatic animals under the *National Parks and Wildlife Act 1972*;
 - Persons who are registered volunteers of DEW; or
 - Persons employed in the administrative unit of the Department of Primary Industries and Regions (PIRSA) who are substantively employed in the Aquatic Sciences division of the South Australian Research and Development Institute (SARDI) 2 Hamra Avenue, West Beach 5024 who are authorised to capture aquatic animals under the *National Parks and Wildlife Act 1972*.
4. Nominated agents of the exemption holder that are not Wardens appointed under the *National Parks and Wildlife Act 1972*, must be under the direct supervision of a Warden appointed under the *National Parks and Wildlife Act 1972* who is working pursuant to a permit issued for the purpose of administration of that Act.
5. Before undertaking the exempted activity pursuant to this notice, the exemption holder or their nominated agents must contact PIRSA FISHWATCH on 1800 065 522 and answer a series of questions about the exempted activity. The exemption holder or their nominated agents will need to have a copy of the exemption at the time of making the call and be able to provide information about the area and time of the exempted activity, the vehicles and/or boats involved and other related questions.
6. While engaging in the exempted activity, the exemption holder or their nominated agents must be in possession of a copy of this notice. Such notice must be produced to a Fisheries Officer if requested.
7. The exemption holder or their nominated agents must not contravene or fail to comply with the *Fisheries Management Act 2007* or any regulations made under that Act, except where specifically exempted by this notice.

This notice does not purport to override the provisions or operation of any other Act including but not limited to the *Adelaide Dolphin Sanctuary Act 2005* or the *Marine Parks Act 2007*.

Dated: 16 June 2021

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

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Exemption Number: ME9903161

Take notice that pursuant to section 115 of the *Fisheries Management Act 2007*, I Professor Gavin Begg, Executive Director Fisheries and Aquaculture, delegate of the Minister for Primary Industries and Regional Development, hereby declare the holder of a fishery licence in respect of the Marine Scalefish Fishery, subject to a condition fixing a sardine quota entitlement or under which a sardine net was registered immediately before 1 July 2021, are exempt from the provisions of section 54(1)(c) of the *Fisheries Management Act 2007* but only insofar as they may make an application for a new fishery licence authorising the take of sardines without the prescribed application fee during the period 24 June 2021 until 31 July 2021 unless varied or revoked earlier.

Dated: 22 June 2021

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

FISHERIES MANAGEMENT ACT 2007

SECTION 115

Exemption Number: ME9903162

Take notice that pursuant to section 115 of the *Fisheries Management Act 2007*, I Professor Gavin Begg, Executive Director Fisheries and Aquaculture, delegate to the Minister for Primary Industries and Regional Development, hereby declare the holder of a fishery licence in respect of the Marine Scalefish Fishery, subject to a condition fixing a vongole quota entitlement immediately before 1 July 2021, are exempt from the provisions of section 54(1)(c) of the *Fisheries Management Act 2007* but only insofar as they may make an application for a new fishery licence authorising the take of vongole without the prescribed application fee during the period 24 June 2021 until 31 July 2021 unless varied or revoked earlier.

Dated: 22 June 2021

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

FISHERIES MANAGEMENT ACT 2007

SECTION 79

Temporary Prohibition on the Use of Abalone as Bait or Berley

Pursuant to section 79 of the *Fisheries Management Act 2007*, I Professor Gavin Begg, Executive Director Fisheries and Aquaculture, delegate of the Minister for Primary Industries and Regional Development, hereby declare that it shall be unlawful for any person to engage in the act of, or an act preparatory to or involved in, the fishing activity specified in Schedule 1, within the area described in Schedule 2 during the period specified in Schedule 3.

SCHEDULE 1

Any fishing activity using abalone (*Haliotis spp*) or abalone product as bait or berley.

SCHEDULE 2

All coastal waters of South Australia.

SCHEDULE 3

From 13 June 2021 to 12 June 2022.

Dated: 12 June 2021

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

FISHERIES MANAGEMENT ACT 2007

SECTION 79

Temporary Reduction in Estuarine Large Mesh Gill Nets for the Estuarine Waters of the Lakes and Coorong

Pursuant to section 79 of the *Fisheries Management Act 2007*, I Professor Gavin Begg, Executive Director Fisheries and Aquaculture, delegate of the Minister for Primary Industries and Regional Development, hereby declare that it shall be unlawful for a person to engage in a fishing activity pursuant to a fishery licence in respect of the Lakes and Coorong Fishery authorising the class of fishing activity specified in Schedule 1 within the area described in Schedule 2 during the period specified in Schedule 3.

SCHEDULE 1

The act of using a Large Mesh Gillnet entitlement of the following nature:

- If the licence has a 25 net unit entitlement, the licence holder/ registered master may only operate a maximum of 21 nets
- If the licence has a 50 net unit entitlement, the licence holder/ registered master may only operate a maximum of 42 nets
- If the licence has a 75 net unit entitlement, the licence holder/ registered master may only operate a maximum of 63 nets
- If the licence has a 100 net unit entitlement, the licence holder/ registered master may only operate a maximum of 84 nets.

SCHEDULE 2

The estuarine waters of the Lakes and Coorong:

1. Coorong Area 1 comprises the waters of the Coorong separated from the Lower Murray, and from Lake Alexandrina, by the Goolwa, Mundoo, Boundary Creek, Ewe Island and Tauwitchere Barrages, separated from the waters of the Coorong south east of Tauwitchere Barrage by a line from the location on Mean High Water Springs closest to 35°35.620' South, 139°01.442' East (Pelican Point) to the location on Mean High Water Springs closest to 35°35.677' South, 139°00.743' East (Gnurlung Point), and separated from the ocean by Sir Richard Peninsula and Youngusband Peninsula, and by a line from the location on Mean High Water Springs closest to the mouth of the River Murray on the northern side of the headland of Sir Richard Peninsula to the location on Mean High Water Springs closest to the northern side of the headland of Youngusband Peninsula.
2. Coorong Area 2 comprises the waters of the Coorong that are South East of a line from the location on Mean High Water Springs closest to 35°35.620' South, 139°01.442' East (Pelican Point) to the location on Mean High Water Springs closest to 35°35.677' South, 139°00.743' East (Gnurlung Point), and separated from the ocean by Youngusband Peninsula.

SCHEDULE 3

From 00:01am 1 July 2021 until 11.59pm 30 June 2022.

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

Dated: 22 June 2021

PROFESSOR GAVIN BEGG
Executive Director
Fisheries And Aquaculture

Delegate of the Minister for Primary Industries and Regional Development

GAMING MACHINES REGULATIONS 2020

REGULATION 7

Establishment of Trading Round 20/2021

Pursuant to Regulation 7 of the *Gaming Machines Regulations 2020*, I, Dini Soulio, Liquor and Gambling Commissioner, have established a trading round for the purchase and sale of gaming machine entitlements.

This trading round will commence on Thursday, 24 June 2021 and will be known as Trading Round 20/2021.

Offers to purchase or sell gaming machine entitlements in Trading Round 20/2021 are invited from persons eligible to do so in accordance with the *Gaming Machines Regulations 2020*. The closing date and time for the submission of offers is Friday, 23 July 2021 at 5.00pm.

The determination of offers that are to be regarded as accepted will occur on Monday, 23 August 2021 (known as the Trading Day).

An administration fee of \$110 (per entitlement) applies for the submission of offers to purchase entitlements. There is no fee for the submission of offers to sell entitlements.

Information about how to submit offers to purchase or sell gaming machine entitlements in this trading round is available at www.sa.gov.au/gmetrade.

Dated: 21 June 2021

DINI SOULIO
Liquor and Gambling Commissioner

HEALTH CARE ACT 2008

Fees and Charges

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

These fees will operate from 1 July 2021 until I make a further Notice under section 44 of the Act.

Dated: 3 June 2021

HON STEPHEN WADE MLC
Minister for Health and Wellbeing

1—Interpretation

- (1) unless the contrary intention appears—

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

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

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

- (a) the maximum amount (expressed on a daily basis) payable as an age pension under the *Social Security Act 1991* of the Commonwealth to a person who is not a member of a couple within the meaning of that Act, excluding the amount of any pharmaceutical allowance payable under that Act; and
- (b) —
 - (i) if the patient receives rent assistance under that Act—the amount (expressed on a daily basis) received; or
 - (ii) if the patient is not entitled to an age pension or disability support pension under that Act—the maximum amount (expressed on a daily basis) payable as rent assistance under that Act;

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

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

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

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

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

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

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

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

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

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

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

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

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

1—Fees for services provided to Medicare patients

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

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

	Fee (per day)
1 For the accommodation, maintenance, care and treatment at a public hospital site of a public overnight stay patient	no fee
2 For the accommodation, maintenance and care at a public hospital site of a private overnight stay patient—	
(a) where the patient requests and subsequently receives single room accommodation (maximum fee/day)	\$645.00
(b) in any other case	\$374.00
3 For the accommodation, maintenance, care and treatment at a public hospital site of a public patient who is a same day patient	no fee
4 For the accommodation, maintenance and care at a public hospital site of a private patient who is a same day patient—	
(a) for gastro-intestinal endoscopy or other minor surgical and non-surgical procedures that do not normally require an anaesthetic (Band 1)	\$271.00
(b) for procedures (other than Band 1 procedures) carried out under local anaesthetic with no sedation given where the actual time in the theatre is less than one hour (Band 2)	\$311.00
(c) for procedures (other than Band 1 procedures) carried out under general or regional anaesthesia or intravenous sedation where the actual time in the theatre is less than one hour (Band 3)	\$342.00
(d) for any procedures carried out under general or regional anaesthesia or intravenous sedation where the actual time in the theatre is one hour or more (Band 4)	\$374.00
5 For the accommodation, maintenance, care and treatment at a public hospital site of a public long stay patient who is acutely ill	no fee

	Fee (per day)
6 For the accommodation, maintenance, care and treatment at a public hospital site of a public long stay patient who is not acutely ill, excluding category 8	87.5 per cent of the Commonwealth benefit
7 For the accommodation, maintenance, care and treatment at a public hospital site of a private long stay patient who is not acutely ill	\$126.00 plus 87.5 per cent of the Commonwealth Benefit
8 For Hospital Nursing Home Service patients. These patients are not long-stay patients and should be charged from their first day at the public hospital site.	equivalent to the 'Commonwealth Government Department of Health Schedule of Fees and Charges for Residential and Home Care'
9 For hospital in the home services provided by a public hospital site to a private patient	\$191.00 (maximum fee/day)
10 Pharmaceutical Reform arrangements Under the agreement between the South Australian and the Australian Government the following fees apply for pharmaceuticals provided to admitted patients on discharge:	
(a) For the supply of Pharmaceutical Benefit Scheme items (per item)	the community co-payment rate for pharmaceuticals as set under the Commonwealth <i>National Health Act 1953</i> each year on 1 January.
(b) For the supply of non-Pharmaceutical Benefit Scheme items (<u>per item</u>)	an amount that is the cost to the public hospital (using a full cost recovery principle) for supply of that item

HEALTH CARE ACT 2008

SECTIONS 58(1)(D) AND 62

Notice by the Minister—Exemptions

Take notice that I, Dr David Simon, Minister's Delegate for Health and Wellbeing, pursuant to subsection 58(1)(d) and section 62 of the *Health Care Act 2008*, do hereby exempt the persons named in Column A of the Schedule from the application of Part 6—Division 2 and Division 3, section 59 of the *Health Care Act 2008*, in relation to the non-emergency ambulance services specified in Column B of the Schedule, and on the conditions (if any) specified in Column C of the Schedule, with effect on and from 1 July 2021 and for the period expiring on 30 June 2022.

SCHEDULE

Column A	Column B	Column C
Southern Adelaide Local Health Network Inc.	Non-emergency ambulance services provided for patients of the Repatriation General Hospital, Flinders Medical Centre and the Noarlunga Hospital.	Nil.

Dated: 18 June 2021

DR DAVID SIMON
A/Executive Director
Health Protection & Licensing Services
Minister's Delegate

HOUSING IMPROVEMENT ACT 2016

Rent Control

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

Address of Premises	Allotment Section	Certificate of Title Volume/Folio	Maximum Rental per week payable
75 Amberdale Road, Houghton SA 5131	Allotment 14 Deposited Plan 52524 Hundred of Yatala	CT5235/100	\$0.00

Dated: 24 June 2021

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

HOUSING IMPROVEMENT ACT 2016

Rent Control Revocations

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

Address of Premises	Allotment Section	Certificate of Title Volume/Folio
145 Robsart Street, Parkside SA 5063	Allotment 81 Filed Plan 14658 Hundred of Adelaide	CT1776/147, CT5719/206
3 Oxford Street, Jamestown SA 5491	Allotment 1 Filed Plan 103272 Hundred of Belalie	CT5130/48
16 Downer Road, Wallaroo Mines SA 5554 (PKA 171)	Section 1571 Hundred Plan 211100 Hundred of Wallaroo	CT5784/757

Dated: 24 June 2021

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

JUSTICES OF THE PEACE ACT 2005

SECTION 4

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

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

For a period of ten years for a term commencing on 28 July 2021 and expiring on 27 July 2031:

Georgina Catherine Helen Schapel WESTREN
Ashley Thomas WARD
Seung Kye SHIN
Sarah Edith SCHILLER
Lesley Helen RAWLINGS
Kaye Maureen O'BRIEN
Debra Ann MUTTON
Caroline Ann MOFFATT
Natasha Louise MILLER
Karen Ann METCALF
Daniel Walter MESSEMAKER
Louise Jacqueline MERCHANT
Angus Davidson MASSIE
Brett Hayden LONNIE
Zhimin LI
Anthony David LEOMBRUNO
Leanne Rose KUNOTH
Matthew Stuart KOWALD
Glenys Mary JONES
Jeffery Colin JEDANI
Edward Sean INGRAM
Mark Irvine HORDACRE
Nichola Elizabeth HEPPNER
Michael Roger HARTAS
Alice Ceriddwyn DURRANT
Vicki Michelle DAIS
Raymond Paul CREEN
John Campbell COMBE
David Ross CHRISTIE
Hsin-Ju CHIU
Alison Kay CARR
Kristen Jane BULL
Dorothy Michele BRACE
Debbie Ann BOWMAN-SMITH
Kelvin Daryl BOWMAN
Wendy Dawn BARNES

Dated: 18 June 2021

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

LAND ACQUISITION ACT 1969

South Australia

Land Acquisition (Declared Acquisition Project) Notice 2021

under section 24 of the *Land Acquisition Act 1969*

1—Short title

This notice may be cited as the *Land Acquisition (Declared Acquisition Project) Notice 2021*.

2—Commencement

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

3—Interpretation

In this notice—

Act means the *Land Acquisition Act 1969*.

4—Declared acquisition projects

Pursuant to section 24(15) of the Act, the acquisition project specified in Schedule 1 is declared to be included in the definition of *declared acquisition project*.

Schedule 1—Declared acquisition project

Part 1—Eyre Peninsula Overtaking Lanes Project – Western Approach Road and Flinders Highway

The following properties are required for the construction of an overtaking lanes over portion of the land described below;

- (1) Portion of Allotment 23 in Deposited Plan 12536 contained in Certificate of Title Volume 5323 Folio 380
- (2) Portion of Allotment 13 in Filed Plan 8999 contained in Certificate of Title Volume 6082 Folio 46
- (3) Portion of Allotment 3 in Deposited Plan 122849 contained in Certificate of Title Volume 6242 Folio 983
- (4) Portion of Allotment 18 in Deposited Plan 18769 contained in Certificate of Title Volume 6056 Folio 471
- (5) Portion of Allotment 102 in Deposited Plan 62713 contained in Certificate of Title Volume 5905 Folio 530

Made by the Minister for Infrastructure and Transport

On 4 April 2021

LAND ACQUISITION ACT 1969

SECTION 16

*Form 5—Notice of Acquisition***1. Notice of acquisition**

The Commissioner of Highways (the Authority), of 50 Flinders Street, Adelaide SA 5000, acquires the following interests in the following land:

Comprising an estate in fee simple in that piece of land being the whole of Allotment 800 in Deposited Plan No. 118224 comprised in Certificate of Title Volume 6206 Folio 460, subject to free and unrestricted rights of way over the land marked A on D118224 (RTC 12908991).

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

2. Compensation

A person who has or had an interest consisting of native title or an alienable interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

2A. Payment of professional costs relating to acquisition (section 26B)

If you are the owner in fee simple of the land to which this notice relates, you may be entitled to a payment of \$10,000 from the Authority for use towards the payment of professional costs in relation to the acquisition of the land.

Professional costs include legal costs, valuation costs and any other costs prescribed by the *Land Acquisition Regulations 2019*.

3. Inquiries

Inquiries should be directed to:

Petrula Pettas
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 8343 2619

Dated: 23 June 2021

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO
Manager, Property Acquisition
(Authorised Officer)
Department for Infrastructure and Transport

DIT 2020/09828/01

LAND ACQUISITION ACT 1969

SECTION 16

*Form 5—Notice of Acquisition***1. Notice of acquisition**

The Commissioner of Highways (the Authority), of 50 Flinders Street, Adelaide SA 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 3 in Filed Plan No 7779 comprised in Certificate of Title Volume 5303 Folio 19, and being the whole of the land identified as Allotment 48 in plan D127025 lodged in the Lands Titles Office.

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

2. Compensation

A person who has or had an interest consisting of native title or an alienable interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

2A. Payment of professional costs relating to acquisition (section 26B)

If you are the owner in fee simple of the land to which this notice relates, you may be entitled to a payment of \$10,000 from the Authority for use towards the payment of professional costs in relation to the acquisition of the land.

Professional costs include legal costs, valuation costs and any other costs prescribed by the *Land Acquisition Regulations 2019*.

3. Inquiries

Inquiries should be directed to:

Philip Cheffirs
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 8343 2575

Dated: 21 June 2021

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO
Manager, Property Acquisition
(Authorised Officer)
Department for Infrastructure and Transport

DIT 2020/18276/01

LAND ACQUISITION ACT 1969

SECTION 16

*Form 5—Notice of Acquisition***1. Notice of acquisition**

The Commissioner of Highways (the Authority), of 50 Flinders Street, Adelaide SA 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 101 in Deposited Plan No. 42891 comprised in Certificate of Title Volume 5295 Folio 123, and being the whole of the land identified as Allotment 71 in D127019 lodged in the Lands Titles Office expressly excluding the Easement(s) over the land marked C for Drainage Purposes (RE 7928415).

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

2. Compensation

A person who has or had an interest consisting of native title or an alienable interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

2A. Payment of professional costs relating to acquisition (section 26B)

If you are the owner in fee simple of the land to which this notice relates, you may be entitled to a payment of \$10,000 from the Authority for use towards the payment of professional costs in relation to the acquisition of the land.

Professional costs include legal costs, valuation costs and any other costs prescribed by the *Land Acquisition Regulations 2019*.

3. Inquiries

Inquiries should be directed to:

Carlene Russell
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 8343 2512

Dated: 21 June 2021

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO
Manager, Property Acquisition
(Authorised Officer)
Department for Infrastructure and Transport

DIT 2020/18194/01

LAND ACQUISITION ACT 1969

SECTION 16

*Form 5—Notice of Acquisition***1. Notice of acquisition**

The Commissioner of Highways (the Authority), of 50 Flinders Street, Adelaide SA 5000, acquires the following interests in the following land:

Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 15 in Filed Plan No. 107287 comprised in Certificate of Title Volume 5180 Folio 764, and being the whole of the land identified as Allotment 37 in plan D127094 lodged in the Lands Titles Office.

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

2. Compensation

A person who has or had an interest consisting of native title or an alienable interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

2A. Payment of professional costs relating to acquisition (section 26B)

If you are the owner in fee simple of the land to which this notice relates, you may be entitled to a payment of \$10,000 from the Authority for use towards the payment of professional costs in relation to the acquisition of the land.

Professional costs include legal costs, valuation costs and any other costs prescribed by the *Land Acquisition Regulations 2019*.

3. Inquiries

Inquiries should be directed to:

Philip Cheffirs
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 8343 2575

Dated: 21 June 2021

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO
Manager, Property Acquisition
(Authorised Officer)
Department for Infrastructure and Transport

DIT 2020/18410/01

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Authorisation to Extract Water from the Far North Prescribed Wells Area

Pursuant to section 105 of the *Landscape Act South Australia 2019*, the Notice dated 15 August 2019 on page 3014 of the *South Australian Government Gazette* of 22 August 2019 is hereby varied such that condition 8 specified in Schedule C of that Notice is revoked and replaced with the condition specified in Schedule C below.

SCHEDULE C

Conditions

8. The authorised water user will make a payment of \$275,210 to the Landscape Administration Fund for use of this water in 2020-21.

Dated: 22 June 2021

DAVID SPEIRS
Minister for Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Authorisation to Take Water from the Central Adelaide Prescribed Wells Area—Ref. 255324

Pursuant to Section 105 of the *Landscape South Australia Act 2019* (the Act), I, Ben Bruce, delegate of the Minister for Environment and Water (the Minister) to whom the Act is committed, hereby authorise the taking of water from the Central Adelaide Prescribed Wells Area prescribed under the *Natural Resources Management (Central Adelaide—Prescribed Wells Area) Regulations 2007*, from the prescribed wells specified in Schedule A, for the purpose set out in Schedule B and subject to the conditions specified in Schedule C.

SCHEDULE A

Prescribed Wells

Well unit number 6628-25192, located within Certificate of Title 5612/599 in the Hundred of Adelaide.

SCHEDULE B

Purpose

For irrigation of turf and gardens at Linde Reserve, irrigating street trees in the local area and recreational use to service fountains, within in the City of Norwood, Payneham and St Peters, in association with the Linde Reserve Managed Aquifer Recharge and Recovery Scheme (the Scheme).

SCHEDULE C

Conditions

1. Water may only be taken from 1 July 2021 until 30 June 2025.
2. Effective from 1 July 2022, the volume of water permitted to be extracted in a water use year must not exceed the volume of water recharged under the Scheme over the previous five water use years, minus any volume that has been subsequently extracted. The maximum volume taken in any given water use year, however, must not exceed the volumes referred to in Condition 3 of this authorisation.
3. Subject to Condition 2 of this authorisation, a total maximum volume of 30,000 kilolitres of water per water use year may be taken from the prescribed well specified in Schedule A, during the period referred to in Condition 1 of this authorisation.
4. The water user must not take water except through a meter supplied, installed and maintained in accordance with the South Australian Licensed Water Use Meter Specification approved by the Minister as may be amended from time to time.
5. The water user must measure and record annual meter readings not more than 14 days after cessation of the water use year, to determine the quantity of water taken.
6. The water user must measure and record, at least once during each calendar month, at the same time during each calendar month:
 - (a) extraction volumes; and
 - (b) groundwater pressure or level data.
7. The Risk Management and Monitoring Plan (the Plan) for the Scheme must be revised, to the satisfaction of the Minister's representative, by no later than 30 June 2022, and as requested from time to time by the Minister's representative.
8. The Scheme must be operated in accordance with the Plan.
9. The water user must comply with all measuring, monitoring and recording requirements as specified in the Plan, including the requirement to provide a report annually prior to the end of July each year. The report will be provided in the form specified by the Minister's representative, and include:
 - (a) all data in accordance with Conditions 5 and 6 of this authorisation; and
 - (b) all monitoring data collected in accordance with the annual report monitoring deliverables contained in the Plan.The report is to be emailed to dew.mar@sa.gov.au and dewwaterlicensing@sa.gov.au.
10. If any device used to measure and collect data relevant to this authorisation, fails to accurately measure or record, or there is any reason to suspect that the device may be defective, then the water user must notify the Minister's representative immediately, replace or repair the device as soon as practical and provide suitable alternative data to supplement missing data.
11. The authorised water user must comply with the provisions applying to meters set out in Regulation 12 of the *Landscape South Australia (Water Management) Regulations 2020*. It is an offence to contravene or fail to comply with those provisions.

For the purposes of this authorisation:

‘Water user’ means a person who is authorised to take water pursuant to this notice.

‘Water use year’ means a period of 12 months commencing on 1 July and ending 30 June the following calendar year.

Words used in this authorisation that are defined in the Act shall have the meanings as set out in the Act.

For the purpose of determining the penalty for unauthorised water use, as declared under section 88 of the Act, the ‘volumetric limit’ of this authorisation is equal to the lesser of:

- (a) 30,000 kilolitres per water use year; or
- (b) Effective from 1 July 2022, the volume of water recharged under the Scheme over the previous five water use years, minus any volume that has subsequently been extracted.

This authorisation will commence on 1 July 2021 and will remain in effect until 30 June 2025, unless earlier varied or revoked.

Dated: 21 June 2021

BEN BRUCE
Executive Director, Water and River Murray
Department for Environment and Water
Delegate of the Minister for Environment and Water

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Notice of Authorisation to Take Water from the Central Adelaide Prescribed Wells Area—Ref. 392551

Pursuant to Section 105 of the *Landscape South Australia Act 2019* (the Act), I, David Speirs, Minister for Environment and Water (the Minister) in the State of South Australia and the Minister to whom the Act is committed, hereby authorise the taking of water from the Central Adelaide Prescribed Wells Area prescribed under the *Natural Resources Management (Central Adelaide—Prescribed Wells Area) Regulations 2007*, from the prescribed wells in Schedule A, for the purpose set out in Schedule B and subject to the conditions specified in Schedule C.

SCHEDULE A

Prescribed Wells

Well unit number 6628-26733, 6628-26731, 6628-26735, 6628-26025 and 6628-7944 plus the ‘additional wells’ referred to in conditions 14 to 16.

SCHEDULE B

Purpose

For irrigation within the City of Marion and commercial use including delivery to the Tonsley Innovation District, in association with the Oaklands Park Managed Aquifer Recharge and Recovery scheme.

SCHEDULE C

Conditions

1. Water may only be taken from the date of publication of this notice until 30 June 2025.
2. Effective from 1 July 2022, the volume of water permitted to be extracted in a water use year must not exceed the volume of water recharged under the Scheme over the previous five water use years, minus any volume that has been subsequently extracted. The maximum volume taken in any given water use year, however, must not exceed the volumes referred to in Condition 3 of this authorisation.
3. Subject to Condition 2 of this authorisation, a total maximum volume of up to:
 - (a) 366,000 kilolitres in the 2021-22 water use year (maximum 61,000 kilolitres per annum per well, 7 wells in total);
 - (b) 399,000 kilolitres in the 2022-23 water use year (maximum 67,000 kilolitres per annum per well, 7 wells in total);
 - (c) 432,000 kilolitres in the 2023-24 water use year (maximum 72,000 kilolitres per annum per well, 7 wells in total); and
 - (d) 465,000 kilolitres in the 2024-25 water use year (maximum 77,500 kilolitres per annum per well, 7 wells in total).may be taken from the prescribed well specified in Schedule A, during the period referred to in Condition 1 of this authorisation.
4. The water user must not take water except through a meter supplied, installed and maintained in accordance with the South Australian Licensed Water Use Meter Specification approved by the Minister as may be amended from time to time.
5. Meter readings must be used to determine the quantity of water taken.
6. The water user must measure and record the extraction volumes and water level at least once during each calendar month, at the same time during each calendar month.
7. The water user must measure and record annual meter readings not more than 14 days after cessation of the water use year, to determine the quantity of water taken.
8. The water user must provide the data collected in the form of an annual report in accordance with Conditions 6 and 7 to the Minister’s representative prior to the end of July each year in the form specified by the Minister’s representative.
9. The Risk Monitoring and Management Plan (the Plan) for the Scheme must be revised, to the satisfaction of the Minister’s representative, by no later than 30 June 2022, and as requested from time to time by the Minister’s representative.
10. The Scheme must be operated in accordance with the Plan.

11. The water user must comply with all measuring, monitoring and recording requirements as specified in the Plan, including the requirement to provide a report annually, not more than 30 days after cessation of the water use year. The report will be provided in the form specified by the Minister's representative, and include:
 - (a) all data in accordance with Condition 6 and 7 of this authorisation; and
 - (b) all monitoring data collected in accordance with the annual report monitoring deliverables contained in the Plan.The report is to be emailed to dew.mar@sa.gov.au and dewwaterlicensing@sa.gov.au.
12. If any device used to measure and collect data relevant to this authorisation, fails to accurately measure or record, or there is any reason to suspect that the device may be defective, then the water user must: notify the Minister's representative immediately; replace or repair the device as soon as practical; and provide suitable alternative data to supplement missing data.
13. The authorised water user must comply with the provisions applying to meters set out in Regulation 12 of the *Landscape South Australia (Water Management) Regulations 2020*. It is an offence to contravene or fail to comply with those provisions.
14. The water user may apply for an additional two injection/extraction wells for the purpose of managed aquifer recharge provided that such wells are completed in the Tertiary limestone aquifer system only and are located within Certificate of Titles; Volumes and Folios 5877/926, 5102/220, 5754/525 and 6131/189 ("the additional well"). For the avoidance of doubt, any additional wells installed do not permit the total annual maximum volume or maximum volume per well as provided for in condition 3 above to be exceeded.
15. The additional wells can only be installed after first obtaining a permit for well construction pursuant to sections 104 and 112 of the Act and as constructed in accordance with the General Specifications for Well Construction, Modification and Abandonment in South Australia (or any subsequent or related policy), as provided by the relevant authority.
16. The additional wells can be authorised for extraction under the conditions of this authorisation provided conditions 14 and 15 are complied with and the Risk Monitoring and Management Plan is accordingly amended, to the satisfaction of the Minister's representative, to incorporate the new wells and any associated risks, prior to taking groundwater from the additional wells.

For the purposes of this authorisation:

'Water user' means a person who is authorised to take water pursuant to this notice.

'Water use year' means a period of 12 months commencing on 1 July and ending 30 June the following calendar year.

Words used in this authorisation that are defined in the Act shall have the meanings as set out in the Act.

For the purpose of determining the penalty for unauthorised water use, as declared under section 88 of the Act, the 'volumetric limit' of this authorisation is equal to the lesser of:

- (a) the volumes listed in the respective water use year contained in condition 3; or
- (b) effective from 1 July 2022, the volume of water recharged under the Scheme over the previous five water use years, minus any volume that has subsequently been extracted.

This authorisation will commence on the date below and will remain in effect until 30 June 2025 unless earlier varied or revoked.

Dated: 22 June 2021

DAVID SPEIRS MP
Minister for Environment and Water

PLANNING, DEVELOPMENT AND INFRASTRUCTURE (TRANSITIONAL PROVISIONS) REGULATIONS 2017

REGULATION 8(2A)

Aldinga Suburban Neighbourhood Code Amendment

Preamble

1. The Aldinga Suburban Neighbourhood Development Plan Amendment (the Amendment) has been finalised in accordance with the provisions of the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017*.
2. The Minister for Planning and Local Government has decided to adopt the Amendment.

NOTICE

Pursuant to Regulation 8(2a) of the *Planning, Development and Infrastructure (Transitional Provisions) Regulations 2017*, I—

- (a) adopt the Amendment; and
- (b) fix the day on which the Amendment is published on the SA Planning Portal, as an amendment to the Planning and Design Code, as the day on which the Amendment will come into operation.

Dated: 16 June 2021

VICKIE CHAPMAN MP
Deputy Premier
Minister for Planning and Local Government

PROOF OF SUNRISE AND SUNSET ACT 1923

Almanac for July, August and September 2021

Pursuant to the requirements of the *Proof of Sunrise and Sunset Act 1923*, I Wayne Robert Buckerfield, Acting Chief Executive, Department for Infrastructure and Transport, at the direction of the Minister for Infrastructure and Transport, publish in the Schedule hereto an almanac setting out the times of sunrise and sunset on every day for the three calendar months July, August and September 2021.

Dated: 15 June 2021

WAYNE ROBERT BUCKERFIELD
Acting Chief Executive
Department for Infrastructure and Transport

SCHEDULE

Sunrise and Sunset Times for Adelaide 2021

Latitude: South 34°56' Longitude: East 138°36'

GMT +9.50 hours

Date	July				August				September			
	Rise		Set		Rise		Set		Rise		Set	
	hr	min	hr	min	hr	min	hr	min	hr	min	hr	min
1	07	24	17	15	07	10	17	34	06	35	17	57
2	07	24	17	15	07	09	17	35	06	34	17	57
3	07	24	17	16	07	08	17	36	06	32	17	58
4	07	24	17	16	07	08	17	36	06	31	17	59
5	07	24	17	17	07	07	17	37	06	30	18	00
6	07	24	17	17	07	06	17	38	06	28	18	00
7	07	23	17	18	07	05	17	38	06	27	18	01
8	07	23	17	18	07	04	17	39	06	25	18	02
9	07	23	17	19	07	03	17	40	06	24	18	02
10	07	23	17	19	07	02	17	41	06	23	18	03
11	07	22	17	20	07	01	17	41	06	21	18	04
12	07	22	17	21	07	00	17	42	06	20	18	05
13	07	22	17	21	06	58	17	43	06	18	18	05
14	07	21	17	22	06	57	17	44	06	17	18	06
15	07	21	17	22	06	56	17	44	06	15	18	07
16	07	21	17	23	06	55	17	45	06	14	18	07
17	07	20	17	24	06	54	17	46	06	13	18	08
18	07	20	17	24	06	53	17	47	06	11	18	09
19	07	19	17	25	06	52	17	47	06	10	18	10
20	07	19	17	26	06	50	17	48	06	08	18	10
21	07	18	17	26	06	49	17	49	06	07	18	11
22	07	17	17	27	06	48	17	50	06	05	18	12
23	07	17	17	28	06	47	17	50	06	04	18	13
24	07	16	17	28	06	45	17	51	06	03	18	13
25	07	16	17	29	06	44	17	52	06	01	18	14
26	07	15	17	30	06	43	17	52	06	00	18	15
27	07	14	17	30	06	42	17	53	05	58	18	16
28	07	13	17	31	06	40	17	54	05	57	18	16
29	07	13	17	32	06	39	17	55	05	55	18	17
30	07	12	17	33	06	38	17	55	05	54	18	18
31	07	11	17	33	06	36	17	56				

Sunrise and Sunset times calculated on 1/12/20. Certified correct: A Dolman, 1 December 2020

RETAIL AND COMMERCIAL LEASES ACT 1995

Exemption

Pursuant to section 77(2) of the *Retail and Commercial Leases Act 1995* (SA) I, John Clifford Chapman, the Small Business Commissioner for the State of South Australia, EXEMPT the lease between the Premier for and on behalf of the Crown in right of the State of South Australia and Dance Hub South Australia Inc from the *Retail and Commercial Leases Act 1995* (SA).

This exemption is subject to the following conditions:

1. The exemption may be revoked by the Small Business Commissioner at any time; and
2. The exemption will lapse at the expiration date of the lease on 31 May 2026.

Dated: 26 May 2021

JOHN CHAPMAN
Small Business Commissioner

RETAIL AND COMMERCIAL LEASES ACT 1995

Exemption

Pursuant to section 77(2)(b) of the *Retail and Commercial Leases Act 1995* (SA) I, John Clifford Chapman, the Small Business Commissioner for the State of South Australia, EXEMPT the premises licensed to the Adelaide Showground Farmers Market Inc. under the licence between the Royal Agricultural and Horticultural Society of SA Inc. and the Adelaide Showground Farmers Market Inc. commencing on 1 July 2019 and expiring on 30 June 2024 (“Licence”) from all provisions of the *Retail and Commercial Leases Act 1995* (SA).

This exemption is subject to the following conditions:

1. The exemption applies to the premises only to the extent it is used for the operation of a farmers’ market under the terms of the Licence and does not extend to any other uses under any other lease or licence;
2. The exemption may be revoked by the Small Business Commissioner at any time; and
3. The exemption will terminate at the expiration of the Licence.

Dated 10 June 2021

JOHN CHAPMAN
Small Business Commissioner

ROAD TRAFFIC ACT 1961

Authorisation to Operate Breath Analysing Instruments

I, Grant Stevens, Commissioner of Police, do hereby notify that on and from 17 June, 2021, the following persons were authorised by the Commissioner of Police to operate breath analysing instruments as defined in and for the purposes of the:

- *Road Traffic Act 1961*;
- *Harbors and Navigation Act 1993*;
- *Security and Investigation Industry Act 1995*; and
- *Rail Safety National Law (South Australia) Act 2012*.

PD Number	Officer Name
74695	CAIN, Kathryn Joy
77153	CLARKE, Joanne Louise
10420	FOSTER, Joshua James
77037	GOODE, Siobhan Gemma
77048	IRWIN, James Michael
10537	LA POSTA, Leon Josef
77104	MACZKOWIACK, Kailey Anne
77164	MORAN, Jamie Owen
76658	PATERSON, Bradley
10433	ROSE, Jonathan James
76559	SKEWES, Adrian Geoffrey
76814	WILLIAMS, Jesse Aaron

Dated: 24 June 2021

GRANT STEVENS
Commissioner of Police

Reference: 2021-0088

SOUTH AUSTRALIAN PUBLIC HEALTH ACT 2011

SECTION 51(23)(B)

Notice by the Minister for Health and Wellbeing

Take notice that I, Stephen Wade, Minister for Health and Wellbeing, pursuant to Section 51(23)(b) of the *South Australian Public Health Act 2011*, do hereby declare the undermentioned entities as Public Health Partner Authorities:

- The Office for Recreation, Sport and Racing
- Flinders Health and Medical Research Institute, Flinders University
- Cancer Council SA
- The Caring Futures Institute, Flinders University

Take notice that I, Stephen Wade, Minister for Health and Wellbeing, note that the gazette of the Department of Human Services will replace the Department for Communities and Social Inclusion which was previously gazetted on 7 January 2016.

Dated: 20 June 2021

HON STEPHEN WADE MLC
Minister for Health and Wellbeing

SOUTH AUSTRALIAN SKILLS ACT 2008

South Australia

South Australian Skills (Fees) Notice 2021under the *South Australian Skills Act 2008***1—Short title**

This notice may be cited as the *South Australian Skills (Fees) Notice 2021*.

Note—

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

2—Commencement

This notice has effect on 1 July 2021.

3—Interpretation

In this notice, unless the contrary intention appears—

Act means the *South Australian Skills Act 2008*.

4—Fees

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

Schedule 1—Fees

¹	Fee payable to Commission on application under section 70A of the Act (section 70A(2)(c) of Act)—	
	(a) for a first or initial assessment	\$500.00
	(b) for a competency assessment or examination	\$1 000.00
	(c) for a second or subsequent assessment	\$200.00
2	Transfer fee payable to previous employer (section 54O(2) of the Act)—	
	(a) payable by a proposed employer who is a small business within the meaning of section 54O(6)(a) of the Act—	
	(i) for a transfer occurring in the first year of the training contract	\$1 600.00
	(ii) for a transfer occurring in the second year of the training contract	\$3 200.00
	(iii) for a transfer occurring in the third year of the training contract	\$4 800.00
	(iv) for a transfer occurring in the fourth year of the training contract	\$6 400.00
	(b) payable by a proposed employer who is a large business within the meaning of section 54O(6)(b) of the Act	
	(i) for a transfer occurring in the first year of the training contract	\$2 000.00
	(ii) for a transfer occurring in the second year of the training contract	\$4 000.00
	(iii) for a transfer occurring in the third year of the training contract	\$6 000.00
	(iv) for a transfer occurring in the fourth year of the training contract	\$8 000.00

Made by the Minister for Innovation and Skills

On 24 June 2021

SURVEYOR-GENERAL
SPATIAL DATA PROVISION TO LOCAL GOVERNMENT AUTHORITIES
Effective from 1 July 2020

The fees for the provision of spatial datasets provided to Local Government Authorities by the Surveyor-General are based on the consumption of the data provided. Annual fees for the 2020/21 financial year are set out below.

Extracts	Price GST exclusive	Price GST inclusive
6	\$4228.00	\$4650.80
5	\$3639.00	\$4002.90
4	\$3049.00	\$3353.90
3	\$2460.00	\$2706.00
2	\$1871.00	\$2058.10
1	\$1281.00	\$1409.10

Dated: 17 June 2021

VICKIE CHAPMAN MP
Attorney-General

WATER INDUSTRY ACT 2012
SOUTH AUSTRALIAN WATER CORPORATION
*Fees and Charges Schedule—
Rates and Sales*

Pursuant to Section 36 of the *Water Industry Act 2012* the following charges for water, sewerage and associated services apply. These charges are fixed for the period 1 July 2021 to 30 June 2022.

Pursuant to the *Water Industry Regulations 2012* (regulations 38) and *Government Gazette* 6 June 2013, SA Water may levy an availability charge despite the fact that the land is not connected to SA Water's infrastructure. All charges for sewerage services and the availability charge for water applying to some commercial properties are based on the property valuation of the land. Property values are set annually by the Valuer-General for the next financial year.

WATER FEES AND CHARGES
Residential and Vacant Land (excludes country lands)

Description	Charge
Availability Charge (Fixed Charge)	\$68.60 per quarter
Water Use Charges (determined by the timing of quarterly meter readings) as per schedule.	
Residential and vacant land properties having the following land use codes (if not otherwise specified in this gazette):	
(a) Houses with the land use codes 1100, 1101, 1118, 1119 and 1912;	
(b) Units, maisonettes, townhouses and row houses (various categories) with land use codes in the range 1200 to 1399;	
(c) Shacks with the land use codes 1920 and 1921:	
(i) for each kilolitre supplied up to, and including, 0.3836 kilolitres per day	\$1.966 per kilolitre
(ii) for each kilolitre supplied over 0.3836 kilolitres per day up to, and including, 1.4247 kilolitres per day	\$2.806 per kilolitre
(iii) for each kilolitre supplied over 1.4247 kilolitres per day	\$3.040 per kilolitre
Residential and vacant land properties with land use codes other than the above (if not otherwise specified in this gazette):	
(i) for each kilolitre supplied up to, and including, 0.3836 kilolitres per day	\$1.966 per kilolitre
(ii) for each kilolitre supplied over 0.3836 kilolitres per day	\$2.806 per kilolitre

Commercial Land Charges (excludes country lands)

Commercial properties, excluding country lands, include wholesale and retail trade in goods and the provision of a service of any kind (if not otherwise specified in this gazette).

The commercial Availability Charge (Supply Charge) is a standard charge plus a property-based charge for the portion of the property value greater than \$10 million.

Description	Property Scale & Charge	Class of Land Affected
Availability Charge (Fixed Charge)		
Property Charge (per \$1000 of property value)— Applied only to the portion of property value greater than \$10 million.	\$0.162750 per \$1000 of capital value	All commercial land valued above \$10 million
Availability Charge (Standard Charge)	\$68.60 per quarter	Commercial land other than strata/community titled parking spaces under land use code 6532
Availability Charge (Standard Charge)	\$34.30 per quarter	Commercial land classified as strata/community titled parking spaces under land use code 6532
Water Use Charge		
Water Use Charge (determined by the timing of quarterly meter readings)	\$2.806 per kilolitre	

Non-residential Land Charges (includes country lands)

Non-residential properties are properties not specified under residential or commercial land in this gazette.

Description	Charge
Availability Charge (Fixed Charge)	\$68.60 per quarter
Water Use Charge (determined by the timing of quarterly meter readings)	\$2.806 per kilolitre

Community Concession Water Charges

Availability Charge (Supply Fixed) applied to all lands subject to concessional charges—\$68.60

Water use charges (determined by the timing of quarterly meter readings):

Class of Land Affected	Charged Determined According to the Volume of Water Supplied	
All land that has been acquired or is used exclusively for charitable purposes or for public worship and all land that has been acquired or is used for the purpose of a Children's Services Centre with the meaning of the <i>Children's Services Act 1985</i> .	(i) for each kilolitre supplied up to, and including, 0.3836 kilolitres per day	\$1.475 per kilolitre
	(ii) for each kilolitre supplied over 0.3836 kilolitres per day	\$2.105 per kilolitre
Community Swimming Pools	(a) Water use up to 13 fills of pool(s)	\$0.259 per kilolitre
	(b) Water use over 13 fills of pool(s)	\$2.806 per kilolitre
This concession price should only apply to water used to fill the pool, toilet and shower block used directly in connection with the pool.		
Soldiers Memorial Gardens		\$0.580 per kilolitre

Special Characteristics

Charges payable in respect to land whereby the Corporation has entered into a standard contract with special characteristics with the owner or occupier of the land to supply water by measure, subject to charges (as set out below) and terms and conditions determined by the Corporation.

Description	Charge
Charges for Supply by Measure: (if not otherwise specified in this gazette)	
Availability Charge (Fixed Charge)	\$68.60 per quarter
Water use charges payable in respect to land, as determined by the timing of quarterly meter readings, and having the following land use codes:	
(a) Houses with the land use codes 1100, 1101, 1118, 1119 and 1912;	
(b) Units, maisonettes, townhouses and row houses (various categories) with land use codes in the range 1200 to 1399;	
(c) Shacks with the land use codes 1920 and 1921:	
(i) for each kilolitre supplied up to, and including, 0.3836 kilolitres per day	\$1.966 per kilolitre
(ii) for each kilolitre supplied over 0.3836 kilolitres per day up to, and including, 1.4247 kilolitres per day	\$2.806 per kilolitre
(iii) for each kilolitre supplied over 1.4247 kilolitres per day	\$3.040 per kilolitre
Water use charges payable in respect to land with land use codes other than the above or for which the Corporation does not have a land use code (as determined by the timing of quarterly meter readings):	
(i) for each kilolitre supplied up to, and including, 0.3836 kilolitres per day	\$1.966 per kilolitre
(ii) for each kilolitre supplied over 0.3836 kilolitres per day	\$2.806 per kilolitre

Clare Valley Water Supply Scheme Area

Description	Charge
Availability Charge (Fixed Charge)	\$68.60 per quarter
Water use charge	\$2.806 per kilolitre
Water use charge for water other than contract quantity supplied from the pipeline during the notice period to land located in the Clare Valley Water Supply Scheme Area in accordance with an Irrigation Agreement	\$2.806 per kilolitre
Water use charge for water taken from the pipeline during the notice period other than in accordance with an agreement with the Corporation	\$2.806 per kilolitre

Marree/Oodnadatta Water Supply Area

Description	Charge
Availability Charge (Fixed Charge)	\$68.60 per quarter
Water use charges payable in respect to residential and vacant land in the Marree/Oodnadatta water supply area for water supplied having the following land use codes (as determined by the timing of quarterly meter readings):	
(a) Houses with the land use codes 1100, 1101, 1118, 1119 and 1912;	
(b) Units, maisonettes, townhouses and row houses (various categories) with land use codes in the range 1200 to 1399;	
(c) Shacks with the land use codes 1920 and 1921:	
(i) for each kilolitre supplied up to, and including, 0.7233 kilolitres per day	\$0.000 per kilolitre
(ii) for each kilolitre supplied over 0.7233 kilolitres per day up to, and including, 1.1068 kilolitres per day	\$1.966 per kilolitre

Description	Charge
(iii) for each kilolitre supplied over 1.1068 kilolitres per day up to, and including, 2.1479 kilolitres per day	\$2.806 per kilolitre
(iv) for each kilolitre supplied over 2.1479 kilolitres per day	\$3.040 per kilolitre
Residential and vacant land properties with land use codes other than the above (if not otherwise specified in this gazette):	
(i) for each kilolitre supplied up to, and including, 0.7233 kilolitres per day	\$0.000 per kilolitre
(ii) for each kilolitre supplied over 0.7233 kilolitres per day up to, and including, 1.1068 kilolitres per day	\$1.966 per kilolitre
(iii) for each kilolitre supplied over 1.1068 kilolitres per day	\$2.806 per kilolitre
Water use charges payable in respect to each and every supply in the Marree/Oodnadatta water supply area for water with land use codes other than above or for which the Corporation does not have land use codes (as determined by the timing of quarterly meter readings):	
(i) for each kilolitre supplied up to, and including, 0.7233 kilolitres per day	\$0.000 per kilolitre
(ii) for each kilolitre supplied over 0.7233 kilolitres per day	\$2.806 per kilolitre

Hydrants

Water supplied through Hydrants—Charges

Description	Charge
Water use	\$2.806 per kilolitre

Service Rent

An annual charge where additional services are provided (e.g. additional meters) excluding country lands and recycled water to the Mawson Lakes, Lochiel Park and Seaford Meadows recycled water supply areas.

Description	Charge
Fixed charge for each additional service	\$274.40 per annum
Country Lands	
A fixed charge applies where additional services are provided (e.g. additional meters)	
Fixed charge for each additional service per every 250 hectares of contiguous land	\$274.40 per annum

SEWERAGE AVAILABILITY CHARGES

Scales for Calculation of Sewerage Charge

Quarterly sewerage charges (fixed charges) are based on the greater of the minimum charge or property-based charge (if not otherwise specified in this gazette).

Property Based Charge: Scale	Minimum Quarterly Fixed Charge	Land Affected
\$0.202250 per \$1000 of capital value	\$73.50	All residential land in the Adelaide and Aldinga drainage areas.
\$0.101125 per \$1000 of capital value	\$73.50	All residential land in the Adelaide and Aldinga drainage areas with an indirect sewer connection.
\$0.268500 per \$1000 of capital value	\$73.50	All non-residential land in the Adelaide and Aldinga drainage areas except strata/community titled parking spaces under land use code 6532.
\$0.134250 per \$1000 of capital value	\$73.50	All non-residential land in the Adelaide and Aldinga drainage areas except strata/community titled parking spaces under land use code 6532 with an indirect sewer connection.
\$0.268500 per \$1000 of capital value	\$18.40	All non-residential land in the Adelaide and Aldinga drainage areas classified as strata/community titled parking spaces under land use code 6532.
\$0.302750 per \$1000 of capital value	\$73.50	All residential land in other drainage areas.
\$0.151375 per \$1000 of capital value	\$73.50	All residential land in other drainage areas with an indirect sewer connection.
\$0.415750 per \$1000 of capital value	\$73.50	All non-residential land in other drainage areas except strata/community titled parking spaces under land use code 6532.
\$0.207875 per \$1000 of capital value	\$73.50	All non-residential land in other drainage areas except strata/community titled parking spaces under land use code 6532 with an indirect sewer connection.
\$0.415750 per \$1000 of capital value	\$18.40	All non-residential land in other drainage areas classified as strata/community titled parking spaces under land use code 6532.

Community Concession Sewerage Charges

Quarterly sewerage availability charge (fixed charge) calculated based on three key steps:

- (1) the quarterly property value charge and minimum quarterly fixed charge are first determined;
- (2) the greater of these is compared to the quarterly water closet charge (i.e. the number of water closets multiplied by the water closet fee);
- (3) the lesser of Step 2 is charged on the property.

Description	Land Affected
Charge determined according to number of water closets draining into the sewerage system	
\$20.40 per water closet draining into the sewerage system	All land that has been acquired or is used exclusively for charitable, public worship or a municipal corporation exclusively for the purposes of the Corporation.
\$27.95 per water closet draining into the sewerage system	All other concessional land.

Recycled Water

Description	Charge
Dual residential reticulated recycled water use	\$1.769 per kilolitre

FEES AND CHARGES SCHEDULE

The following fees and charges are fixed for the period 1 July 2021 to 30 June 2022.

Fee Name	Fee 2021-22
Access to SA Water land fees^^	
Miscellaneous access to SA Water land per half day (up to 4 hours)	\$404.00
Miscellaneous access to SA Water land per half day (4 to 7.5 hours)	\$809.00
Formal event low impact per day	\$607.00
Formal event high impact per day	\$1,213.00
Staff assistance (hourly)	\$126.00 per hr
Staff assistance (after hours/public holiday/weekend loading—hourly)	\$253.00 per hr
Environmental impact bond (required for periods longer than 5 days, refundable after impact assessment)	\$1,011.00
Ongoing commercial service providers low impact—per 12 months	\$1,213.00 per 12 months
Ongoing commercial service providers high impact—per 12 months	\$1,820.00 per 12 months

Fee Name—Water Supply Augmentation Charges^	Fee 2021-22
Roseworthy	\$894.00
Mount Barker	\$6,067.00
Skye	\$28,570.00
Two Wells and Lewiston	\$4,100.00

Fee Name—Sewer Augmentation Charges^	Fee 2021-22
Buckland Park/Virginia	\$1,434.00
Victor Harbor	\$2,802.00
Angle Vale	\$5,668.00
Roseworthy	\$1,436.00

Fee Name—Other	Fee 2021-22
Other fees and charges	
Property lease preparation fee for non-commercial agreements	Estimated cost quoted by Corporation within lease agreement
Easement extinguishment/variation administration fee—investigation and advice	\$533.00
Network analysis	\$462.00
Network analysis and fire plug flow test—first test	\$522.00
Hourly service fee	\$59.50 per hr
Recycled water—on property audit fee—per audit	\$83.00 per audit
External AquaMap access fee—per annum	\$214.00 per annum
Business relations consultancy fee—per hour	\$99.00 per hr
Learning centre hire—per hour	\$53.00 per hr
Clip & meter lock fee—large	\$37.50
Standard water flow test—fire plug	\$159.00
Additional fire plug—water flow test—same day, same site	\$29.25
Special meter reading fee	\$16.30
Certificate and encumbrance fee***	\$6.85
Certification of Land Services SA Documents	Estimated
Clare—availability charge (per ML)	3,020.00 per mL

Fee Name—Other	Fee 2021-22
Beekeeping licence	\$377.00
Dishonoured payment made to pay a charge or other amount under regulations	\$10.80
Overdue payment fee	\$8.30
Charge for visit in relation to the non-payment of a charge	\$40.00
Recharge for collection of overdue accounts	Based on cost incurred by Corporation
Request for back-dated bills (greater than four years)	\$10.30
Extension of main	Estimated cost to deliver service
Connection off extension of main	Estimated cost to deliver service

Fee Name—Reservoir Fishing Permits	Fee 2021-22
Three day permit (per angler)	
Three day permit (per angler)—Fee 2021-22	\$10.00
Three day permit (per angler)—Fee 2021-22 concession card holder price	\$8.00
10 day permit (per angler)	
10 day permit (per angler)—Fee 2021-22	\$20.00
10 day permit (per angler)—Fee 2021-22 concession card holder price	\$16.00
Annual permit (per angler)	
Annual permit (per angler)—Fee 2021-22	\$33.00
Annual day permit (per angler)—Fee 2021-22 concession card holder price	\$26.40

Fee Name—Sewer	Fee 2021-22
Installation of connection	
100mm sewerage connection up to 12m***	\$5,082.00
100mm per metre rate more than 12m up to 30m***	\$298.00
100mm sewerage spur connection***	\$2,885.00
150mm sewerage connection up to 12m***	\$5,944.00
150mm per metre rate more than 12m up to 30m***	\$334.00
Larger than 150mm sewerage connections (including spur connections)	Estimated cost to deliver service
Disconnection charge	
Disconnect 100/150mm sewerage connection***	\$1,198.00
Disconnect larger than 150mm sewerage connection	Estimated cost to deliver service
Sewerage pre-laid activation fee	
Sewerage pre-laid activation fee 100/150mm	\$53.50
Sewerage pre-laid activation fee larger than 150mm	Estimated cost to deliver service
Administration fee	
Administration fee for link-up (sewer)	\$84.00
SA Water construction: sewerage	
Design and administration charge—non-standard connections	\$318.00
Design and administration charge—extensions	\$1,000.00
Third party access—sewerage	
Third party access—sewer—request for further information	\$4,334.00
Insert inspection point	
Insert inspection point 100mm and 150mm	Estimated cost to deliver service
Common Effluent	
DC of Barossa	\$80.40
DC of Grant	\$80.40
Other areas	\$121.20

Fee Name—Smart Meter Fees	Fee 2021-22
Smart meter battery replacement	\$314.00
Smart meter annual fee—per meter	\$111.00
Smart meter annual fee—non-standard	Estimated
Smart meter installations	Estimated
Smart irrigation set up fee	Estimated
Smart irrigation annual fee	Estimated

Fee Name—Trade Waste	Fee 2021-22
Trade waste discharge application fee and audit fee	
Trade waste discharge application fee	\$178.00
Trade waste audit fee (per inspection)	\$144.00
Trade waste volume and load based	
Trade waste VLB—volume (per kL)	\$0.233 per kg
Trade waste VLB—biochemical oxygen demand (per kg) up to 1000mg/L	\$0.381 per kg
Trade waste VLB—biochemical oxygen demand (per kg) more than 1000mg/L	\$0.533 per kg
Trade waste VLB—suspended solids (per kg)	\$0.338 per kg
Trade waste VLB—nitrogen (per kg)	\$0.596 per kg
Trade waste VLB—phosphorus (per kg)	\$2.903 per kg
Trade waste—cost reflective volume and load based	
Trade waste cost reflective VLB—volume (per kL)##	\$0.692 per kL
Trade waste cost reflective VLB—biochemical oxygen demand (per kg)##	\$0.533 per kg
Trade waste cost reflective VLB—suspended solids (per kg)##	\$0.545 per kg
Trade waste cost reflective VLB—nitrogen (per kg)##	\$2.869 per kg
Trade waste cost reflective VLB—phosphorus (per kg)##	\$16.691 per kg
Trade waste non-compliance charges	
Failure to service grease arrestor/settling pit fee (up to 2,400L, every four weeks)	\$157.00
Failure to service grease arrestor/settling pit fee (2,400L and above, every four weeks)	\$314.00
Failure to install/upgrade/repair pre-treatment fee (every four weeks)	\$451.00
Other trade waste charges	
Sampling and monitoring charges	Estimated cost to deliver service
Trade waste administration charges	\$66.50
Non-domestic hauled waste charges—volume (per kL)	\$0.692 per kL
Non-domestic hauled waste charges—biochemical oxygen demand (per kg)	\$0.533 per kg
Non-domestic hauled waste charges—suspended solids (per kg)	\$0.545 per kg
Non-domestic hauled waste charges—nitrogen (per kg)	\$0.403 per kg
Non-domestic hauled waste charges—phosphorus (per kg)	\$2.012 per kg
Holding tank and septic waste charges (per kL)	\$8.75 per kL
Liquid hauled waste—replacement of station swipe card	\$145.00
Waste macerator discharge (per macerator)	\$632.00 per unit
Storm water to sewer—per sq. metre	\$12.00 per sq metre
Grease solids profile fee	\$73.00
Grease Arrestor Maintenance Application (GAMA) tag replacement	\$86.00
Fee Name—Water	Fee 2021-22
Installation of water connection (includes installation of meter)	
20mm connection up to 12m**	\$2,756.00
20mm connection, per metre rate more than 12m up to 25m**	\$131.00
25mm connection up to 12m**	\$3,080.00
25mm connection, per metre rate more than 12m up to 25m**	\$131.00
40mm connection up to 12m**	\$4,168.00
40mm connection, per metre rate more than 12m up to 25m**	\$159.00
50mm connection up to 12m**	\$5,637.00
50mm connection, per metre rate more than 12m up to 25m**	\$203.00
Larger than 50mm connection	Estimated cost to deliver service
Installation of a meter	
20mm meter	\$273.00
25mm meter	\$454.00
40mm meter	\$837.00
50mm meter	\$1,978.00
20mm water meter activation fee	\$130.00 per meter
20mm meter on 1-4 or 1-12 meter manifold—per meter	\$379.00 per meter
25mm meter on 1-5 meter manifold—per meter	\$579.00 per meter
Installation of water connections and isolating valves for firefighting purposes	
100mm, 150mm or larger than 150mm fire connections	Estimated cost to deliver service
100mm, 150mm, 200mm or larger than 200mm isolating valves for fire connections	Estimated cost to deliver service
Permanent overhead standpipe and meter	Estimated cost to deliver service

Fee Name—Water	Fee 2021-22
Disconnect connections	
Disconnect fire connection	Estimated cost to deliver service
Disconnect up to 50mm water connection**	\$739.00
Disconnect larger than 50mm water connection	Estimated cost to deliver service
Miscellaneous connection fees	
Restoration fee—at meter	\$61.50
Restoration fee—at main pipe	Estimated cost to deliver service
Rotate 20mm/25mm meter	\$208.00
Rotate 40mm meter	\$845.00
Alter connections (relocate, raise/lower, shorten/lengthen)^^^	
Alter 20mm or 25mm connection (up to 0.5m)	\$713.00
Alter 20mm or 25mm connection (more than 0.5m and up to 2.0m)	\$737.00
Alter 20mm or 25mm connection (more than 2.0m and up to 4.0m)	\$1,025.00
Alter connections (raise/lower, shorten/lengthen)	
Alter 32mm—50mm connection (up to 0.5m)	\$1,209.00
Alter 32mm—50mm connection (more than 0.5m and up to 2.0m)	\$1,261.00
Alter 32mm—50mm connection (more than 2.0m and up to 4.0m)	\$1,369.00
Alter larger than 50mm connection	Estimated cost to deliver service
Alter connections into a box (relocate, raise/lower, shorten/lengthen)^^^	
Alter 20mm connection into box (up to 0.5m)	\$1,394.00
Alter 20mm connection into box (more than 0.5m and up to 2.0m)	\$1,431.00
Alter 20mm connection into box (more than 2.0m and up to 4.0m)	\$1,642.00
Alter 25mm connection into box (up to 0.5m)	\$2,022.00
Alter 25mm connection into box (more than 0.5m and up to 2.0m)	\$2,078.00
Alter 25 mm connection into box (more than 2.0m and up to 4.0m)	\$2,550.00
Provide and install metal underground box to cover meter	
Underground box for 20mm meter	\$721.00
Underground box for 25-50mm meter	\$1,994.00
Meter testing	
Meter test fee—20mm-25mm on site meter flow test	\$94.50
Meter test fee—20mm-25mm meters	\$291.00
Meter test fee—32mm-40mm meters	\$481.00
Meter test fee—50mm meters	\$941.00
Meter test fee—80mm meters	\$1,838.00
Meter test fee—100mm meters	\$2,299.00
Meter test fee—150mm meters	\$4,936.00
Meter repair/replacement fees	
Meter repair/replacement—15mm, 20mm and 25mm	\$245.00
Meter repair/replacement—32mm and 40mm	\$391.00
Meter repair/replacement—50mm	\$443.00
Meter repair/replacement—larger than 50mm	Estimated cost to deliver service
Administration fee	
Administration fee for link-up (water)	\$210.00
SA Water construction: water supply	
Design and administration charge—non-standard connections	\$318.00
Design and administration charge—extensions	\$1,000.00
Third party access—water/recycled water	
Third party access—water/recycled water—request for further information	\$5,297.00
Hydrants	
Metered hydrant deposit—25mm	\$520.00
Metered hydrant deposit—50mm	\$675.00
Metered hydrant application fee	\$231.00
Hire of portable hydrant—for each period of 3 months or part	\$120.00
Charge for additional administrative cost in relation to breach of terms and conditions of hire of hydrant	\$178.00

Notes:

GST—Where GST applies, the fee is stated inclusive of GST.

- * Concession card holder price available for persons holding a valid full time Australian secondary or tertiary student card, Commonwealth Pensioner Concession card, Health Care Card, Commonwealth Senior Health Card, South Australian State Concession Card or Seniors Card.
- ** Charge for standard connections only, refer to connections policy for non standard connections. All 50mm and 50mm recycled water connections fees are estimated.
- *** Schedule 8 of the *Land and Business (Sale and Conveyancing) Regulations 2010* prescribes fees for applications made for land and business sales enquiries and Schedule 1 of the *Water Industry Regulations 2012* prescribes fees for applications for other similar enquiries. SA Water has determined that it will charge the fee stated in this notice for both categories of application.
- ^ Charges for 100% only, refer to Augmentation Policy fees and charges schedule for multipliers applicable to properties that are residential, multiple dwellings, commercial/industrial, and reserves.
- ^^ All third-party access to SA Water land requires a valid permit. Commercial activities and/or other events/activities may attract these fees. The application of these fees will be at SA Water discretion and assessed on a case-by-case basis.
- ^^^ Meter fees may be required for unmetered connections.
- # All sewer connections provided are subject to approval and design standards.
- ## These fees apply to customers who exceed their trade waste authorisation discharge limits.

Confirmed as a true and accurate record of the decision of the Corporation.

Dated: 26 June 2021

D. RYAN
Chief Executive
South Australian Water Corporation

LOCAL GOVERNMENT INSTRUMENTS

CITY OF CHARLES STURT

LOCAL GOVERNMENT ACT 1999

By-law No. 1 of 2021—Permits and Penalties By-law 2021

To provide for a permit system, set penalties for breaches of by-laws, provide for certain matters pertaining to liability and evidence, set regulatory requirements, clarify the construction of Council's by-laws and for related purposes.

PART 1—PRELIMINARY

1. Short Title

This by-law may be cited as the *Permits and Penalties By-law 2021*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

3.1 In any by-law of the Council, unless the contrary intention is clearly indicated:

- 3.1.1 **authorised person** means a person appointed as an authorised person pursuant to Section 260 of the *Local Government Act 1999*;
- 3.1.2 **Council** means the City of Charles Sturt;
- 3.1.3 **drive** a vehicle means to be in control of the steering, movement or propulsion of the vehicle;
- 3.1.4 **driver** of a vehicle means the person driving the vehicle;
- 3.1.5 **motor vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 3.1.6 **person** includes a natural person, a body corporate or incorporated association;
- 3.1.7 **road** has the same meaning as in the *Local Government Act 1999*;
- 3.1.8 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and the Australian Road Rules and includes a motor vehicle.

3.2 In this by-law:

- 3.2.1 **owner** has the same meaning as in the *Road Traffic Act 1961*;
- 3.2.2 **prescribed offence** means an offence against a by-law of the Council relating to the driving, parking or standing of vehicles.

4. Construction

Every by-law of the Council shall be subject to any Act of Parliament and Regulations made thereunder.

PART 2—PERMITS

5. Council May Grant Permits

If any by-law of the Council states that a person needs a 'permit' or 'permission' to do a specified thing, then the following provisions apply:

- 5.1 the permit must be in writing;
- 5.2 a person may apply for permission by:
 - 5.2.1 making a written application for permission to the Council or its duly authorised agent;
 - 5.2.2 making application by way of a website established by the Council for the purpose of issuing a permit of a particular kind;
 - 5.2.3 obtaining a permit from a permit vending-machine installed and maintained by the Council that has been designated by the Council for the purposes of issuing a permit of a particular kind;
- 5.3 the Council may:
 - 5.3.1 provide that the permit applies for a particular term;
 - 5.3.2 attach conditions to the permit the Council considers appropriate;
 - 5.3.3 change or revoke a condition, by notice in writing; or
 - 5.3.4 add new conditions, by notice in writing;
- 5.4 a person who holds a permit must comply with every condition attached to it. Failure to do so constitutes a breach of this by-law;
- 5.5 the Council may revoke a permit, by notice in writing, if:
 - 5.5.1 the holder of the permit fails to comply with a condition attached to it; or
 - 5.5.2 the permit is of a continuing nature, and the Council has reasonable grounds for revoking it;
- 5.6 the Council may, by resolution, fix, vary or revoke fees or charges for the granting of a permit to do a specified thing;
- 5.7 a person who applies for permission by way of subparagraph 5.2.2 or 5.2.3 is taken to have been granted permission when the following steps have been completed:
 - 5.7.1 the person pays the permit fee (if any) by (as the case may be):
 - 5.7.1.1 inserting sufficient coins or notes into the permit vending-machine;
 - 5.7.1.2 credit or debit card; or
 - 5.7.1.3 such other method of payment that may be approved by the Council by resolution;
 - 5.7.2 the person receives a notice identifying itself as a permit from the Council to undertake the activity specified in the permit.

PART 3—ENFORCEMENT

6. Penalties

- 6.1 A person who contravenes, or fails to comply with any by-law of the Council is guilty of an offence and is liable to a maximum penalty, being the maximum penalty referred to in the *Local Government Act 1999*, which may be fixed for offences against a by-law.
- 6.2 A person who is convicted of an offence against any by-law of the Council in respect of a continuing act or omission is liable, in addition to the penalty otherwise applicable, to a further penalty, being the maximum penalty referred to in the *Local Government Act 1999* which may be fixed for offences of a continuing nature against a by-law.

7. Liability of Vehicles Owners and Expiation of Certain Offences

- 7.1 Without derogating from the liability of any other person, but subject to this paragraph, if a vehicle is involved in a prescribed offence, the owner of the vehicle is guilty of an offence and liable to the same penalty as is prescribed for the principal offence and the expiation fee that is fixed for the principal offence applies in relation to an offence against this paragraph.
- 7.2 The owner and driver of a vehicle are not both liable through the operation of this paragraph to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely conviction of the driver exonerates the owner.
- 7.3 An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged prescribed offence involving the vehicle must be accompanied by a notice inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:
- 7.3.1 setting out the name and address of the driver; or
- 7.3.2 if they had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer - setting out details of the transfer (including the name and address of the transferee).
- 7.4 Before proceedings are commenced against the owner of a vehicle for an offence against this section involving the vehicle, the Informant must send the owner a notice:
- 7.4.1 setting out particulars of the alleged prescribed offence; and
- 7.4.2 inviting the owner, if he or she was not the driver at the time of the alleged prescribed offence, to provide the Informant, within 21 days of the date of the notice, with a statutory declaration setting out the matters referred to in subparagraph 7.3.
- 7.5 Subparagraph 7.4 does not apply to:
- 7.5.1 proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
- 7.5.2 proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the driver of the vehicle.
- 7.6 Subject to subparagraph 7.7, in proceedings against the owner of a vehicle for an offence against this paragraph, it is a defence to prove:
- 7.6.1 that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or
- 7.6.2 that the owner provided the Informant with a statutory declaration in accordance with an invitation under this paragraph.
- 7.7 The defence in paragraph 7.6.2 does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.
- 7.8 If:
- 7.8.1 an expiation notice is given to a person named as the alleged driver in a statutory declaration under this paragraph; or
- 7.8.2 proceedings are commenced against a person named as the alleged driver in such a statutory declaration,
- the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.
- 7.9 The particulars of the statutory declaration provided to the person named as the alleged driver must not include the address of the person who provided the statutory declaration.

8. Evidence

In proceedings for a prescribed offence, an allegation in an Information that:

- 8.1 a specified place was a road or local government land; or
- 8.2 a specified vehicle was driven, parked or left standing in a specified place; or
- 8.3 a specified vehicle was parked or left standing for the purposes of soliciting business from a person or offering or exposing goods for sale; or
- 8.4 a specified place was not formed or otherwise set aside by the Council for the purposes of the driving, parking or standing of vehicles; or
- 8.5 a specified person was an authorised person; or
- 8.6 a specified provision was a condition of a specified permit granted under paragraph 5 of this by-law; or
- 8.7 a specified person was the owner or driver of a specified vehicle; or
- 8.8 a person named in a statutory declaration under paragraph 7 of this by-law for the prescribed offence to which the declaration relates was the driver of the vehicle at the time at which the alleged offence was committed; or
- 8.9 an owner or driver of a vehicle for a prescribed offence was given notice under paragraph 7 of this by-law on a specified day,
- is proof of the matters so alleged in the absence of proof to the contrary.

PART 4—MISCELLANEOUS

9. Revocation

Council's *Permits and Penalties By-law 2014*, published in the *Gazette* on 21 August 2014, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Charles Sturt held on the 15th day of June 2021 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

PAUL SUTTON
Chief Executive Officer

CITY OF CHARLES STURT
LOCAL GOVERNMENT ACT 1999

By-law No. 2 of 2021—Moveable Signs By-law 2021

To set standards for moveable signs on roads, to provide conditions for and the placement of such signs, to protect public safety and to protect or enhance the amenity of the area of the Council.

PART 1—PRELIMINARY

1. Short Title

This by-law may be cited as the *Moveable Signs By-law 2021*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law, unless the contrary intention is clearly indicated:

- 3.1 **approved construction** means a moveable sign which:
- 3.1.1 is not more than 1 metre high, 700mm in length and 700mm in width; and
 - 3.1.2 when placed on a footpath in a display position is not more than 700mm in length; and
 - 3.1.3 is constructed so as not to be (or likely to be) a hazard to a member of the public using the footpath upon which the moveable sign has been placed; and
 - 3.1.4 is constructed so as to be (or likely to be) stable when displayed upon a footpath including being stable during adverse weather conditions; and
 - 3.1.5 does not rotate, contain flashing lights or is illuminated internally or externally; and
 - 3.1.6 does not have balloons, flags, streamers or other things attached to it;
- 3.2 **banner** means a moveable sign constituted of a strip of cloth, plastic or other material hung or attached to a pole, fence or other structure;
- 3.3 **business premises** means the premises from which a business, trade or calling is conducted that is open to the public;
- 3.4 **footpath** means:
- 3.4.1 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
 - 3.4.2 that part of a road between the edge of the carriageway and the boundary between the road and the adjoining land on the same side of the carriageway as that edge;
- 3.5 **moveable sign** has the same meaning as in the *Local Government Act 1999*;
- 3.6 **road** has the same meaning as in the *Local Government Act 1999*;
- 3.7 **road related area** has the same meaning as in the *Road Traffic Act 1961*.

PART 2—PROVISIONS APPLICABLE TO MOVEABLE SIGNS

4. Design and Construction

A moveable sign displayed on a road must be of an approved construction.

5. Placement

A moveable sign displayed on a public road must not:

- 5.1 be placed anywhere except on the footpath;
- 5.2 be placed on a footpath that is less than 2.5 metres wide;
- 5.3 be placed on the sealed part of a footpath unless the sealed part is wide enough to contain the moveable sign and still leave a clear thoroughfare of at least 1.2 metres wide;
- 5.4 be placed on a landscaped area;
- 5.5 be placed on a designated parking area or within one metre of an entrance to or exit from premises;
- 5.6 be placed within 10 metres of the far curb of an intersection;
- 5.7 be fixed, tied or chained to, leaned against or placed closer than 2 metres to any other structure, object or plant (including another moveable sign);
- 5.8 be displayed to advertise a business while the business is providing outdoor dining facilities on a public road;
- 5.9 unreasonably restrict the use of the footpath or road or endanger the safety of members of the public.

6. Restrictions

A moveable sign displayed on a public road is subject to the following restrictions:

- 6.1 the moveable sign must only contain material which advertises a business being conducted on premises immediately adjacent to the sign;
- 6.2 only one moveable sign is to be displayed in relation to a business premises;
- 6.3 the moveable sign must not be displayed unless the business to which it relates is open to the public and the public are able to attend the premises at the time the sign is displayed;
- 6.4 the moveable sign must be clearly visible if displayed during the hours of darkness;
- 6.5 the moveable sign must be of an approved construction.

7. Banners

A banner must:

- 7.1 only be displayed on a road, footpath or road related area;
- 7.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
- 7.3 not be attached to any building, structure, fence, vegetation or other item owned by the Council on a road, or other improvement to a road owned by the Council;
- 7.4 if it relates to an event, not be displayed more than one month before and two days after the event it advertises;
- 7.5 not be displayed for a continuous period of more than one month and two days in any 12 month period;
- 7.6 not exceed 3m² in size.

PART 3—ENFORCEMENT

8. Removal of Unauthorised Moveable Signs

- 8.1 If a moveable sign has been placed on any public road or footpath in contravention of this by-law or of Section 226 of the *Local Government Act 1999*, an authorised person may order the owner of the sign to remove the moveable sign from the road or footpath.
- 8.2 If the authorised person cannot find the owner, or the owner fails to comply immediately with the order, the authorised person may remove the sign.
- 8.3 If a moveable sign is removed under subparagraph 8.2 of this by-law and is not claimed within 30 days of such removal the authorised person may sell, destroy or otherwise dispose of the moveable sign as the authorised person thinks fit.
- 8.4 Any person who displays an unauthorised moveable sign or who is the owner of an unauthorised moveable sign which has been removed under subparagraph 8.2 of this by-law must pay the Council any reasonable costs incurred in removing, storing or attempting to dispose of the moveable sign before being entitled to recover the moveable sign.

9. Removal of Authorised Moveable Signs

- 9.1 A moveable sign must be removed or relocated by the person who placed the moveable sign on a road or footpath or the owner of the moveable sign, at the request of an authorised officer if, in the opinion of the authorised person, and notwithstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign.
- 9.2 A moveable sign must be removed or relocated by the person who placed the moveable sign on a road or public place or the owner of the sign, at the request of an authorised person, if so required by the authorised person for the purpose of special events, parades, road or footpath works or any other circumstances which, in the opinion of the authorised person, requires relocation or removal of the moveable sign.

PART 4—MISCELLANEOUS

10. Specified Exemptions

This by-law does not apply to a moveable sign which:

- 10.1 is a moveable sign that is placed on a public road pursuant to an authorisation under the *Local Government Act 1999* or another Act;
- 10.2 directs people to a current open inspection of any land or building that is available for purchase or lease;
- 10.3 directs people to a current garage sale that is being held on residential premises provided the sign does not restrict the use of the road or endanger the safety of members of the public;
- 10.4 is a flat sign containing only the banner or headlines of a newspaper or magazine provided:
 - 10.4.1 the sign does not restrict the use of the road or endanger members of the public; and
 - 10.4.2 only three such signs are displayed in relation to a business premises;
- 10.5 is related to a Commonwealth election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day;
- 10.6 is related to a State election and is otherwise authorised to be exhibited under the Section 226 of *Local Government Act 1999* or the *Electoral Act 1985*;
- 10.7 is related to an election held under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* and is otherwise authorised to be exhibited under Section 226 of *Local Government Act 1999*;
- 10.8 related to a referendum and is displayed during the course and for the purpose of that referendum;
- 10.9 is displayed with permission of the Council and in accordance with any conditions attached to that permission; or
- 10.10 is a sign of a class prescribed in the regulations.

11. Revocation

Council's *Moveable Signs By-law 2014*, published in the *Gazette* on 21 August 2014, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Charles Sturt held on the 15th day of June 2021 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

PAUL SUTTON
Chief Executive Officer

CITY OF CHARLES STURT
LOCAL GOVERNMENT ACT 1999

By-law No. 3 of 2021—Local Government Land By-law 2021

For the management and regulation of the use of and access to local government land vested in or under the control of the Council and public places (other than roads), including the prohibition and regulation of particular activities on local government land and in public places.

PART 1—PRELIMINARY

1. Short Title

This by-law may be cited as the *Local Government Land By-law 2021*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 **animal** includes birds, insects and marine creatures;
- 3.2 **camp** includes setting up a camp, or causing a tent, caravan or motorhome to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 3.3 **e-cigarette** means:
- 3.3.1 a device that is designed to generate or release an aerosol or vapour for inhalation by its user in a manner similar to the inhalation of smoke from an ignited tobacco product; or
- 3.3.2 a device of a kind resolved by the Council and notified by notice in the *Gazette* to be an e-cigarette;
- 3.4 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 3.5 **emergency vehicle** means a vehicle driven by a person who is an emergency worker;
- 3.6 **emergency worker** has the same meaning as in Regulation 54 of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 3.7 **foreshore** means the land extending from the low water mark on the seashore to the nearest road or section boundary, or to a distance of 50 metres from high water mark (whichever is the lesser distance);
- 3.8 **liquor** has the same meaning as defined in the *Liquor Licensing Act 1997*;
- 3.9 **local government land** means land owned by the Council or under the Council's care, control and management (except roads);
- 3.10 **model aircraft** includes a drone;
- 3.11 **motor vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 3.12 **on water activity** includes fishing (whether from a boat or other vessel, structure or land), swimming, bathing, diving, rowing or boating;
- 3.13 **open container** means a container which:
- 3.13.1 after the contents thereof have been sealed at the time of manufacture; and
- 3.13.1.1 being a bottle, has had its cap, cork or top removed (whether or not it has since been replaced);
- 3.13.1.2 being a can, it has been opened or punctured;
- 3.13.1.3 being a cask, has had its tap placed in a position to allow it to be used;
- 3.13.1.4 being any form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to the contents thereof; or
- 3.13.2 is a flask, glass or mug or other container used for drinking purposes;
- 3.14 **personal watercraft** has the same meaning as in the *Harbors and Navigation Act 1993*;
- 3.15 **public place** means a place (including a place on private land) to which the public has access (except a road) but does not include any part of a community parcel divided by a plan of community division under the *Community Titles Act 1996*;
- 3.16 **smoke** means:
- 3.16.1 in relation to a tobacco product, smoke, hold, or otherwise have control over, an ignited tobacco product; or
- 3.16.2 in relation to an e-cigarette, to inhale from, hold or otherwise have control over, an e-cigarette that is in use.

PART 2—MANAGEMENT OF LOCAL GOVERNMENT LAND AND PUBLIC PLACES

4. Activities Requiring Permission

A person must not, without permission, on any local government land:

- 4.1 **Advertising**
display any sign for the purpose of advertising;
- 4.2 **Amplification**
use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound;
- 4.3 **Animals**
- 4.3.1 enter in company with any animal that the Council has resolved is prohibited from local government land, except land to which the Council has resolved that such an animal is permitted, and has indicated the same through the erection of a sign or signs;
- 4.3.2 exercise any animal in such a manner as to endanger the safety of any other person;

- 4.4 *Animals on Foreshore*
- 4.4.1 allow or suffer any animal under his or her control to swim or bathe in the sea or any other open public water to the inconvenience, annoyance, or danger of any other person bathing or swimming;
- 4.4.2 exercise any horse on the foreshore in such manner as to endanger the safety of any other person;
- 4.5 *Animals in Lakes and Ponds*
comprising a pond or lake, to which this subparagraph applies, allow or suffer any animal to enter or remain therein;
- 4.6 *Athletic and Ball Sports*
- 4.6.1 promote, organise or take part in any organised athletic sport;
- 4.6.2 to which this subparagraph applies, play or practice the game of golf;
- 4.7 *Attachments*
attach, hang or fix any item to any tree, shrub, plant, tree guard, tree stake, notice board, seat, fence, post or other item or structure which is the property of the Council;
- 4.8 *Boat Ramps*
launch or retrieve a boat or other vessel to or from any pond or lake to which this subparagraph applies;
- 4.9 *Bridge Jumping*
jump or dive from any bridge;
- 4.10 *Buoys*
comprising a pond or lake, place a buoy, cable, chain, hawser, rope or net in, on or across the pond or lake;
- 4.11 *Busking*
sing, busk or play a musical instrument for the purpose of or so as to appear to be for the purpose of entertaining others or receiving money;
- 4.12 *Camping*
- 4.12.1 camp;
- 4.12.2 erect any tent or other structure of calico, canvas, plastic or similar material;
- 4.12.3 camp in a motorhome, except where a sign or signs erected by the Council indicates that camping on the land in such a vehicle is permitted;
- 4.13 *Canvassing*
convey any advertising, religious or other message to any bystander, passerby or other person;
- 4.14 *Cemeteries*
comprising a cemetery:
- 4.14.1 bury or inter any human or animal remains;
- 4.14.2 erect any memorial;
- 4.15 *Closed Lakes*
comprising a lake or pond, enter, remain in or on, or engage in any on water activity on any part of the lake or pond at any time during which the Council has resolved that it shall be closed to the public and which is indicated by a sign or signs to that effect;
- 4.16 *Closed Lands*
enter or remain on any part the land:
- 4.16.1 at any time during which the Council has resolved that it shall be closed to the public and which is indicated by a sign or signs to that effect;
- 4.16.2 where the land is enclosed with fences and/or walls, and gates, at any time when the gates have been closed and locked; or
- 4.16.3 where admission charges are payable, to enter without paying those charges;
- 4.16.4 constituting a revegetation area, where a sign or signs indicate that the land is closed for that purpose;
- 4.17 *Digging Soil*
to which this subparagraph applies, dig the soil for or collect worms, shellfish, grubs or insects;
- 4.18 *Distribution*
distribute anything to any bystander, passerby or other person;
- 4.19 *Donations*
ask for or receive or indicate that he or she desires a donation of money or any other thing;
- 4.20 *Fires*
subject to the *Fire and Emergency Services Act 2005*, light any fire except in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four metres;
- 4.21 *Fireworks*
use, discharge or explode any fireworks;

4.22 *Fishing*

fish:

- 4.22.1 in any pond or lake to which this subparagraph applies;
- 4.22.2 from any place or structure to which this subparagraph applies;
- 4.22.3 from any bridge;
- 4.22.4 in any pond or lake where signage indicates that it has been closed for health reasons;

4.23 *Flora and Fauna*

- 4.23.1 damage, pick, prune or otherwise interfere with any plant or flower or other vegetation thereon; or
- 4.23.2 tease, or cause any harm to any animal, bird or marine creature,
unless they are acting in accordance with the provisions of the *Native Vegetation Act 1991*, *National Parks and Wildlife Act 1972* and/or the *Crown Land Management Act 2009* (to the extent applicable);

4.24 *Hiring Boats*

- 4.24.1 comprising a pond or lake, hire out a boat or vessel or otherwise use it for commercial purposes; or
- 4.24.2 comprising the foreshore, hire out a boat or vessel;

4.25 *Horses*

ride, lead, exercise or otherwise allow a horse:

- 4.25.1 to be on or remain on the foreshore or bathe in any waters at the foreshore, except between the hours of 4:00am and 8:00am on any day, unless Council has resolved a section of foreshore to which this subparagraph would not apply; or
- 4.25.2 to be on any other land except where the Council has set aside a track or other area for use by or in connection with this subparagraph;

4.26 *Interference with Land*

interfere with or alter the land, including:

- 4.26.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 4.26.2 erecting or installing a structure (including fencing, posts, buildings, pipes, wires, cables, fixtures, fittings and other objects) in, on, across, under or over the land;
- 4.26.3 changing or interfering with the construction, arrangement or materials of the land;
- 4.26.4 changing, interfering with or removing a structure (including pipes, wires, cables, fixtures, fittings or other objects) associated with the land;
- 4.26.5 planting a tree or other vegetation on the land, damaging, picking, pruning or otherwise interfering with the vegetation on the land, or removing vegetation from the land; or
- 4.26.6 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used;

4.27 *Launching and Retrieval of Personal Watercraft*

launch or retrieve a personal watercraft from or onto the beach into or from the sea except in any area where the Council has resolved that such an activity is permitted, and has indicated the same through the erection of a sign or signs;

4.28 *Model Aircraft, Boats and Cars*

- 4.28.1 fly or operate a model aircraft, boat or model/remote control car which by the use thereof may cause or be likely to cause injury or discomfort to any person being on or in the vicinity of local government land or detract from or be likely to detract from another person's lawful use and enjoyment of the land;
- 4.28.2 fly or operate a model aircraft, boat or model/remote control car on land to which the Council has resolved this subparagraph shall apply;

4.29 *Motor Vehicles on Parklands*

comprising a park, garden or reserve:

- 4.29.1 drive or propel a motor vehicle unless on an area or road constructed or set aside by the Council for the parking, driving or riding of motor vehicles;
- 4.29.2 take part in any race, test or trial of any kind utilising a motor vehicle except in an area that has been properly constructed or set aside by the Council for that purpose; or
- 4.29.3 promote or organise any race, test or trial of any kind in which motor vehicles take part unless the race, test or trial is to take place on an area that has been properly constructed or set aside by the Council for that purpose;

4.30 *Organised Ceremonies and Events*

conduct or participate in a funeral, marriage ceremony, game, picnic, other event or entertainment on any local government land, except where the number of persons attending the event or entertainment does not exceed 50;

4.31 *Public Exhibitions and Displays*

allow or cause any public exhibition or display;

4.32 *Picking Fruit*

pick fruit, nuts or berries from any tree or bush;

- 4.33 *Pontoons*
comprising a pond or lake, install or maintain a pontoon, fixed floating jetty, or other jetty, whether temporary or permanent;
- 4.34 *Preaching*
preach or harangue;
- 4.35 *Removing Soil*
carry away or remove any soil, sand, seaweed, timber, stones, pebbles or other organic or inorganic materials or any part of the land;
- 4.36 *Swimming*
swim or bathe in any pond or lake to which this subparagraph applies;
- 4.37 *Toilets*
in any public convenience:
4.37.1 smoke tobacco or any other substance;
4.37.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
4.37.3 use it for a purpose or manner for which it was not designed or constructed;
- 4.38 *Use of Boats*
comprising a pond or lake to which this subparagraph applies, use a boat or vessel;
- 4.39 *Vehicles on Boat Ramps*
4.39.1 launch or retrieve a boat or vessel other than from a boat ramp constructed for that purpose;
4.39.2 allow any motor vehicle to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat or vessel;
- 4.40 *Vehicles on the Foreshore*
comprising the foreshore, drive or propel a motor vehicle onto, from or on the foreshore except for the purpose of launching or retrieving a boat, so long as the vehicle is driven or propelled:
4.40.1 on an area that is constructed or set aside by the Council for that purpose; or
4.40.2 on an area to which the Council has resolved such an activity is permitted, and has indicated the same through the erection of a sign or signs;
- 4.41 *Working on Vehicles*
perform the work of repairing, washing, painting, panel beating or other work of a similar nature on or to any motor vehicle, except for running repairs in the case of breakdown.

5. Prohibited Activities

A person must not on local government land:

- 5.1 *Annoyances*
annoy or unreasonably interfere with any other person's use of the land by making a noise or by creating a disturbance that has not been authorised by the Council;
- 5.2 *Interference with Permitted Use*
interrupt or disrupt or interfere with any person's use of a park, reserve or the foreshore for which permission has been granted;
- 5.3 *Use of Council Rubbish Bins*
deposit any commercial waste or other rubbish emanating from commercial premises in any Council rubbish bin;
- 5.4 *Use of Equipment*
use any item of equipment and/or facilities or other Council property other than in the manner and for the purpose for which it was designed or set aside.

PART 3—ENFORCEMENT

6. Removal of Encroachment or Interference

Any person who encroaches onto, interferes with, or alters local government land contrary to this by-law must at the request in writing of an authorised person:

- 6.1 cease the encroachment or interference; and
6.2 remove the source of the encroachment or interference; and
6.3 reinstate the land to the same standard it was prior to the encroachment, interference or alteration.

7. Council May do Work

If a person fails to remove an encroachment or interference on local government land in accordance with a request of an authorised officer pursuant to paragraph 6 of this by-law, then an authorised person may:

- 7.1 undertake the work; and
7.2 recover the cost of doing so from that person.

8. Directions

Any person on local government land must comply with any reasonable direction or request from an authorised person relating to:

- 8.1 that person's use of the land;
8.2 that person's conduct and behaviour on the land;
8.3 that person's safety on the land;
8.4 the safety and enjoyment of the land by other persons.

9. Removal of Animals

If any animal is found on local government land in breach of a by-law:

- 9.1 any person in charge of the animal will remove it on the request of an authorised person; and
- 9.2 an authorised person may remove the animal if a person fails to comply with the request, or if no person is in charge of the animal.

PART 4—MISCELLANEOUS

10. Exemptions

- 10.1 The restrictions in this by-law do not apply to any Police Officer, Council Officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to an emergency worker when driving an emergency vehicle.
- 10.2 The restrictions in paragraph 4.11 do not apply to an activity carried out in a manner approved by resolution of the Council.
- 10.3 The restrictions in paragraph 4.33 do not apply where the person responsible for installing or maintaining the structure has obtained any development approval required under the *Development Act 1993* or the *Planning, Development and Infrastructure Act 2016* and maintains a policy of insurance which provides at least \$20 million of public liability coverage for the structure.
- 10.4 The restrictions in subparagraphs 4.1, 4.7, 4.13 and 4.18 of this by-law do not apply to:
 - 10.4.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or
 - 10.4.2 electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
 - 10.4.3 matters which relate to and occur during the course of and for the purpose of a referendum.

11. Application of Paragraphs

Any of paragraphs 4.5, 4.6.2, 4.8, 4.17, 4.22.1, 4.22.2, 4.28.2, 4.36 and 4.38 of this by-law will apply only in such portion or portions of the area as the Council may, by resolution, direct, in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

12. Revocation

Council's *Local Government Land By-law 2014*, published in the *Gazette* on 21 August 2014, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Charles Sturt held on the 15th day of June 2021 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

PAUL SUTTON
Chief Executive Officer

CITY OF CHARLES STURT LOCAL GOVERNMENT ACT 1999

By-law No. 4 of 2021—Roads By-law 2021

For the management, control and regulation of activities on roads.

PART 1—PRELIMINARY

1. Short Title

This by-law may be cited as the *Roads By-law 2021*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law unless the contrary intention is clearly indicated:

- 3.1 **camp** includes setting up a camp, or causing a tent, caravan or motorhome to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 3.2 **emergency vehicle** means a vehicle driven by a person who is an emergency worker;
- 3.3 **emergency worker** has the same meaning as in Regulation 54 of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 3.4 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 3.5 **green organics** means any clean organic matter consisting of lawn clippings, plants, leaves, prunings or other materials for which permission has been given by the Council but no item larger than 15cm in diameter;
- 3.6 **household waste** means any kind of domestic and kitchen waste generated from residences, but excludes liquids, metals (other than food containers), building materials, stones, bricks, soil, lead acid batteries and any dangerous or toxic waste;
- 3.7 **recyclables** means newspapers, magazines, clean paper and cardboard, clean plastic containers of a type specified by the Council, clean tins and cans, clean glass and clean milk and juice containers and other materials for which permission has been given by the Council;
- 3.8 **road** has the same meaning as in the *Local Government Act 1999*.

PART 2—MANAGEMENT OF ROADS

4. Activities Requiring Permission

A person must not, without permission, on any road:

- 4.1 *Advertising*
display any sign for the purpose of advertising, other than a moveable sign which is displayed on a road in accordance with or exempt from the provisions of the Council's *Moveable Signs By-law 2021*;
- 4.2 *Amplification*
use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or broadcasting announcements or advertisements;
- 4.3 *Animals*
exercise any animal in such a manner as to endanger the safety of another person;
- 4.4 *Bicycles*
chain, lock or affix a bicycle to any pole, fence or other structure on a road where the bicycle may cause an obstruction or damage the structure, other than on a structure specifically designed and set aside by the Council for that purpose;
- 4.5 *Bridge Jumping*
jump or dive from any bridge or other structure;
- 4.6 *Camping*
 - 4.6.1 camp;
 - 4.6.2 erect any tent or other structure of calico, canvas, plastic or similar material;
 - 4.6.3 camp in a motorhome, except where a sign or signs erected by the Council indicates that camping on the road in such a vehicle is permitted;
- 4.7 *Canvassing*
convey any advertising, religious or other message to any bystander, passerby or other person;
- 4.8 *Donations*
ask for or receive or indicate that he or she desires a donation of money or any other thing;
- 4.9 *Preaching*
preach, canvass, harangue or otherwise solicit for religious purposes except on any road or part thereof where the Council has, by resolution, determined this restriction shall not apply;
- 4.10 *Public Exhibitions and Displays*
 - 4.10.1 sing, busk, play a recording or use a music instrument, or perform similar activities;
 - 4.10.2 conduct or hold a concert, festival, show, circus, performance or a similar activity;
 - 4.10.3 erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity;
 - 4.10.4 cause any public exhibitions or display;
- 4.11 *Touting for Business*
tout for business;
- 4.12 *Use of Council Rubbish Bins*
deposit any commercial waste or other rubbish emanating from commercial premises in any Council rubbish bin;
- 4.13 *Working on Vehicles*
perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown.

PART 3—MISCELLANEOUS

5. Waste Management

An occupier of premises must:

- 5.1 facilitate the collection and removal of household waste, recyclables or green organics from the premises on the day of or the night before the scheduled collection day (and not before these times); and
- 5.2 in order to comply with subparagraph 5.1, ensure that, prior to the time appointed by the Council for the collection of a particular kind of household waste, recyclables or green organics from the premises, the container containing that kind of waste is placed out for collection in a position:
 - 5.2.1 on the street in front of and on the same side as the premises, abutting the edge of (but not on) the carriageway and positioned so that the side of the container on which the hinges of the lid are situated faces the premises;
 - 5.2.2 that is not under the overhanging branches of any street tree that would obstruct the collection vehicle;
 - 5.2.3 as otherwise approved by the Council;
- 5.3 remove the waste, recyclables or green organics container from its position on the same day as the collection, after the collection has taken place.

6. Exemptions

- 6.1 The restrictions in this by-law do not apply to any Police Officer, Council Officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to an emergency worker when driving an emergency vehicle.
- 6.2 The restrictions in paragraphs 4.7 and 4.9 of this by-law do not apply to:
 - 6.2.1 electoral matters authorised by a candidate and which relate to a Commonwealth or State election that occurs during the period commencing at 5:00pm on the day before the issue of the writ or writs for the election and ending at the close of polls on polling day; or

6.2.2 electoral matters authorised by a candidate and which relate to an election under the *Local Government Act 1999* or the *Local Government (Elections) Act 1999* that occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or

6.2.3 matters which relate to and occur during the course of and for the purpose of a referendum.

6.3 The restrictions in paragraph 4.10.1 do not apply to an activity carried out in a manner approved by resolution of the Council.

7. Revocation

Council's *Roads By-law 2014*, published in the *Gazette* on 21 August 2014, is revoked on the day on which this by-law comes into operation. The foregoing by-law was duly made and passed at a meeting of the City of Charles Sturt held on the 15th day of June 2021 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

PAUL SUTTON
Chief Executive Officer

CITY OF CHARLES STURT

DOG AND CAT MANAGEMENT ACT 1995
LOCAL GOVERNMENT ACT 1999

By-law No. 5 of 2021—Dogs and Cats By-law 2021

For the management and control of dogs and cats within the Council's area.

PART 1—PRELIMINARY

1. Short Title

This by-law may be cited as the *Dogs and Cats By-law 2021*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law unless the contrary intention is clearly indicated:

- 3.1 **approved kennel establishment** means a building, structure or area approved by the relevant authority, pursuant to the *Development Act 1993* or *Planning, Development and Infrastructure Act 2016* for the keeping of dogs or cats on a temporary or permanent basis;
- 3.2 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled and includes a dog undergoing training of a kind approved by the Board for assistance dogs;
- 3.3 **Board** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.4 **cat** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.5 **cattery** means a building, structure, premises or area approved by the relevant authority pursuant to the *Development Act 1993* or *Planning, Development and Infrastructure Act 2016* for the keeping of cats on a temporary or permanent basis;
- 3.6 **children's playground** means any enclosed area in which there is equipment, apparatus or other installed devices for the purpose of children's play (or within 5 metres of such devices if there is no enclosed area);
- 3.7 **control**, in relation to a dog, includes the person having ownership, possession or charge of, or authority over, the dog;
- 3.8 **dog** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.9 **effective control** means a person exercising effective control of a dog either:
 - 3.9.1 by means of a physical restraint;
 - 3.9.2 by command, the dog being in close proximity to the person, and the person being able to see the dog at all times;
- 3.10 **Hooded and Red Capped Plover breeding site** means any land within 100 metres of a sign installed by the Crown or Council on land that indicates a Hooded and/or Red Capped Plover breeding nest, eggs or chicks are or may be present on the land or in the vicinity;
- 3.11 **keep** includes the provision of food or shelter;
- 3.12 **public place** means a place to which the public has access (whether an admission fee is charged or not);
- 3.13 **small premises** means a premises comprising any self-contained dwelling where the property, or part thereof (ie. flat, home unit etc.), contains a secured unobstructed yard area of less than 100 square metres.

PART 2—DOG MANAGEMENT AND CONTROL

4. Limit on Dog Numbers

- 4.1 The limit on the number of dogs kept:
 - 4.1.1 in a small premises shall be one dog;
 - 4.1.2 in premises other than a small premises, where a dog can be effectively contained, the limit shall be two dogs.
- 4.2 A person must not, without permission, keep any dog on any premises where the number of dogs on the premises exceeds the limit unless:
 - 4.2.1 the premises is an approved kennel establishment; or
 - 4.2.2 the Council has exempted the premises from compliance with this subparagraph.

5. Dog Free Areas

A person must not in any local government land or public place, to which this paragraph applies, allow a dog in that person's control to be in, or remain in that place unless the dog is an assistance dog.

6. Dogs on Leash Areas

A person must not allow a dog under that person's control to be or remain:

- 6.1 on local government land or public place to which the Council has resolved that this subparagraph applies;
- 6.2 on any park or reserve during times when organised sport is being played;
- 6.3 within five metres of a children's playground;
- 6.4 in a Hooded or Red Capped Plover breeding site,

unless the dog is secured by a strong leash not exceeding two metres in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

7. Dog Exercise Areas

- 7.1 A person may enter upon any part of local government land or a public place identified by the Council as a dog exercise area in accordance with paragraph 11 for the purpose of exercising a dog under his or her control.
- 7.2 Where a person enters upon such land for that purpose, he or she must ensure that the dog under his or her control remain under effective control whilst on that land.
- 7.3 The Council must erect a sign or signs to denote the local government land or public places to which this paragraph applies, and information will be provided, in a manner determined by the Chief Executive Officer of the Council, to inform the public about such public places.

8. Dog Faeces

A person must not, on local government land or a public place, be in control of a dog, unless the person has, in his or her possession, a bag or other object for the purpose of picking up and lawfully disposing of any faeces that the dog may generate while in that place.

PART 3—CAT MANAGEMENT AND CONTROL

9. Limit on Cat Numbers

- 9.1 The limit on the number of cats to be kept on any premises is two.
- 9.2 A person must not, without permission, keep any cat on any premises where the number of cats on the premises exceeds the limit unless:
 - 9.2.1 the premises is a cattery; or
 - 9.2.2 the Council has exempted the premises from compliance with this subparagraph.

PART 4—MISCELLANEOUS

10. Granting of Permits

Prior to the Council granting permission under subparagraph 4.2 or 9.2 the Council must consider whether:

- 10.1 an insanitary condition exists or has existed on the premises as a result of the keeping of animals;
- 10.2 a nuisance is caused or has been caused to any neighbour as a result of the keeping of animals on the premises;
- 10.3 there exists sufficient space, shelter on the premises for the keeping of the animals;
- 10.4 the animals can be adequately contained to the premises;
- 10.5 any order pursuant to Section 30 of the *Local Nuisance and Litter Control Act 2016* has been issued in respect of the premises or the applicant for permission.

11. Application of Paragraphs

Any of paragraphs 5, 6.1 and 7.1 of this by-law will apply only in such portion or portions of local government land or a public place as the Council may, by resolution, direct, in accordance with Section 246(3)(e) of the *Local Government Act 1999*.

12. Revocation

Council's *Dogs and Cats By-law 2014*, published in the *Gazette* on 21 August 2014, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Charles Sturt held on the 15th day of June 2021 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

PAUL SUTTON
Chief Executive Officer

CITY OF CHARLES STURT
LOCAL GOVERNMENT ACT 1999

By-law No. 6 of 2021—Domestic Livestock Management By-law 2021

For the management, control and regulation of the keeping of livestock on residential premises, and for related purposes.

PART 1—PRELIMINARY

1. Short Title

This by-law may be cited as the *Domestic Livestock Management By-law 2021*.

2. Commencement

This by-law will come into operation four months after the day on which it is published in the *Gazette* in accordance with Section 249(5) of the *Local Government Act 1999*.

3. Definitions

In this by-law:

- 3.1 *cat* has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.2 *dog* has the same meaning as in the *Dog and Cat Management Act 1995*;
- 3.3 *keep* includes care, feed, control or possess, whether temporary or permanent;
- 3.4 *livestock* means animals kept or usually kept in a domestic or captive state, including cattle, goats, camels, horses, sheep, swine, birds, poultry, pigeons, bees and fish kept or usually kept in a commercial aquarium or fish farm, but does not include a dog or cat;
- 3.5 *poultry* includes chickens, roosters, turkeys, ducks and geese;
- 3.6 *prescribed livestock* means bees, birds, pigeons and fish;
- 3.7 *residential premises* means premises with a residential land use category within the meaning of *Local Government (General) Regulations 2013*; and
- 3.8 *road* has the same meaning as in the *Local Government Act 1999*; and
- 3.9 *small premises* means residential premises where the property, or part thereof, contains a secured unobstructed yard area of less than 100 square metres.

PART 2—LIVESTOCK MANAGEMENT

4. Permission to be Obtained to Keep Livestock in Excess of the Limit

A person must not, without permission, keep or permit to be kept any livestock on residential premises where the number of livestock on the premises exceeds the limit prescribed for any kind of livestock under this by-law.

Note: In addition to requiring permission under this by-law, a person may also require approval under the *Planning, Development and Infrastructure Act 2016* to keep certain livestock on residential premises.

5. Limit on Livestock Numbers

The limit on the number of livestock (other than prescribed livestock and poultry) kept:

- 5.1 on a small premises is one animal;
- 5.2 on premises other than a small premises is two animals.

6. Compliance with Prescribed Standards

- 6.1 The owner of livestock kept on residential premises must ensure that the livestock is kept in a place that complies with the prescribed place standards provided for in Part 4.
- 6.2 The owner of livestock kept on residential premises in a structure constructed on or after 21 December 2014 must ensure that the structure complies with the prescribed structure standards provided for in Part 4.

7. Feed Storage

The owner of livestock kept on residential premises must ensure that any food for the livestock is stored in an air-tight, rodent proof container when not in use.

PART 3—SPECIFIC REQUIREMENTS FOR POULTRY AND PIGEONS

8. Keeping Poultry

- 8.1 The limit on the number of poultry kept:
 - 8.1.1 on a small premises is five birds;
 - 8.1.2 on premises other than a small premises is 10 birds.
- 8.2 A person must not, without permission, keep a rooster on residential premises.
- 8.3 The owner of a poultry kept on residential premises must ensure that all poultry faeces, feathers, refuse and dropped or scattered feed on the premises are removed and disposed of:
 - 8.3.1 at least twice each week; and
 - 8.3.2 as often as is necessary to prevent the escape of offensive odours from the premises.

9. Keeping Pigeons

- 9.1 The limit on the number of pigeons kept:
 - 9.1.1 on a small premises is 15;
 - 9.1.2 on premises other than a small premises is 30.
- 9.2 The owner of a pigeon kept on residential premises must ensure that the pigeon is kept in an enclosure that complies with the prescribed enclosure standards provided for in Part 4.
- 9.3 The owner of a pigeon kept on residential premises must not feed or permit a person to feed the pigeon unless it is inside the enclosure specified in sub-paragraph 9.2.
- 9.4 The owner of a pigeon kept on residential premises must ensure that all pigeon faeces, feathers, refuse and dropped or scattered feed on the premises are removed and disposed of:
 - 9.4.1 at least twice each week; and
 - 9.4.2 as often as is necessary to prevent the escape of offensive odours from the premises.

PART 4—PRESCRIBED STANDARDS

10. Place Standards

A place complies with the ‘prescribed place standards’ if:

- 10.1 the livestock may extend its legs, wings or body to their full natural extent;
- 10.2 the livestock may stand, sit or perch, or the place is otherwise adequate for the needs of the animal;
- 10.3 the place is in a clean and sanitary condition; and
- 10.4 the livestock can be adequately contained to the premises.

11. Structure Standards

A structure complies with the ‘prescribed structure standards’ if it is:

- 11.1 located in the rear yard of the premises;
- 11.2 located not less than one metre from the boundary line between the owner’s premises and any abutting premises;
- 11.3 soundly constructed of durable materials;
- 11.4 impervious to water;
- 11.5 constructed of materials that may be readily sanitised;
- 11.6 maintained in a good state of repair free from cracks, holes, rust and other damage;
- 11.7 kept in a way that minimises the transfer of pathogenic agents; and
- 11.8 adequately ventilated for the health and comfort of the livestock.

12. Enclosure Standards

An enclosure complies with the ‘prescribed enclosure standards’ if it:

- 12.1 is adequate for the size and breed of pigeon;
- 12.2 has its inside walls and ceilings (except walls and ceilings constructed of wire) painted or disinfected at least twice yearly;
- 12.3 otherwise complies with the prescribed place and shelter standards provided for in paragraphs 10 and 11 of this by-law.

PART 5—MISCELLANEOUS

13. Granting of Permits

Prior to the Council granting permission under paragraph 4 or 8.2 the Council must (in addition to any other relevant matters) consider whether:

- 13.1 an insanitary condition exists or has existed on the premises as a result of the keeping of animals;
- 13.2 a nuisance is caused or has been caused to any neighbour as a result of the keeping of animals on the premises or is likely to be caused by the keeping of the livestock;
- 13.3 there exists sufficient space, shelter on the premises for the keeping of the livestock;
- 13.4 the livestock can be adequately contained to the premises;
- 13.5 any other animals are kept or proposed to be kept on the premises;
- 13.6 any notice pursuant to Section 30 of the *Local Nuisance and Litter Control Act 2016* has been issued in respect of the premises or the applicant for permission.

14. Exemptions

- 14.1 The restrictions in this by-law do not apply to livestock for which the Council has granted a specific exemption from the restriction.
- 14.2 The limit prescribed in paragraphs 5, 8.1 and 9.1 does not include any livestock under three months of age.

15. Revocation

Council’s *Domestic Livestock Management By-law 2014*, published in the *Gazette* on 21 August 2014, is revoked on the day on which this by-law comes into operation.

The foregoing by-law was duly made and passed at a meeting of the City of Charles Sturt held on the 15th day of June 2021 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

PAUL SUTTON
Chief Executive Officer

DISTRICT COUNCIL OF CEDUNA

LOCAL GOVERNMENT ACT 1999

Adoption of 2021-2022 Annual Business Plan

Notice is hereby given that at its Ordinary Council Meeting held on 16 June 2021, the District Council of Ceduna resolved the following:

That, pursuant to and in accordance with Section 123 of the *Local Government Act 1999* and Regulation 6 of the *Local Government (Financial Management) Regulations 2011*, and having considered all submissions in accordance with Section 123(6) of the *Local Government Act 1999*, the Council adopt the 2021-22 Annual Business Plan.

Adoption of 2021-2022 Annual Budget

That, pursuant to, and in accordance with Section 123 of the *Local Government Act 1999* and Regulation 7 of the *Local Government (Financial Management) Regulations 2011*, the Council adopt a budget comprising the following Financial Budget Statements for 2021-22 as presented having considered the budget in conjunction with, and determined it to be consistent with, the Council’s Annual Business Plan.

Adoption of Valuations

That, in accordance with Section 167(2)(a) of the *Local Government Act 1999*, the Council adopt, for the financial year ending 30 June 2022, the most recent valuations of the Valuer-General available to the Council of Site Values that are to apply to land in the area of the Council for rating purposes, with the total of the valuations being \$251,452,460.

Differential General Rates and Fixed Charge

That, having considered and taken into account the general principles of rating contained in Section 150 of the *Local Government Act 1999* and in accordance with Section 153(2) of the *Local Government Act 1999* issues of consistency and comparability across council areas in the imposition of rates on various sectors of the business and wider community, the Council declare pursuant to Sections 151(1)(c) and 152(1)(c), 153(1)(b) and 156(1)(b) of the *Local Government Act 1999*, for the financial year ending 30 June 2022 differential general rates on rateable land in the Council's area consisting of two components as follows:

- 4.1 one being based on a fixed charge of \$700 in respect of each separate piece of rateable land in the Council's area;
- 4.2 the other being based on the site value of the land and varying on the basis of locality as follows:

(a) Ceduna

In respect of land within the township of Ceduna,

(i) for land within the:

- Industry Zone; and
- Decres Bay Policy Area 11

as described in that part of the Development Plan consolidated 18 October 2012 (refer map CED/30) under the *Development Act 1993* applicable to Council,

28.34730 cents in the \$

(ii) for all other land within the township of Ceduna:

1.43234 cents in the \$

(b) Thevenard

(i) In respect of land within the township of Thevenard:

1.43234 cents in the \$

(c) Smoky Bay

(i) In respect of land within the township of Smoky Bay:

1.43234 cents in the \$

(d) Denial Bay

(i) In respect of land within the township of Denial Bay:

1.43234 cents in the \$

In respect of all other land not hereinbefore referred to in the Council area:

1.28911 cents in the \$

Maximum Increase

Pursuant to Section 153(3) of the *Local Government Act 1999* the Council determine that it will not fix a maximum increase in the general rate to be charged on rateable land within its area that constitutes the principal place of residence of a principal ratepayer.

Community Wastewater Management Systems

That, pursuant to and in accordance with Section 155 of the *Local Government Act 1999* the Council imposes the following annual service charge based on the nature of the service and varying according to the CWMS Property Units Code in accordance with Regulation 12(4)(b) of the *Local Government (General) Regulations 2013* on all land in the Townships of Ceduna, Thevenard and Smoky Bay, to which it provides or makes available the Community Wastewater Management Systems being prescribed services for the collection, treatment and disposal of waste for the financial year ending 30 June 2022 of \$523.30 per unit.

Annual Waste Management Charge

That, pursuant to and in accordance with Section 155 of the *Local Government Act 1999* the Council impose an annual service charge based on the level of usage of the service of \$172.68, on all land to which the Council provides or makes available the prescribed service of the collection, treatment or disposal (including by re-cycling) of waste for the financial year ending 30 June 2022.

Ceduna Water West Service Charge

That, pursuant to and in accordance with Section 155 of the *Local Government Act 1999* the Council impose the following annual service charge based on the level of usage of the service and varying based on land use in accordance with Regulation 12(4)(a) of the *Local Government (General) Regulations 2013*, on all land to which the Council provides or makes available the prescribed service of the supply of potable water on the Ceduna Water West Scheme for the financial year ending 30 June 2022 as follows:

1. All rateable land with a land use of Residential, Vacant Land or Commercial—Other:
\$426.20 per water meter per assessment
2. All rateable land with any other land use:
\$728.40 per water meter per assessment.

Regional Landscape Levy

That, pursuant to Section 69 of the *Landscape South Australia Act 2019* and Section 154 of the *Local Government Act 1999* in order to reimburse the Council for amounts contributed to the Eyre Landscape Board, the Council declares the following differential separate rates varying on the basis of land use in accordance with Regulation 14 of the *Local Government (General) Regulations 2013*, on all rateable land in the area of the Council for the financial year ending 30 June 2022:

- (a) All rateable properties with a Local Government Land Use Code of Primary Production, a Separate Rate of \$ 158.86 per assessment
- (b) All rateable properties with a Land Use of:
 - (i) Commercial—Shop
 - (ii) Commercial—Office
 - (iii) Commercial—Other

- (iv) Industry—Light
- (v) Industry—Other
- A Separate Rate of \$ 119.14 per assessment
- (c) All rateable properties with a Land Use of:
 - (i) Residential
 - (ii) Vacant Land
 - (iii) Other
- A Separate Rate of \$ 79.43 per assessment.

Payment of Rates

That, pursuant to Section 181 of the *Local Government Act 1999*, all rates declared or payable in respect of or during the financial year ending 30 June 2022 will fall due in four equal or approximately equal instalments, and that these instalments will fall due on:

- 1st Instalment 3 September 2021
- 2nd Instalment 3 December 2021
- 3rd Instalment 4 March 2022
- 4th Instalment 3 June 2022

Dated: 24 June 2021

G. M. MOFFATT
Chief Executive Officer

DISTRICT COUNCIL OF CEDUNA

AERODROME FEES ACT 1998

Ceduna Airport—Arrival and Departure Fees

Notice is hereby given that, pursuant to the *Aerodrome Fees Act 1998*, the District Council of Ceduna hereby advises that Arrival and Departure Fees at the Ceduna Airport are fixed as follows and are effective from 1 July 2021:

Landing Fees

General Aviation Landing Fee—\$17.39/tonne for all aircraft (including helicopters) except Regular Passenger Transport

Passenger Fees

Regular Passenger Transport operations:

Arrival Fees—\$17.39 per person

Departure Fees—\$17.39 per person

Charter Fees:

Arrival Fees—\$17.39 per person

Departure Fees—\$17.39 per person

Note—all above fees are GST inclusive

Dated: 24 June 2021

G. M. MOFFATT
Chief Executive Officer

DISTRICT COUNCIL OF CLEVE

Adoption of Valuations and Declaration of Rates

Notice is hereby given that at its meeting held on 8 June 2021, the District Council of Cleve for the financial year ending 30 June 2022:

1. adopted for rating purposes, the capital valuations of land within the Council area as made by the Valuer General, being the most recent valuations available to the Council, totalling **\$805,334,660**;
2. declared a fixed charge of **\$492.00** payable in respect of rateable land within the Council area;
3. declared differential rates as follows:

All land within the Commercial (Bulk Handling) zones as defined in Council's Development Plan **0.975999 cents in the \$**

All other land within the Council area according to its land use as follows:

Residential	(Category A)	0.240411	cents in the \$
Commercial	(Category B, C & D)	0.240411	cents in the \$
Industrial	(Category E & F)	0.240411	cents in the \$
Primary Production	(Category G)	0.309454	cents in the \$
Vacant Land	(Category H)	0.240411	cents in the \$
Other	(Category I)	0.240411	cents in the \$

4. imposed the following annual service charges, payable in respect to rateable land where a septic tank effluent disposal connection point is provided or made available:
 - (a) within the Township of Cleve—**\$510 per unit** in respect of each piece of rateable land (if a connected allotment) serviced by the Cleve Scheme;
 - (b) within the Township of Cleve—**\$340 per unit** in respect of each piece of rateable land (if an unconnected allotment) serviced by the Cleve Scheme;
 imposed the following annual service charges, payable in respect to rateable land where a sewerage system connection point is provided or made available:
 - (c) within the Township of Arno Bay (Arno Bay Foreshore Properties)—**\$510 per unit** in respect of each piece of rateable land (if a connected allotment) serviced by the Arno Bay Scheme;
5. imposed an annual service charge of **\$242.00 per bin per assessment** for the collection and disposal of waste and recyclables in respect of all land within the townships of Cleve, Arno Bay, Rudall and Darke Peak to which it provides or makes available the service;
6. imposed an annual service charge, upon properties serviced by a common antenna television retransmission service for the properties serviced by the Whyte St/Cottages CATV system **\$116 (GST inc)**; and
7. declared a separate rate to be applied over a 10 year period from 30 June 2021 to 30 June 2031 being a fixed charge of **\$508.09** to recover capital contribution towards the construction of the Arno Bay Foreshore Community Wastewater Management Scheme, allocated to the following Assessment Numbers: A1492, A223, A639, A828, A1037, A1164, A848, A156, A1132, A851, A1278, A459, A412, A210, A366, A285, A1131, A1280, A501, A979, A1264, A538, A410, A453, A1022, A788, A466, A577, A387, A1159, A369, A1265, A1137, A967, A914, A789, A13, A118, A394, A649, A682, A1034 and A2091.
8. declared a differential separate rate according to land use in order to reimburse the Council the amount contributed to the Eyre Peninsula Landscape Board as follows:

Land Use	Levy Rate per Land Use (\$)
Residential	79.43
Other and Vacant Land	79.43
Commercial	119.14
Industrial	119.14
Primary Production	158.86

Dated: 24 June 2021

PETER ARNOLD
Chief Executive Officer

DISTRICT COUNCIL OF ELLISTON

Adoption of Valuations and Declarations of Rates 2021-22

Notice is hereby given that the District Council of Elliston at its meeting held on 22 June 2021:

Adopted capital valuations to apply in its area for rating purposes supplied by the Valuer-General, being the most recent valuations available to the Council of the Capital Value of land within the Council's area totalling \$546,103,860.

Declared differential general rates varying according to the locality of the land and its use as follows:

- 1.00800 cents in the dollar in respect of all rateable land within the Employment (Bulk Handling) Zone;
- 0.3640 cents in the dollar in respect of all rateable land within the Residential Zone;
- 0.3640 cents in the dollar in respect of all rateable land within the Commercial–Shop Zone;
- 0.3640 cents in the dollar in respect of all rateable land within the Commercial–Office Zone;
- 0.3640 cents in the dollar in respect of all rateable land within the Commercial–Other Zone;
- 0.3640 cents in the dollar in respect of all rateable land within the Industry–Light Zone;
- 0.3640 cents in the dollar in respect of all rateable land within the Industry–Other Zone;
- 0.3640 cents in the dollar in respect of all rateable land within the Primary Production Zone;
- 0.3640 cents in the dollar in respect of all rateable land within the Vacant Land Zone;
- 0.3640 cents in the dollar in respect of all rateable land within the Other Zone;

Declared a fixed charge of \$290.00 payable in respect of rateable land within its area.

Declared that the annual service charges on all land to which the Council provides or makes available its Community Wastewater Management Systems is \$410 per property.

Declared that the annual service charges on all land to which the Council provides or makes available its provision of water serviced by the Port Kenny Water Supply is \$136 per property.

Declared that the annual service charges based on the level of usage and on all land to which the Council provides or makes available its prescribed service of the collection, treatment or disposal of waste via its Waste Management Service is as follows:

- 0-0.3m³ of waste per week on average—\$302 per annum
- 0.3-0.6m³ of waste per week on average—\$605 per annum
- 0.6m³ to 0.9m³ of waste per week on average—\$907 per annum

Provided on the basis that the sliding scale provided for in Regulation (13) of the *Local Government (General) Regulations 2013* will be applied. Single farm enterprises and adjoining allotments are only charged the annual service charge in respect of the assessment constituting the principal property.

Declared a separate rate based on a fixed charge of \$79.43 against all residential, vacant and other categories of land use for rateable properties, \$119.14 on commercial and industrial categories of land use for rateable properties, and \$158.86 on the primary production category of land use for rateable properties in order to reimburse Council the amount of \$104,886.42 contributed to the Eyre Peninsula Landscape Board for the 2021-22 financial year.

Dated: 24 June 2021

GEOFF SHERIDAN
Chief Executive Officer

THE FLINDERS RANGES COUNCIL

Review of Elector Representation

Notice is hereby given that The Flinders Ranges 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 the provisions of Section 12(7) of the *Local Government Act 1999*, notice is hereby given that Council has prepared a Representation Review Report which details the review process, public consultation undertaken to date and the recommendations which it considers should be implemented.

A copy of the Representation Review Report is available on the Council's website (www.frc.sa.gov.au); and for inspection and/or purchase at the Council offices at 1 Seventh Street, Quorn.

Written submissions are invited from interested persons from Friday, 18 June 2021 and should be directed to the Chief Executive Officer, Box 43, Quorn 5433; or emailed to council@frc.sa.gov.au by close of business on Friday, 16 July 2021.

Information regarding the elector representation review can be obtained by contacting the Chief Executive Officer on telephone 8620 0500 or by email at council@frc.sa.gov.au.

Dated: 16 June 2021

ERIC BROWN
Chief Executive Officer

DISTRICT COUNCIL OF KIMBA

Adoption of Valuation and Declaration of Rates 2021-2022

Notice is hereby given that the District Council of Kimba at its meetings held on 9 June 2021 for the financial year ending 30 June 2022:

1. Adopted site valuations to apply in its area for rating purposes supplied by the Valuer-General, being the most recent valuations available to the Council totalling \$270,598,600
2. Declared differential general rates varying according to the locality of the land as follows:
 - (a) 0.4387 cents in the dollar in respect of rateable land in the Rural Zone;
 - (b) 18.68 cents in the dollar in respect of rateable land in the Commercial (Bulk Handling) Zone; and
 - (c) 3.804 cents in the dollar in respect of rateable land in all other Zones, as defined in the Council's Development Plan.
3. Declared that the minimum amount payable by way of general rates in respect of all rateable land within the Council's area is \$300.00.
4. Imposed that the annual service charge on all land to which the Council provides or makes available its Community Wastewater Management System is \$270.00.
5. Imposed an annual service charge of \$205.00, based on the nature of the service and varying according to land use category, on all land to which the Council provides its Waste Management Service with land use categories (a) Residential, (b) Commercial—Shop (c) Commercial—Office.
6. Declared a separate rate based on a fixed charge of \$79.43 per assessment for residential, other and vacant land, \$119.14 per assessment for commercial and industrial properties and \$158.86 per assessment for primary production properties in respect of all rateable land in the area of the Eyre Peninsula Landscape Board.

Dated: 24 June 2021

DEB LARWOOD
Chief Executive Officer

MID MURRAY COUNCIL

Representation Review

Pursuant to the provisions of Section 12(9) of the *Local Government Act 1999*, notice is hereby given that Mid Murray Council has prepared a Representation Review Report that sets out, among other things, a proposal that Council considers should be carried into effect regarding its composition and structure.

Copies of the Representation Review Report are available for inspection and/or purchase at the following locations:

- Council's website www.mid-murray.sa.gov.au
- Council's offices located in Mannum, Cambrai and Morgan

Interested persons are invited to make written submissions to the Chief Executive Officer of Council by close of business on 15 July 2021 by email postbox@mid-murray.sa.gov.au or by post, PO Box 28, Mannum SA 5238.

Information regarding the Representation Review can be obtained by contacting Mr Ben Scales, Chief Executive Officer, by telephone (08) 8569 0100 or by email postbox@mid-murray.sa.gov.au.

Dated: 17 June 2021

BEN SCALES
Chief Executive Officer

DISTRICT COUNCIL OF MOUNT REMARKABLE

Elector Representation Review

Pursuant to the provisions of Section 12(9) of the *Local Government Act 1999*, notice is hereby given that the District Council of Mount Remarkable has prepared a Representation Review Report that sets out, among other things, a proposal that the Council considers should be carried into effect regarding its composition and structure.

Copies of the Representation Review Report are available for inspection and/or purchase at the following locations:

- the Council's website (<https://www.mtr.sa.gov.au/>)
- Administration Centre, 3 Stuart Street, Melrose

Interested persons are invited to make written submissions to the Chief Executive Officer of the Council by close of business on Thursday, 15 July 2021 by email (sam.johnson@mtr.sa.gov.au) or hand deliver 3 Stuart Street, Melrose or by post (PO Box 94, Melrose SA 5483)

Information regarding the Representation Review can be obtained by contacting Mr Sam Johnson, Chief Executive Officer, by telephone (08) 8666 2014 or by email sam.johnson@mtr.sa.gov.au.

Dated: 24 June 2021

SAM JOHNSON
Chief Executive Officer

SOUTHERN MALLEE DISTRICT COUNCIL

Adoption of Valuation and Declaration of Rates

Notice is hereby given that the Southern Mallee District Council at its meeting held on Wednesday, 16 June 2021, resolved for the year ending 30 June 2022 as follows:

Adoption of Valuation

To adopt the most recent valuations of the Valuer-General available to the Council of the capital value of land within the Council's area totalling \$713,711,100 and of which \$698,670,900 is the total valuation of rateable land.

Declaration of Differential General Rate

Differential rates be declared for the financial year ending 30 June 2022 on the assessed capital value of all rateable land and according to its locality within the area of the Council as follows:

- 0.5875 cents in the dollar on the capital value of rateable land within the townships of Geranium, Lameroo, Parilla, Parrakie and Pinnaroo, and
- 0.4994 cents in the dollar of the capital value of all other rateable land in the Council area.

Minimum Rate

Pursuant to Section 158 of the *Local Government Act 1999*, the Council declares a minimum amount payable by way of general rates of \$627 in respect of all rateable properties within its area.

Regional Landscape Levy

That pursuant to Part 5 of the *Landscape South Australia Act 2019* and Section 154 of the *Local Government Act 1999*, the Council declares, in respect of the year ending 30 June 2022, a separate rate of 0.019146 cents in the dollar, based on the capital value of rateable land within the Council's area and within the area of the Murraylands and Riverland Landscape Board in order to recover the amount payable to the Board.

Community Wastewater Management Scheme Service Charge

Community Wastewater Management Scheme as set out in Section 155 of the *Local Government Act 1999*, the Council imposes an annual service charge on each piece of occupied land of \$610.00 and on each piece of vacant land of \$304.00 to which the prescribed service (Community Wastewater Management Scheme) is available.

Mobile Garbage Bin Collection Service Charge

As set out in Section 155 of the *Local Government Act 1999*, the Council imposes an annual service charge against each rateable and non-rateable piece of land of \$285.00 per annum and \$205.00 per annum for each additional Mobile Garbage Bin Collection.

Dated: 24 June 2021

JASON TAYLOR
Chief Executive Officer

PUBLIC NOTICES

NATIONAL ELECTRICITY LAW

Publication of Draft Determination and Notice of Extension of Draft Determinations

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

Under s 107, the time for making the draft determination on the *Operating reserve market* (Ref. ERC0295) proposal has been extended to **9 December 2021**.

Under s 107, the time for the making of the draft determination on the *Introduction of ramping services* (Ref. ERC0307) proposal has been extended to **9 December 2021**.

Under s 99, the making of a draft determination and related draft rule on the *Generator registrations and connections proposal* (Ref. ERC0256). Written requests for a pre-determination hearing must be received by 1 July 2021. Submissions must be received by **19 August 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: 24 June 2021

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