



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 2 SEPTEMBER 2021

CONTENTS

GOVERNOR'S INSTRUMENTS		
Acts—Nos 30-31 of 2021	3428	
Appointments.....	3428	
Regulations—		
Disability Inclusion (Restrictive Practices—NDIS)		
Regulations 2021—No. 124 of 2021	3430	
Superannuation Funds Management Corporation of		
South Australia (Prescribed Public Authorities)		
Variation Regulations 2021—No. 125 of 2021	3437	
Primary Industry Funding Schemes (Barossa Wine		
Industry Fund) Regulations 2021—No. 126 of 2021.....	3439	
Primary Industry Funding Schemes (Clare Valley Wine		
Industry Fund) Regulations 2021—No. 127 of 2021.....	3446	
Primary Industry Funding Schemes (SA Grape Growers		
Industry Fund) Regulations 2021—No. 128 of 2021.....	3453	
Primary Industry Funding Schemes (Adelaide Hills		
Wine Industry Fund) (Miscellaneous) Variation		
Regulations 2021—No. 129 of 2021	3458	
Primary Industry Funding Schemes (Langhorne Creek		
Wine Industry Fund) (Miscellaneous)		
Variation Regulations 2021—No. 130 of 2021	3460	
Primary Industry Funding Schemes (McLaren Vale		
Wine Industry Fund) (Miscellaneous) Variation		
Regulations 2021—No. 131 of 2021	3463	
Primary Industry Funding Schemes (Riverland Wine		
Industry Fund) (Miscellaneous) Variation		
Regulations 2021—No. 132 of 2021	3465	
Primary Industry Funding Schemes (Apiary Industry		
Fund) (Contributions to Fund) Variation		
Regulations 2021—No. 133 of 2021	3467	
Return to Work (Self-Insured Employers) Variation		
Regulations 2021—No. 134 of 2021	3469	
Botanic Gardens and State Herbarium		
Regulations 2021—No. 135 of 2021	3471	
STATE GOVERNMENT INSTRUMENTS		
Emergency Management Act 2004.....	3487	
Fisheries Management Act 2007.....	3487	
Fisheries Management (Prawn Fisheries)		
Regulations 2017	3487	
Geographical Names Act 1991	3488	
Governors' Pensions Act 1976.....	3488	
Housing Improvement Act 2016.....	3488	
Justices of the Peace Act 2005	3489	
Land Acquisition Act 1969	3489	
Mining Act 1971	3490	
Petroleum and Geothermal Energy Act 2000.....	3491	
Planning, Development and Infrastructure Act 2016	3493	
Radiation Protection and Control Act 1982	3493	
Remuneration Tribunal	3494	
Retirement Villages Act 2016.....	3498	
LOCAL GOVERNMENT INSTRUMENTS		
City of Adelaide.....	3499	
City of Port Adelaide Enfield.....	3499	
Port Augusta City Council	3500	
City of Tea Tree Gully	3500	
Alexandrina Council	3500	
District Council of Kimba.....	3501	
Port Pirie Regional Council	3501	
District Council of Tumby Bay.....	3502	
PUBLIC NOTICES		
Trustee Act 1936.....	3503	
National Electricity Law	3503	
National Energy Retail Law.....	3503	

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

GOVERNOR'S INSTRUMENTS

ACTS

Department of the Premier and Cabinet
Adelaide, 2 September 2021

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

No. 30 of 2021—Rail Safety National Law (South Australia) (Alcohol and Drug Offence) Amendment Act 2021
An Act to amend the Rail Safety National Law (South Australia) Act 2012.

No. 31 of 2021—Oaths (Miscellaneous) Amendment Act 2021
An Act to amend the Oaths Act 1936 and to repeal the Evidence (Affidavits) Act 1928.

By command,

DAVID GREGORY PISONI
for Premier

APPOINTMENTS

Department of the Premier and Cabinet
Adelaide, 2 September 2021

Her Excellency the Administrator in Executive Council has been pleased to appoint the undermentioned to the Adelaide Festival Centre Trust, pursuant to the provisions of the Adelaide Festival Centre Trust Act 1971:

Member: from 9 September 2021 until 8 September 2024
Hieu Van Le

By command,

DAVID GREGORY PISONI
for Premier

DPC21/060CS

Department of the Premier and Cabinet
Adelaide, 2 September 2021

Her Excellency the Administrator in Executive Council has been pleased to appoint the undermentioned to the Training Centre Review Board, pursuant to the provisions of the Young Offenders Act 1993:

Member: from 3 September 2021 until 2 September 2024
Darryn Michael Keneally
Deputy Member: from 3 September 2021 until 2 September 2024
Barry John Jennings (Deputy to Keneally)

By command,

DAVID GREGORY PISONI
for Premier

AGO0125-21CS

Department of the Premier and Cabinet
Adelaide, 2 September 2021

Her Excellency the Administrator in Executive Council has been pleased to appoint the undermentioned to the Health Performance Council, pursuant to the provisions of the Health Care Act 2008:

Deputy Chairperson: from 2 September 2021 until 31 May 2025
Judith Searle

By command,

DAVID GREGORY PISONI
for Premier

HEAC-2021-00038

Department of the Premier and Cabinet
Adelaide, 2 September 2021

Her Excellency the Administrator in Executive Council has been pleased to appoint the undermentioned to the Lifetime Support Authority Board, pursuant to the provisions of the Motor Vehicle Accidents (Lifetime Support Scheme) Act 2013:

Member: from 8 October 2021 until 7 October 2024
Kevin Michael Cantley
David Alex Russell
Linda Rae Matthews
Chair: from 8 October 2021 until 7 October 2023
Melinda Anne OLeary

By command,

DAVID GREGORY PISONI
for Premier

HEAC-2021-00040

Department of the Premier and Cabinet
Adelaide, 2 September 2021

Her Excellency the Administrator in Executive Council has been pleased to appoint Laura Grace Stein to the office of Puisne Judge of the Supreme Court of South Australia effective from 6 September 2021 - pursuant to section 9 of the Supreme Court Act 1935.

By command,

DAVID GREGORY PISONI
for Premier

AGO0131-21CS

REGULATIONS

South Australia

Disability Inclusion (Restrictive Practices—NDIS) Regulations 2021

under the *Disability Inclusion Act 2018*

Contents

1	Short title
2	Commencement
3	Interpretation
4	Level 1 restrictive practices
5	Level 2 restrictive practices
6	Risk of harm
7	Meaning of detention
8	Prohibited restrictive practices
9	Restrictive practices guidelines
10	Senior Authorising Officer
11	Authorised Program Officers
12	Authorisation of use of level 1 restrictive practices by Authorised Program Officer
13	Authorisation of use of level 1 or 2 restrictive practices by Senior Authorising Officer
14	Review of decisions by South Australian Civil and Administrative Tribunal

1—Short title

These regulations may be cited as the *Disability Inclusion (Restrictive Practices—NDIS) Regulations 2021*.

2—Commencement

These regulations come into operation on the day on which Part 6A of the *Disability Inclusion Act 2018* (as enacted by the *Disability Inclusion (Restrictive Practices—NDIS) Amendment Act 2021*) comes into operation.

3—Interpretation

In these regulations—

Act means the *Disability Inclusion Act 2018*.

4—Level 1 restrictive practices

- (1) For the purposes of the definition of *level 1 restrictive practice* in section 23B(1) of the Act, the following restrictive practices are declared to be level 1 restrictive practices:
 - (a) environmental restraints (other than environment restraints that are level 2 restrictive practices);
 - (b) mechanical restraints (other than mechanical restraints that are level 2 restrictive practices);
 - (c) chemical restraints (other than chemical restraints that are level 2 chemical practices).

- (2) A prohibited restrictive practice will be taken not to be a level 1 restrictive practice.
- (3) For the purposes of subregulation (1), preventing access by a prescribed person to an area they are not permitted to enter will be taken not to be an environmental restraint.

Example—

Such areas might include staff rooms, staff storage areas and record keeping areas.

- (4) For the purposes of subregulation (1), it is not relevant whether a restrictive practice is used in respect of a particular prescribed person or prescribed persons generally.

5—Level 2 restrictive practices

- (1) For the purposes of the definition of *level 2 restrictive practice* in section 23B(1) of the Act, the following restrictive practices and combinations of restrictive practices are declared to be level 2 restrictive practices:
 - (a) seclusion (being seclusion of a kind declared under regulation 7 not to constitute detention of a person);
 - (b) environmental restraint consisting of—
 - (i) the use of electronic monitoring devices worn by a person (however described); or
 - (ii) the locking of external gates and external doors of residential premises (other than where such an act or omission constitutes the detention of a prescribed person); or
 - (iii) the continuous accompanying of a prescribed person by another person; or
 - (iv) the limitation of access to, or use of, a mobility device (including by failing to charge batteries, the application of brakes or otherwise rendering the device inoperative); or
 - (v) the limitation of access to means of communication;
 - (c) mechanical restraint that requires the use of force to apply;
 - (d) physical restraint;
 - (e) chemical restraint consisting of—
 - (i) the administration of a drug by means of an invasive procedure; or
 - (ii) the use of 2 or more psychotropic drugs (whether administered by or on behalf of the same registered NDIS provider or otherwise); or
 - (iii) the use of more than 5 different drugs (whether administered by or on behalf of the same registered NDIS provider or otherwise); or
 - (iv) hormonal manipulation;
 - (f) the use of more than 5 level 1 restrictive practices in respect of a particular prescribed person (whether by the same registered NDIS provider or otherwise).
- (2) A prohibited restrictive practice will be taken not to be a level 2 restrictive practice.
- (3) For the purposes of subregulation (1), preventing access by a prescribed person to an area they are not permitted to enter will be taken not to be an environmental restraint.

Example—

Such areas might include staff rooms, staff storage areas and record keeping areas.

- (4) Except where the contrary intention appears, for the purposes of subregulation (1), it is not relevant whether a restrictive practice is used in respect of a particular prescribed person or prescribed persons generally.

6—Risk of harm

For the purposes of section 23B(2) of the Act, the following behaviour is prescribed:

- (a) causing damage to property, or an express or implied threat that damage will be caused to property (whether the property belongs to the person or any other person);
- (b) causing human biological material to come into contact with a person or object (whether by directly applying the material to the person or object or otherwise).

7—Meaning of detention

- (1) For the purposes of section 23C(1)(d) of the Act, the imposition of a condition requiring a prescribed person to obtain the approval of a specified person before they can leave premises is declared to be included in the ambit of that paragraph.
- (2) For the purposes of section 23C(1) of the Act, the following acts and omissions are declared not to constitute the detention of a person:
 - (a) the locking of external gates and external doors of residential premises where NDIS supports and services are provided on a 24 hour basis to a prescribed person in circumstances where the prescribed person does not have such supports as may be reasonably necessary to enable the prescribed person to safely leave the premises at their discretion;

Note—

Such an act or omission may, however, amount to an environmental restraint.

- (b) the temporary confinement (not exceeding 2 hours) of a prescribed person in a particular area where the confinement—
 - (i) occurs in an emergency situation; and
 - (ii) is reasonably necessary to prevent serious harm being caused to the prescribed person or to another person; and
 - (iii) is for the purpose of de-escalation or self regulation.

Note—

Such an act or omission may, however, amount to seclusion.

8—Prohibited restrictive practices

- (1) For the purposes of section 23D(1) of the Act, use of the following kinds of restrictive practices is prohibited:
 - (a) prone restraint;
 - (b) supine restraint;
 - (c) any form of restraint intended to restrict or affect a person's respiratory or digestive function;
 - (d) forcing the head of a person forward onto the person's chest (other than that occurring incidentally in the course of using level 1 or 2 restrictive practices);
 - (e) any form of restrictive practice that involves or includes the deliberate infliction of pain or discomfort (including the hyperextension of joints, or the application of pressure to the chest, of a person) to secure compliance;

- (f) any other kind of restrictive practice declared by the restrictive practices guidelines to be a prohibited restrictive practice.
- (2) In this regulation—
- prone restraint* means the restraint of a person by forcing the person into a face down position;
- supine restraint* means the restraint of a person by forcing the person into a face up position.

9—Restrictive practices guidelines

- (1) For the purposes of section 23H(3)(b) of the Act, the following consultation is required:
- (a) consultation with people who have lived experience of the use of restrictive practices;
 - (b) consultation with the following persons and bodies:
 - (i) NDIS Quality and Safeguards Commission;
 - (ii) Disabled People's Organisation Australia;
 - (iii) National Disability Services;
 - (iv) Disability Australia Consortium;
 - (v) Children and Young People with Disability Australia;
 - (vi) Carers SA;
 - (vii) South Australian Council on Intellectual Disability;
 - (viii) Our Voice SA.
- (2) For the purposes of section 23H(3)(c) of the Act, the Minister must take reasonable steps to ensure that Aboriginal and Torres Strait Islander people, and people from cultural and linguistically diverse backgrounds, are able to make submissions and take part in any consultation undertaken for the purposes of preparing, varying or substituting the restrictive practices guidelines.

10—Senior Authorising Officer

For the purposes of section 23I(1) of the Act, the following qualifications and experience are prescribed:

- (a) tertiary qualifications relevant to the functions of the Senior Authorising Officer under the Act (such as allied health, nursing, education, law, or a disability-specific or behaviour-specific discipline);
- (b) experience and knowledge in leading human services system reforms and initiatives.

11—Authorised Program Officers

For the purposes of section 23L(1) of the Act, the following qualifications and experience are prescribed:

- (a) tertiary qualifications relevant to the functions of an Authorised Program Officer under the Act (such as allied health, nursing, education, or a disability-specific or behaviour-specific discipline);
- (b) extensive experience and knowledge in the planning, development, implementation, evaluation and monitoring of behaviour interventions and supports.

12—Authorisation of use of level 1 restrictive practices by Authorised Program Officer

- (1) For the purposes of section 23N(8) of the Act, the following requirements must be complied with:
 - (a) a written notice under that subsection must contain the following information:
 - (i) the name of the prescribed person; and
 - (ii) the name of the prescribed NDIS provider; and
 - (iii) the time and date on which the restrictive practices, or the period during which, the restrictive practices were used; and
 - (iv) information setting out the nature of the restrictive practices used; and
 - (v) information setting out the reason the restrictive practices were used; and
 - (vi) information explaining the operation of Part 6A Division 6 of the Act,and may contain such other information as the prescribed NDIS provider considers appropriate;
 - (b) a written notice under that subsection must be given as soon as is reasonably practicable after using the relevant restrictive practice;
 - (c) in the case where a restrictive practice is used in relation to a person over a period not exceeding 3 months, a written notice under that subsection may cover the entire period;
 - (d) in the case where more than 1 restrictive practice is used in relation to a person, the written notices required under that subsection may be combined into 1 notice;
 - (e) the prescribed NDIS provider must, as far as is reasonably practicable, ensure that a written notice under that subsection is given to a prescribed person in a form that is accessible to the prescribed person.
- (2) Pursuant to section 23N(10) of the Act, an Authorised Program Officer who authorises the use of level 1 restrictive practices in relation to a prescribed person must, on or before 30 June and 31 December in each year, cause a written notice to be given to the Senior Authorising Officer setting out—
 - (a) the name of the Authorised Program Officer and the relevant prescribed NDIS provider; and
 - (b) the number and nature of restrictive practices that were authorised during the preceding 6 months; and
 - (c) such other information as may be required by the Senior Authorising Officer.

13—Authorisation of use of level 1 or 2 restrictive practices by Senior Authorising Officer

- (1) For the purposes of section 23O(8) of the Act, the following requirements must be complied with:
 - (a) a written notice under that subsection must contain the following information:
 - (i) the name of the prescribed person; and
 - (ii) the name of the prescribed NDIS provider; and
 - (iii) the time and date on which the restrictive practices, or the period during which, the restrictive practices were used; and
 - (iv) information setting out the nature of the restrictive practices used; and
 - (v) information setting out the reason the restrictive practices were used; and
 - (vi) information explaining the operation of Part 6A Division 6 of the Act,and may contain such other information as the prescribed NDIS provider considers appropriate;
 - (b) a written notice under that subsection must be given as soon as is reasonably practicable after using the relevant restrictive practice;
 - (c) in the case where a restrictive practice is used in relation to a person over a period not exceeding 3 months, a written notice under that subsection may cover the entire period;
 - (d) in the case where more than 1 restrictive practice is used in relation to a person, the written notices required under that subsection may be combined into 1 notice;
 - (e) the prescribed NDIS provider must, as far as is reasonably practicable, ensure that a written notice under that subsection is given to a prescribed person in a form that is accessible to the prescribed person.
- (2) Pursuant to section 23O(10) of the Act, the Senior Authorising Officer may refuse to grant an application under that section for any reason the Senior Authorising Officer thinks fit.
- (3) Pursuant to section 23O(10) of the Act, where the Senior Authorising Officer has refused an application to authorise a prescribed NDIS provider to use level 1 or 2 restrictive practices in relation to a prescribed person, the prescribed NDIS provider is not entitled to make a further application to use the same restrictive practices in relation to the same prescribed person within 6 months after the initial application except—
 - (a) where the circumstances of the prescribed person have changed in a material way since the initial application; or
 - (b) with the permission of the Senior Authorising Officer.

14—Review of decisions by South Australian Civil and Administrative Tribunal

- (1) For the purposes of section 23Z(2)(b) of the Act, the following persons and classes of person are prescribed:
- (a) family members of the person to whom the decision relates;
 - (b) a guardian of the person to whom the decision relates;
 - (c) a nominated advocate of the person to whom the decision relates;
 - (d) a prescribed NDIS provider who delivers, or is to deliver, NDIS supports to the person to whom the decision relates.
- (2) For the purposes of subregulation (1)(c), a reference to a *nominated advocate* of a person to whom a decision relates will be taken to be a reference to a person (however described and whether or not the person is a legal practitioner) expressly nominated by the person to act as an applicant on behalf of the person for a review under section 23Z of the Act, and to assist the person in relation to such a review.

Made by the Administrator

with the advice and consent of the Executive Council
on 2 September 2021

No 124 of 2021

South Australia

Superannuation Funds Management Corporation of South Australia (Prescribed Public Authorities) Variation Regulations 2021

under the *Superannuation Funds Management Corporation of South Australia Act 1995*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Superannuation Funds Management Corporation of South Australia Regulations 2010*

- 4 Variation of regulation 16A—Public authorities
 - 5 Variation of regulation 17—Prescribed public authorities
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Superannuation Funds Management Corporation of South Australia (Prescribed Public Authorities) Variation Regulations 2021*.

2—Commencement

These regulations come into operation on the day immediately following the day on which the time for disallowance of these regulations has passed (see section 3(6) of the *Superannuation Funds Management Corporation of South Australia Act 1995*).

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 *Superannuation Funds Management Corporation of South Australia Regulations 2010*

4—Variation of regulation 16A—Public authorities

Regulation 16A—delete "Commissioner for Consumer Affairs is brought within the ambit of that definition." and substitute:

following are brought within the ambit of that definition:

- (a) Commissioner for Consumer Affairs;
- (b) Local Government Association of South Australia.

5—Variation of regulation 17—Prescribed public authorities

Regulation 17—after paragraph (h) insert:

- (i) Local Government Association of South Australia.

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 Administrator

with the advice and consent of the Executive Council
on 2 September 2021

No 125 of 2021

South Australia

Primary Industry Funding Schemes (Barossa Wine Industry Fund) Regulations 2021

under the *Primary Industry Funding Schemes Act 1998*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Barossa Wine Industry Fund
- 5 Contributions to Fund
- 6 Refunds of contributions
- 7 Application of Fund
- 8 Exchange of information
- 9 Exclusion from benefits of person in default in relation to contributions
- 10 False or misleading statements

Schedule 1—Map showing Barossa

Schedule 2—Revocation and transitional provisions

Part 1—Revocation of *Primary Industry Funding Schemes (Barossa Wine Industry Fund) Regulations 2007*

- 1 Revocation of *Primary Industry Funding Schemes (Barossa Wine Industry Fund) Regulations 2007*

Part 2—Transitional provisions

- 2 Transitional provisions
-

1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (Barossa Wine Industry Fund) Regulations 2021*.

2—Commencement

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

3—Interpretation

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

Act means the *Primary Industry Funding Schemes Act 1998*;

Barossa means the geographical area in relation to which the geographical indication "Barossa" is in force under the *Wine Australia Act 2013* of the Commonwealth at the commencement of these regulations (see Schedule 1);

Barossa grapes means any variety of grapes grown in the Barossa and used or intended to be used for wine;

Barossa winemaker means a person who carries on a business of making wine and who processes Barossa grapes for that purpose;

default in relation to contributions to the Fund—see subregulation (2);

delivered—see subregulation (3);

Fund—see regulation 4;

prescribed period means each of the following periods:

- (a) a prescribed period within the meaning of the revoked regulations (up to and including the period of 12 months commencing on 1 June 2021);
- (b) the period of 12 months commencing on 1 June 2022;

revoked regulations means the *Primary Industry Funding Schemes (Barossa Wine Industry Fund) Regulations 2007*.

- (2) A person is in **default** in relation to contributions to the Fund if, within the immediately preceding 2 prescribed periods—
 - (a) all or some of the contributions payable to the Fund by the person under these or the revoked regulations have not been paid; or
 - (b) the person has been refunded contributions from the Fund under these or the revoked regulations.
- (3) For the purposes of these regulations—
 - (a) grapes will be taken to be **delivered** to a Barossa winemaker by a grower of Barossa grapes when the winemaker takes possession of the grapes; and
 - (b) if a Barossa winemaker processes Barossa grapes grown by the winemaker, grapes will be taken to be **delivered** to the winemaker when the winemaker places the grapes in a container for the purposes of commencing processing of the grapes (including placing the grapes in a container for fermentation or in preparation for crushing or pressing).

4—Barossa Wine Industry Fund

- (1) The Barossa Wine Industry Fund (the **Fund**) established under the revoked regulations continues in existence.
- (2) The Fund is administered by the Minister.
- (3) The Fund consists of—
 - (a) the amount held in the Fund at the commencement of these regulations; and
 - (b) contributions paid or collected in accordance with the revoked regulations; and
 - (c) contributions paid or collected in accordance with these regulations; and
 - (d) income of the Fund from investment; and
 - (e) any other sums received by the Minister for payment into the Fund.

5—Contributions to Fund

- (1) Subject to these regulations, the following contributions are payable to the Minister, for payment into the Fund, for Barossa grapes delivered to a Barossa winemaker during a prescribed period commencing on or after 1 June 2022:
 - (a) the Barossa winemaker must contribute—
 - (i) in the case of a Barossa winemaker who has a cellar door, winemaking facility or vineyard in the Barossa, the amount fixed for the period by the Minister by notice in the Gazette; or
 - (ii) in any other case, whichever of the following is the greater amount:
 - (A) the amount fixed by the Minister, by notice in the Gazette, as the minimum contribution for the period;
 - (B) the amount fixed for the period by the Minister, by notice in the Gazette, for each tonne of grapes delivered to the winemaker during the period;
 - (b) a grower of grapes who delivers the Barossa grapes to the Barossa winemaker must contribute the amount fixed for the period by the Minister, by notice in the Gazette, for each tonne of grapes delivered to the winemaker during the period.
- (2) The Minister may, by notice in the Gazette, fix maximum amounts that are to be payable for a prescribed period by the grower of grapes or a winemaker under this regulation.
- (3) The contributions in respect of a prescribed period are payable on or before the last day of the month that immediately follows the prescribed period.
- (4) The Minister may, by notice in the Gazette published before the date for payment of contributions for a prescribed period, vary an amount fixed under subregulation (1) or (2) in respect of the prescribed period.
- (5) If the Minister varies an amount payable under subregulation (1) in respect of a prescribed period after the commencement of the prescribed period, the amount as varied applies only in respect of the part of the prescribed period following the date on which the variation takes effect.
- (6) A Barossa winemaker must—
 - (a) keep proper records relating to the tonnage of Barossa grapes delivered to the winemaker, the growers of those grapes and the contributions required to be made (on the winemaker's own behalf and on behalf of growers) in respect of those grapes; and
 - (b) make those records available for inspection at any reasonable time by a person authorised by the Minister for the purpose.
- (7) A Barossa winemaker must, on or before the last day of the month that immediately follows a prescribed period—
 - (a) furnish the Minister with a financial statement relating to the contributions (on the winemaker's own behalf and on behalf of growers) for Barossa grapes delivered during that prescribed period that—
 - (i) is in the form, and contains the information, required by the Minister; and
 - (ii) is, if the person has the necessary equipment, in an electronic form acceptable to the Minister; and

- (b) forward to the Minister, with the financial statement required by paragraph (a), the required contributions (on the winemaker's own behalf and on behalf of growers) for Barossa grapes delivered during the prescribed period to which the financial statement relates.

6—Refunds of contributions

- (1) Refunds of contributions paid under these regulations in respect of Barossa grapes delivered during a prescribed period may be claimed by notice in writing to the Minister within the 6 months following that prescribed period as follows:
 - (a) a grower of Barossa grapes may claim a refund in respect of contributions paid by the grower or by a Barossa winemaker on behalf of the grower;
 - (b) a Barossa winemaker may claim a refund in respect of contributions paid on the winemaker's own behalf.
- (2) A person claiming a refund under subregulation (1) must supply the Minister with evidence acceptable to the Minister of the contributions made by or on behalf of the claimant in respect of which the claim for refund is made.
- (3) If the person satisfies the Minister that the person is entitled to a refund, the Minister must refund to the person the amount of the contributions paid by or on behalf of the person, together with interest (at the official cash rate) on that amount for the period commencing on the date of payment of the contributions to the Minister and ending on the date of lodgment of the claim for the refund.
- (4) In this regulation—

official cash rate means the cash rate fixed by the Reserve Bank of Australia and prevailing on the date of lodgment of the claim for the refund.

7—Application of Fund

The Fund may be applied by the Minister for any of the following purposes:

- (a) payments to a body that, in the opinion of the Minister, represents both Barossa winemakers and growers of Barossa grapes for 1 or more of the following purposes:
 - (i) the reasonable operating and management expenses of the body;
 - (ii) promoting the Barossa wine industry;
 - (iii) undertaking or facilitating research and development, or the collection and dissemination to Barossa winemakers and growers of Barossa grapes of information, relevant to the Barossa wine industry and, in particular, to the improvement of practices in the industry;
 - (iv) programs designed to encourage communication and cooperation between Barossa winemakers and growers of Barossa grapes;
 - (v) other purposes of the body;
- (b) payments for other purposes for the benefit of the Barossa wine industry;
- (c) payment of the expenses of administering the Fund;
- (d) repayment of contributions to the Fund under regulation 6.

8—Exchange of information

The Minister may provide a body to which payments are made out of the Fund under regulation 7(a) with information identifying growers of Barossa grapes and Barossa winemakers who have paid or been refunded contributions under these regulations.

9—Exclusion from benefits of person in default in relation to contributions

A person who is in default in relation to contributions to the Fund is not entitled to receive direct benefits or services funded by payments from the Fund.

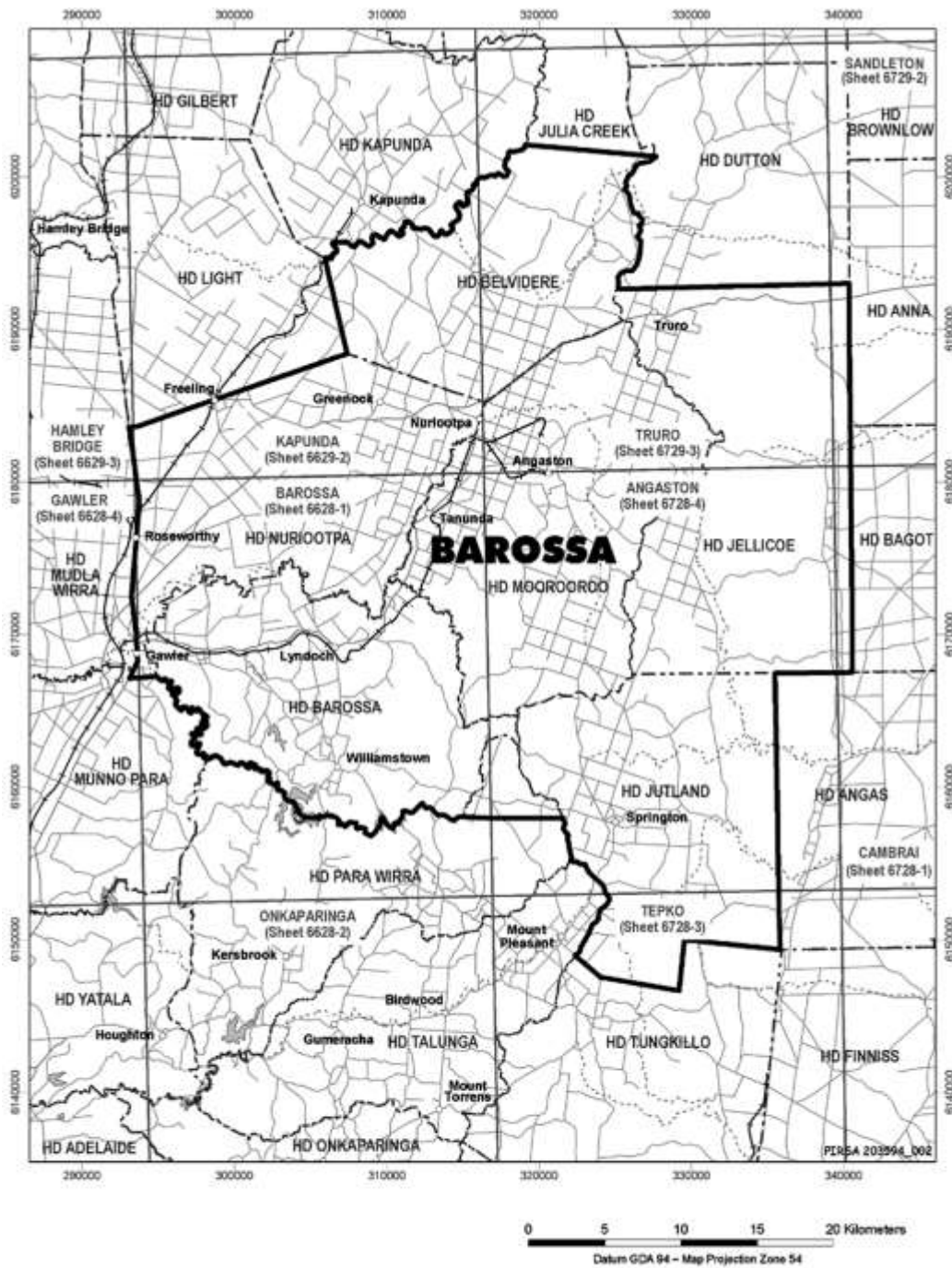
10—False or misleading statements

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided, or record kept, for the purposes of these regulations.

Maximum penalty: \$5 000.

Schedule 1—Map showing Barossa

The following map is provided for information purposes only.



**The Geographical Indication
"Barossa"**

Schedule 2—Revocation and transitional provisions

Part 1—Revocation of *Primary Industry Funding Schemes (Barossa Wine Industry Fund) Regulations 2007*

1—Revocation of *Primary Industry Funding Schemes (Barossa Wine Industry Fund) Regulations 2007*

The *Primary Industry Funding Schemes (Barossa Wine Industry Fund) Regulations 2007* are revoked.

Part 2—Transitional provisions

2—Transitional provisions

- (1) Subject to this clause, the revoked regulations, as in force immediately before their revocation under clause 1 of this Schedule, continue to operate in respect of the prescribed period under the revoked regulations that commenced on 1 June 2021 (the *transitional prescribed period*).
- (2) The Minister may, by notice in the Gazette published before the date for payment of contributions for the transitional prescribed period, vary an amount fixed under regulation 5 of the revoked regulations in respect of that period.
- (3) The period within which a person may claim a refund in respect of contributions paid into the Fund for the transitional prescribed period under regulation 6 of the revoked regulations is modified to be the period of 6 months following the transitional prescribed period.

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 Administrator

with the advice and consent of the Executive Council
on 2 September 2021

No 126 of 2021

South Australia

Primary Industry Funding Schemes (Clare Valley Wine Industry Fund) Regulations 2021

under the *Primary Industry Funding Schemes Act 1998*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Clare Valley Wine Industry Fund
- 5 Contributions to Fund
- 6 Refunds of contributions
- 7 Application of Fund
- 8 Exchange of information
- 9 Exclusion from benefits of person in default in relation to contributions
- 10 False or misleading statements

Schedule 1—Map showing Clare Valley

Schedule 2—Revocation and transitional provisions

Part 1—Revocation of *Primary Industry Funding Schemes (Clare Valley Wine Industry Fund) Regulations 2008*

- 1 Revocation of *Primary Industry Funding Schemes (Clare Valley Wine Industry Fund) Regulations 2008*

Part 2—Transitional provisions

- 2 Transitional provisions
-

1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (Clare Valley Wine Industry Fund) Regulations 2021*.

2—Commencement

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

3—Interpretation

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

Act means the *Primary Industry Funding Schemes Act 1998*;

Clare Valley means the geographical area in relation to which the geographical indication "Clare Valley" is in force under the *Wine Australia Act 2013* of the Commonwealth at the commencement of these regulations (see Schedule 1);

Clare Valley grapes means any variety of grapes grown in the Clare Valley and used or intended to be used for wine;

Clare Valley winemaker means a person who carries on a business of making wine and who processes Clare Valley grapes for that purpose;

default in relation to contributions to the Fund—see subregulation (2);

delivered—see subregulation (3);

Fund—see regulation 4;

prescribed period means each of the following periods:

- (a) a prescribed period within the meaning of the revoked regulations (up to and including the period of 12 months commencing on 1 June 2021);
- (b) the period of 12 months commencing on 1 June 2022;

revoked regulations means the *Primary Industry Funding Schemes (Clare Valley Wine Industry Fund) Regulations 2008*.

- (2) A person is in **default** in relation to contributions to the Fund if, within the immediately preceding 2 prescribed periods—
 - (a) all or some of the contributions payable to the Fund by the person under these or the revoked regulations have not been paid; or
 - (b) the person has been refunded contributions from the Fund under these or the revoked regulations.
- (3) For the purposes of these regulations—
 - (a) grapes will be taken to be **delivered** to a Clare Valley winemaker by a grower of Clare Valley grapes when the winemaker takes possession of the grapes; and
 - (b) if a Clare Valley winemaker processes Clare Valley grapes grown by the winemaker, grapes will be taken to be **delivered** to the winemaker when the winemaker places the grapes in a container for the purposes of commencing processing of the grapes (including placing the grapes in a container for fermentation or in preparation for crushing or pressing).

4—Clare Valley Wine Industry Fund

- (1) The Clare Valley Wine Industry Fund (the **Fund**) established under the revoked regulations continues in existence.
- (2) The Fund is administered by the Minister.
- (3) The Fund consists of—
 - (a) the amount held in the Fund at the commencement of these regulations; and
 - (b) contributions paid or collected in accordance with the revoked regulations; and
 - (c) contributions paid or collected in accordance with these regulations; and
 - (d) income of the Fund from investment; and
 - (e) any other sums received by the Minister for payment into the Fund.

5—Contributions to Fund

- (1) Subject to these regulations, the following contributions are payable to the Minister for payment into the Fund for Clare Valley grapes delivered to a Clare Valley winemaker during a prescribed period commencing on or after 1 June 2022:
 - (a) in the case of a Clare Valley winemaker who has a vineyard, winemaking facility or cellar door in the Clare Valley, the winemaker must contribute whichever of the following is the greater amount:
 - (i) the amount fixed by the Minister, by notice in the Gazette, as the minimum contribution for the period;
 - (ii) an amount being the sum of—
 - (A) the amount fixed by the Minister for the period, by notice in the Gazette, for each tonne of grapes grown by the winemaker delivered during the period; and
 - (B) the amount fixed by the Minister for the period, by notice in the Gazette, for each tonne of grapes grown by a person other than the winemaker delivered during the prescribed period;
 - (b) in the case of any other Clare Valley winemaker, the winemaker must contribute the amount fixed for the period by the Minister, by notice in the Gazette, for each tonne of grapes grown by a person other than the winemaker delivered during the prescribed period;
 - (c) if the grapes are grown by a person other than the winemaker, the grower of the grapes must contribute the amount fixed by the Minister for the period by notice in the Gazette for each tonne of grapes delivered during the prescribed period.
- (2) The Minister may, by notice in the Gazette, fix maximum amounts that are to be payable for a prescribed period by the grower of grapes or a winemaker under this regulation.
- (3) The contributions in respect of a prescribed period are payable on or before the last day of the month that immediately follows the prescribed period.
- (4) Contributions payable by a grower of Clare Valley grapes must be paid on behalf of the grower by the Clare Valley winemaker who purchases the grapes out of the amount payable by the winemaker to the grower for the grapes.
- (5) The Minister may, by notice in the Gazette published before the date for payment of contributions for a prescribed period, vary an amount fixed under subregulation (1) or (2) in respect of the prescribed period.
- (6) If the Minister varies an amount payable under subregulation (1) in respect of a prescribed period after the commencement of the prescribed period, the amount as varied applies only in respect of the part of the prescribed period following the date on which the variation takes effect.
- (7) A Clare Valley winemaker must—
 - (a) keep proper records relating to the tonnage of Clare Valley grapes delivered to the winemaker, the growers of those grapes and the contributions required to be made (on the winemaker's own behalf and on behalf of growers) in respect of those grapes; and
 - (b) make those records available for inspection at any reasonable time by a person authorised by the Minister for the purpose.

- (8) A Clare Valley winemaker must, on or before the last day of the month that immediately follows a prescribed period—
- (a) furnish the Minister with a financial statement relating to the contributions (on the winemaker's own behalf and on behalf of growers) for Clare Valley grapes delivered during that prescribed period that—
 - (i) is in the form, and contains the information, required by the Minister; and
 - (ii) is, if the person has the necessary equipment, in an electronic form acceptable to the Minister; and
 - (b) forward to the Minister, with the financial statement required by paragraph (a), the required contributions (on the winemaker's own behalf and on behalf of growers) for Clare Valley grapes delivered during the prescribed period to which the financial statement relates.

6—Refunds of contributions

- (1) Refunds of contributions paid under these regulations in respect of Clare Valley grapes delivered during a prescribed period may be claimed by notice in writing to the Minister within the 6 months following that prescribed period as follows:
 - (a) a grower of Clare Valley grapes may claim a refund in respect of contributions paid by the grower or by a Clare Valley winemaker on behalf of the grower;
 - (b) a Clare Valley winemaker may claim a refund in respect of contributions paid on the winemaker's own behalf.
- (2) A person claiming a refund under subregulation (1) must supply the Minister with evidence acceptable to the Minister of the contributions made by or on behalf of the claimant in respect of which the claim for refund is made.
- (3) If the person satisfies the Minister that the person is entitled to a refund, the Minister must refund to the person the amount of the contributions paid by or on behalf of the person, together with interest (at the official cash rate) on that amount for the period commencing on the date of payment of the contributions to the Minister and ending on the date of lodgment of the claim for the refund.
- (4) In this regulation—

official cash rate means the cash rate fixed by the Reserve Bank of Australia and prevailing on the date of lodgment of the claim for the refund.

7—Application of Fund

The Fund may be applied by the Minister for any of the following purposes:

- (a) payments to a body that, in the opinion of the Minister, represents Clare Valley winemakers or growers of Clare Valley grapes (or both) for 1 or more of the following purposes:
 - (i) the reasonable operating and management expenses of the body;
 - (ii) promoting the Clare Valley wine industry;
 - (iii) undertaking or facilitating research and development, or the collection and dissemination to Clare Valley winemakers and growers of Clare Valley grapes of information, relevant to the Clare Valley wine industry and, in particular, to the improvement of practices in the industry;

- (iv) the participation of the body in regional, State and national wine industry events;
- (v) programs designed to encourage communication and cooperation between Clare Valley winemakers and growers of Clare Valley grapes;
- (vi) other purposes of the body;
- (b) payments for other purposes for the benefit of the Clare Valley wine industry;
- (c) payment of the expenses of administering the Fund;
- (d) repayment of contributions to the Fund under regulation 6.

8—Exchange of information

The Minister may provide a body to which payments are made out of the Fund under regulation 7(a) with information identifying growers of Clare Valley grapes and Clare Valley winemakers who have paid or been refunded contributions under these regulations.

9—Exclusion from benefits of person in default in relation to contributions

A person who is in default in relation to contributions to the Fund is not entitled to receive direct benefits or services funded by payments from the Fund.

10—False or misleading statements

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided, or record kept, for the purposes of these regulations.

Maximum penalty: \$5 000.

Schedule 2—Revocation and transitional provisions

Part 1—Revocation of *Primary Industry Funding Schemes (Clare Valley Wine Industry Fund) Regulations 2008*

1—Revocation of *Primary Industry Funding Schemes (Clare Valley Wine Industry Fund) Regulations 2008*

The *Primary Industry Funding Schemes (Clare Valley Wine Industry Fund) Regulations 2008* are revoked.

Part 2—Transitional provisions

2—Transitional provisions

- (1) Subject to this clause, the revoked regulations, as in force immediately before their revocation under clause 1 of this Schedule, continue to operate in respect of the prescribed period under the revoked regulations that commenced on 1 June 2021 (the *transitional prescribed period*).
- (2) The Minister may, by notice in the Gazette published before the date for payment of contributions for the transitional prescribed period, vary an amount fixed under regulation 5 of the revoked regulations in respect of that period.
- (3) The period within which a person may claim a refund in respect of contributions paid into the Fund for the transitional prescribed period under regulation 6 of the revoked regulations is modified to be the period of 6 months following the transitional prescribed period.

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 Administrator

with the advice and consent of the Executive Council
on 2 September 2021

No 127 of 2021

South Australia

Primary Industry Funding Schemes (SA Grape Growers Industry Fund) Regulations 2021

under the *Primary Industry Funding Schemes Act 1998*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 South Australian Grape Growers Industry Fund
- 5 Contributions to Fund
- 6 Refunds of contributions
- 7 Application of Fund
- 8 Exchange of information
- 9 Exclusion from benefits of person in default in relation to contributions
- 10 False or misleading statements

Schedule 1—Revocation and transitional provisions

Part 1—Revocation of *Primary Industry Funding Schemes (SA Grape Growers Industry Fund) Regulations 2007*

- 1 Revocation of *Primary Industry Funding Schemes (SA Grape Growers Industry Fund) Regulations 2007*

Part 2—Transitional provisions

- 2 Transitional provisions
-

1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (SA Grape Growers Industry Fund) Regulations 2021*.

2—Commencement

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

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—
Act means the *Primary Industry Funding Schemes Act 1998*;
default in relation to contributions to the Fund—see subregulation (2);
delivered—see subregulation (3);
Fund—see regulation 4;

prescribed period means each of the following periods:

- (a) a prescribed period within the meaning of the revoked regulations (up to and including the period of 12 months commencing on 1 June 2021);
- (b) the period of 12 months commencing on 1 June 2022;

revoked regulations means the *Primary Industry Funding Schemes (SA Grape Growers Industry Fund) Regulations 2007*;

SA grape grower means a person who grows SA grapes and who is not an SA winemaker;

SA grapes means any variety of grapes grown in this State and used or intended to be used for wine;

SA winemaker means a person who carries on a business of making wine and who processes SA grapes for that purpose.

- (2) A person is in **default** in relation to contributions to the Fund if, within the immediately preceding 2 prescribed periods—
 - (a) all or some of the contributions payable to the Fund by the person under these or the revoked regulations have not been paid; or
 - (b) the person has been refunded contributions from the Fund under these or the revoked regulations.
- (3) For the purposes of these regulations, grapes will be taken to be **delivered** to a winemaker when the winemaker takes possession of the grapes.

4—South Australian Grape Growers Industry Fund

- (1) The South Australian Grape Growers Industry Fund (the **Fund**) established under the revoked regulations continues in existence.
- (2) The Fund is administered by the Minister.
- (3) The Fund consists of—
 - (a) the amount held in the Fund at the commencement of these regulations; and
 - (b) contributions paid or collected in accordance with the revoked regulations; and
 - (c) contributions paid or collected in accordance with these regulations; and
 - (d) income of the Fund from investment; and
 - (e) any other sums received by the Minister for payment into the Fund.

5—Contributions to Fund

- (1) Subject to these regulations, an SA grape grower must, in respect of each prescribed period commencing on or after 1 June 2022, pay to the Minister (for payment into the Fund) the amount fixed for the prescribed period by the Minister, by notice in the Gazette, for each tonne of SA grapes delivered to an SA winemaker during the prescribed period.
- (2) The contributions in respect of a prescribed period are payable on or before the last day of the month that immediately follows the prescribed period.

- (3) Contributions payable by an SA grape grower must be paid on behalf of the grower by the SA winemaker who purchases the grapes out of the amount payable by the winemaker to the grower for the grapes.
- (4) The Minister may, by notice in the Gazette published before the date for payment of contributions for a prescribed period, vary an amount fixed under subregulation (1) in respect of the prescribed period.
- (5) If the Minister varies an amount payable under subregulation (1) in respect of a prescribed period after the commencement of the prescribed period, the amount as varied applies only in respect of the part of the prescribed period following the date on which the variation takes effect.
- (6) An SA winemaker must—
 - (a) keep proper records relating to the tonnage of SA grapes delivered to the winemaker, the growers of those grapes and the contributions required to be made on behalf of growers in respect of those grapes; and
 - (b) make those records available for inspection at any reasonable time by a person authorised by the Minister for the purpose.
- (7) An SA winemaker must, on or before the last day of the month that immediately follows a prescribed period—
 - (a) furnish the Minister with a financial statement relating to the contributions payable for SA grapes delivered during that prescribed period that—
 - (i) is in the form, and contains the information, required by the Minister; and
 - (ii) is, if the person has the necessary equipment, in an electronic form acceptable to the Minister; and
 - (b) forward to the Minister, with the financial statement required by paragraph (a), the required contributions on behalf of SA grape growers for SA grapes delivered during the prescribed period to which the financial statement relates.

6—Refunds of contributions

- (1) Refunds of contributions paid under these regulations on behalf of a grower in respect of SA grapes delivered during a prescribed period may be claimed by the grower by notice in writing to the Minister within the 6 months following that prescribed period.
- (2) A person claiming a refund under this regulation must supply the Minister with evidence acceptable to the Minister of the contributions made by or on behalf of the claimant in respect of which the claim for refund is made.
- (3) If the person satisfies the Minister that the person is entitled to a refund, the Minister must refund to the person the amount of the contributions paid by or on behalf of the person, together with interest (at the official cash rate) on that amount for the period commencing on the date of payment of the contributions to the Minister and ending on the date of lodgment of the claim for the refund.
- (4) In this regulation—

official cash rate means the cash rate fixed by the Reserve Bank of Australia and prevailing on the date of lodgment of the claim for the refund.

7—Application of Fund

The Fund may be applied by the Minister for any of the following purposes:

- (a) payments to a body that, in the opinion of the Minister, represents SA grape growers for 1 or more of the following purposes:
 - (i) the reasonable operating and management expenses of the body;
 - (ii) promoting SA grape growers;
 - (iii) undertaking or facilitating research and development, or the collection and dissemination to SA winemakers and SA grape growers of information, relevant to SA grape growers and, in particular, to the improvement of industry practices;
 - (iv) fees for affiliation of the body with regional, State or national bodies representing or promoting the interests of grape growers;
 - (v) programs designed to encourage communication and cooperation between SA winemakers and SA grape growers;
 - (vi) other purposes of the body;
- (b) payments for other purposes for the benefit of SA grape growers;
- (c) payment of the expenses of administering the Fund;
- (d) payments to the Consolidated Account or a special deposit account established under section 8 of the *Public Finance and Audit Act 1987* of amounts in accordance with an agreement entered into between the Minister and a body to which payments may be made under paragraph (a), being repayments of an amount advanced to that body under the agreement;
- (e) repayment of contributions to the Fund under regulation 6.

8—Exchange of information

The Minister may provide a body to which payments are made out of the Fund under regulation 7(a) with information identifying growers of SA grapes and SA winemakers who have paid or been refunded contributions under these regulations.

9—Exclusion from benefits of person in default in relation to contributions

A person who is in default in relation to contributions to the Fund is not entitled to receive direct benefits or services funded by payments from the Fund.

10—False or misleading statements

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided, or record kept, for the purposes of these regulations.

Maximum penalty: \$5 000.

Schedule 1—Revocation and transitional provisions

Part 1—Revocation of *Primary Industry Funding Schemes (SA Grape Growers Industry Fund) Regulations 2007*

1—Revocation of *Primary Industry Funding Schemes (SA Grape Growers Industry Fund) Regulations 2007*

The *Primary Industry Funding Schemes (SA Grape Growers Industry Fund) Regulations 2007* are revoked.

Part 2—Transitional provisions

2—Transitional provisions

- (1) Subject to this clause, the revoked regulations, as in force immediately before their revocation under clause 1 of this Schedule, continue to operate in respect of the prescribed period under the revoked regulations that commenced on 1 June 2021 (the *transitional prescribed period*).
- (2) The Minister may, by notice in the Gazette published before the date for payment of contributions for the transitional prescribed period, vary an amount fixed under regulation 5 of the revoked regulations in respect of that period.
- (3) The period within which a person may claim a refund in respect of contributions paid into the Fund for the transitional prescribed period under regulation 6 of the revoked regulations is modified to be the period of 6 months following the transitional prescribed period.

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 Administrator

with the advice and consent of the Executive Council
on 2 September 2021

No 128 of 2021

South Australia

Primary Industry Funding Schemes (Adelaide Hills Wine Industry Fund) (Miscellaneous) Variation Regulations 2021

under the *Primary Industry Funding Schemes Act 1998*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Primary Industry Funding Schemes (Adelaide Hills Wine Industry Fund) Regulations 2017*

- 4 Variation of regulation 5—Contributions to fund
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (Adelaide Hills Wine Industry Fund) (Miscellaneous) 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 *Primary Industry Funding Schemes (Adelaide Hills Wine Industry Fund) Regulations 2017*

4—Variation of regulation 5—Contributions to fund

- (1) Regulation 5(1)—after "during a prescribed period" insert:

commencing on or before 1 June 2021

- (2) Regulation 5—after subregulation (1) insert:

- (1a) The following contributions are payable to the Minister for payment into the Fund for Adelaide Hills grapes delivered to an Adelaide Hills grapes winemaker during a prescribed period commencing on or after 1 June 2022:

- (a) in the case of grapes grown by a person other than an Adelaide Hills grapes winemaker—

- (i) the grower of the grapes must contribute the amount fixed for the period by the Minister, by notice in the Gazette, for each tonne of grapes delivered during the prescribed period; and
 - (ii) the winemaker must contribute the amount fixed for the period by the Minister, by notice in the Gazette, for each tonne of grapes delivered during the prescribed period; and
 - (b) in the case of grapes grown by an Adelaide Hills grapes winemaker, the winemaker must contribute the amount fixed for the period by the Minister, by notice in the Gazette, for each tonne of grapes delivered during the prescribed period.
- (3) Regulation 5(3)—after "subregulation (1)(a)(i)" insert:
or (1a)(a)(i)
- (4) Regulation 5—after subregulation (3) insert:
- (3a) The Minister may, by notice in the Gazette published before the date for payment of contributions for a prescribed period, vary an amount fixed under this regulation in respect of the prescribed period.
 - (3b) If the Minister varies an amount under subregulation (3a) after the commencement of the relevant prescribed period, the amount as varied applies only in respect of the part of the prescribed period following the date on which the variation takes effect.
- (5) Regulation 5(6)—delete "12 months following that prescribed period" and substitute:
refund period for that prescribed period
- (6) Regulation 5(9)—delete "subregulation (8)" and substitute:
this regulation
- (7) Regulation 5(9)—after the definition of *official cash rate* insert:
refund period means—
- (a) in respect of a prescribed period up to and including the prescribed period commencing on 1 June 2020—the period of 12 months following the prescribed period; or
 - (b) in respect of each subsequent prescribed period—the period of 6 months following the prescribed period.

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 Administrator

with the advice and consent of the Executive Council
on 2 September 2021

No 129 of 2021

South Australia

Primary Industry Funding Schemes (Langhorne Creek Wine Industry Fund) (Miscellaneous) Variation Regulations 2021

under the *Primary Industry Funding Schemes Act 1998*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Primary Industry Funding Schemes (Langhorne Creek Wine Industry Fund) Regulations 2016*

- 4 Variation of regulation 5—Contributions to fund
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (Langhorne Creek Wine Industry Fund) (Miscellaneous) 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 *Primary Industry Funding Schemes (Langhorne Creek Wine Industry Fund) Regulations 2016*

4—Variation of regulation 5—Contributions to fund

- (1) Regulation 5(1)(h)—delete paragraph (h)
- (2) Regulation 5—after subregulation (1) insert:
 - (1a) The following contributions are payable to the Minister for payment into the Fund for each tonne of Langhorne Creek grapes processed by a Langhorne Creek grapes winemaker during a prescribed period ending on or after 31 May 2023:

- (i) in the case of grapes grown by a person other than the winemaker—
 - (A) the amount fixed for the period by the Minister, by notice in the Gazette, is payable by the grower of the grapes; and
 - (B) the amount fixed for the period by the Minister, by notice in the Gazette, is payable by the winemaker; and
 - (ii) in the case of grapes grown by the winemaker—the amount fixed for the period by the Minister, by notice in the Gazette, is payable by the winemaker.
- (3) Regulation 5(2)—delete "\$30 000" wherever occurring and substitute in each case:
the prescribed maximum contribution
- (4) Regulation 5—delete subregulation (4) and substitute:
 - (4) Contributions payable by a grower under subregulation (1) or (1a) for grapes delivered to a Langhorne Creek grapes winemaker must be paid on behalf of the grower by the winemaker out of the amount payable by the winemaker to the grower for the grapes.
 - (4a) The Minister may, by notice in the Gazette published before the date for payment of contributions for a prescribed period, vary an amount fixed under this regulation in respect of the prescribed period (including an amount specified as a prescribed maximum contribution under subregulation (10)).
 - (4b) If the Minister varies an amount payable under this regulation after the commencement of the relevant prescribed period, the amount as varied applies only in respect of the part of the prescribed period following the date on which the variation takes effect.
- (5) Regulation 5(7)—delete "12 months following that prescribed period" and substitute:
refund period for that prescribed period
- (6) Regulation 5(10)—delete "subregulation (9)" and substitute:
this regulation
- (7) Regulation 5(10)—after the definition of *official cash rate* insert:
prescribed maximum contribution means—
 - (a) in respect of a prescribed period ending on or before 31 May 2022—\$30 000; or
 - (b) in respect of a prescribed period ending on or after 31 May 2023—the amount fixed by the Minister, by notice in the Gazette, as the maximum contribution for the period;*refund period* means—
 - (a) in respect of a prescribed period up to and including the prescribed period ending on 31 May 2021—the period of 12 months following the prescribed period; or
 - (b) in respect of each subsequent prescribed period—the period of 6 months following the prescribed period.

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 Administrator

with the advice and consent of the Executive Council
on 2 September 2021

No 130 of 2021

South Australia

Primary Industry Funding Schemes (McLaren Vale Wine Industry Fund) (Miscellaneous) Variation Regulations 2021

under the *Primary Industry Funding Schemes Act 1998*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Primary Industry Funding Schemes (McLaren Vale Wine Industry Fund) Regulations 2017*

- 4 Variation of regulation 5—Contributions to fund
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (McLaren Vale Wine Industry Fund) (Miscellaneous) 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 *Primary Industry Funding Schemes (McLaren Vale Wine Industry Fund) Regulations 2017*

4—Variation of regulation 5—Contributions to fund

- (1) Regulation 5(2)(e)—delete paragraph (e)
- (2) Regulation 5—after subregulation (2) insert:
 - (2a) The following contributions are payable to the Minister for payment into the Fund for each tonne of McLaren Vale grapes delivered to a McLaren Vale grapes winemaker during a prescribed period ending on or after 31 May 2023:

- (i) in the case of grapes grown by a person other than the winemaker—
 - (A) the amount fixed for the period by the Minister, by notice in the Gazette, is payable by the grower of the grapes; and
 - (B) the amount fixed for the period by the Minister, by notice in the Gazette, is payable by the winemaker; and
 - (ii) in the case of grapes grown by the winemaker—the amount fixed for the period by the Minister, by notice in the Gazette, is payable by the winemaker.
- (3) Regulation 5(5)—delete "and (2)" and substitute:
 - , (2) or (2a)
- (4) Regulation 5—after subregulation (5) insert:
 - (5a) The Minister may, by notice in the Gazette published before the date for payment of contributions for a prescribed period, vary an amount fixed under this regulation in respect of the prescribed period (including an amount specified as a prescribed maximum contribution under subregulation (11)).
 - (5b) If the Minister varies an amount payable under this regulation after the commencement of the relevant prescribed period, the amount as varied applies only in respect of the part of the prescribed period following the date on which the variation takes effect.
- (5) Regulation 5(8)—delete "12 months following that prescribed period" and substitute:
 - refund period for that prescribed period
- (6) Regulation 5(11), definition of *prescribed maximum contribution*, (f)—delete paragraph (f) and substitute:
 - (f) in respect of a prescribed period ending on or after 31 May 2023—the amount fixed by the Minister, by notice in the Gazette, as the maximum contribution for the period;
- (7) Regulation 5(11)—after the definition of *prescribed maximum contribution* insert:
 - refund period* means—
 - (a) in respect of a prescribed period up to and including the prescribed period ending on 31 May 2021—the period of 12 months following the prescribed period; or
 - (b) in respect of each subsequent prescribed period—the period of 6 months following the prescribed period.

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 Administrator

with the advice and consent of the Executive Council
on 2 September 2021

No 131 of 2021

South Australia

Primary Industry Funding Schemes (Riverland Wine Industry Fund) (Miscellaneous) Variation Regulations 2021

under the *Primary Industry Funding Schemes Act 1998*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Primary Industry Funding Schemes (Riverland Wine Industry Fund) Regulations 2016*

- 4 Variation of regulation 5—Contributions to Fund
 - 5 Variation of regulation 6—Refunds
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (Riverland Wine Industry Fund) (Miscellaneous) 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 *Primary Industry Funding Schemes (Riverland Wine Industry Fund) Regulations 2016*

4—Variation of regulation 5—Contributions to Fund

- (1) Regulation 5(1a)—after "thereafter" insert:

up to and including the prescribed period commencing on 1 June 2021

- (2) Regulation 5—after subregulation (1a) insert:

- (1b) The following contributions are payable to the Minister for payment into the Fund for each tonne of Riverland grapes delivered to a Riverland grapes winemaker during a prescribed period commencing on or after 1 June 2022:

- (a) in the case of grapes grown by a person other than the winemaker—
 - (i) the amount fixed for the period by the Minister, by notice in the Gazette, is payable by the grower of the grapes; and
 - (ii) the amount fixed for the period by the Minister, by notice in the Gazette, is payable by the winemaker as an industry development contribution;
 - (b) in the case of grapes grown by the winemaker—
 - (i) the amount fixed for the period by the Minister, by notice in the Gazette, is payable by the winemaker as a winemaker contribution; and
 - (ii) the amount fixed for the period by the Minister, by notice in the Gazette, is payable by the winemaker as an industry development contribution.
- (3) Regulation 5—after subregulation (3) insert:
- (3a) The Minister may, by notice in the Gazette published before the date for payment of contributions for a prescribed period, vary an amount fixed under this regulation in respect of the prescribed period.
 - (3b) If the Minister varies an amount under subregulation (3a) after the commencement of the relevant prescribed period, the amount as varied applies only in respect of the part of the prescribed period following the date on which the variation takes effect.

5—Variation of regulation 6—Refunds

- (1) Regulation 6(1)—delete "12 months following that prescribed period" and substitute:
refund period for that prescribed period
- (2) Regulation 6(5)—delete "subregulation (4)" and substitute:
this regulation
- (3) Regulation 6(5)—after the definition of *official cash rate* insert:
refund period means—
 - (a) in respect of a prescribed period up to and including the prescribed period commencing on 1 June 2020—the period of 12 months following the prescribed period; or
 - (b) in respect of each subsequent prescribed period—the period of 6 months following the prescribed period.

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 Administrator

with the advice and consent of the Executive Council
on 2 September 2021

No 132 of 2021

South Australia

Primary Industry Funding Schemes (Apiary Industry Fund) (Contributions to Fund) Variation Regulations 2021

under the *Primary Industry Funding Schemes Act 1998*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Primary Industry Funding Schemes (Apiary Industry Fund) Regulations 2016*

- 4 Variation of regulation 5—Contributions to Fund
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Primary Industry Funding Schemes (Apiary Industry Fund) (Contributions to Fund) 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 *Primary Industry Funding Schemes (Apiary Industry Fund) Regulations 2016*

4—Variation of regulation 5—Contributions to Fund

- (1) Regulation 5(1)—delete "prescribed date" and substitute:
date of the application
- (2) Regulation 5(5)—delete "prescribed date" and substitute:
date of the application for registration or renewal of registration as a beekeeper
- (3) Regulation 5(6), definition of *prescribed date*—delete the definition

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 Administrator

with the advice and consent of the Executive Council
on 2 September 2021

No 133 of 2021

South Australia

Return to Work (Self-Insured Employers) Variation Regulations 2021

under the *Return to Work Act 2014*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Return to Work Regulations 2015*

- 4 Variation of regulation 53—Registration—self-insured employers (section 131 of Act)
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Return to Work (Self-Insured Employers) 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 *Return to Work Regulations 2015*

4—Variation of regulation 53—Registration—self-insured employers (section 131 of Act)

Regulation 53(3)(b)—delete paragraph (b) and substitute:

- (b) if the applicant is an employer who has ceased or intends to cease to be a self-insured employer by virtue of—
 - (a) a proclamation under section 130(2) of the Act; or
 - (b) no longer being prescribed under section 130(4) of the Act,then no fee is payable under subregulation (2); and

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 Administrator

with the advice and consent of the Executive Council
on 2 September 2021

No 134 of 2021

South Australia

Botanic Gardens and State Herbarium Regulations 2021

under the *Botanic Gardens and State Herbarium Act 1978*

Contents

Part 1—Preliminary

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

Part 2—Administration

- 5 Approval of Board
- 6 Provision of education and training by Board
- 7 Reward
- 8 Waiver or reduction of fees
- 9 Appointment of authorised persons
- 10 Identity cards
- 11 Powers of authorised persons
- 12 Hindering authorised persons

Part 3—Control of activities

- 13 Public access
- 14 Children in Botanic Gardens
- 15 Conservatory and other buildings
- 16 Flora and fauna protection
- 17 Protection of Board's property
- 18 Animals
- 19 Camping
- 20 Firearms etc
- 21 Fireworks
- 22 Sport and other recreational activities
- 23 Consumption of alcohol
- 24 Behaviour
- 25 Noise
- 26 Litter and pollution
- 27 Weddings and memorial services etc
- 28 Commercial activities etc
- 29 Public assembly or announcement
- 30 Donations

Part 4—Special provisions relating to vehicles

- 31 Interpretation of Part 4
- 32 Public vehicular access to Botanic Gardens and Botanic Reserves
- 33 Driving or bringing vehicles into Botanic Gardens and Botanic Reserves
- 34 Prohibition against riding wheeled recreational devices in Botanic Gardens
- 35 Speed limits in Botanic Gardens and Botanic Reserves
- 36 Liability of vehicle owners and expiation of certain offences

- 37 Permits for permit zones
38 Parking and parking ticket-vending machines or parking meters
39 Fee for release of vehicle after hours

Schedule 1—Revocation and transitional and saving etc provisions

Part 1—Revocation of *Botanic Gardens and State Herbarium Regulations 2007*

- 1 Revocation of *Botanic Gardens and State Herbarium Regulations 2007*

Part 2—Transitional and saving etc provisions

- 2 Interpretation
3 Approvals of Board
4 Authorised persons
5 Permits for permit zones

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Botanic Gardens and State Herbarium Regulations 2021*.

2—Commencement

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

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Botanic Gardens and State Herbarium Act 1978*;

authorised person—see regulation 9;

Botanic Garden means—

- (a) the fenced area of Adelaide Botanic Garden (Adelaide) (and, for this purpose, the boundary between the Adelaide Botanic Garden and the Centre land within the meaning of the *National Wine Centre (Restructuring and Leasing Arrangements) Act 2002* is to be regarded as a fence); or
- (b) the fenced area of Wittunga Botanic Garden (Blackwood); or
- (c) the fenced area of Mount Lofty Botanic Garden (Crafers);

Botanic Reserves means those lands vested in or under the control of the Board other than Botanic Gardens;

Note—

This includes the following:

- (a) Botanic Park—the land comprising the whole of Section 574 Hundred of Adelaide and Section 640 Hundred of Adelaide;
- (b) Giles Corner—the land comprising the whole of Section 464 Hundred of Alma;

- (c) Hackney Road frontage—the land comprising that part of allotment 102 in Lands Titles Office Deposited Plan 66751 and allotment A201 in Deposited Plan D86132 outside the fenced area of Adelaide Botanic Garden;
- (d) Somerset Rocks—the land comprising the whole of Section 484 Hundred of Onkaparinga;
- (e) Quarry car park—that part of allotment 6 in Lands Titles Office Filed Plan 129160 contained in Certificate of Title Register Book Volume 5775 Folio 323 outside the fenced area of Mount Lofty Botanic Garden.

child means a person who has not attained the age of 15 years;

Conservatory means the Bicentennial Conservatory situated within Adelaide Botanic Garden;

Gardens employee means the Director or any other member of the staff appointed or assigned to assist in the administration of the Act.

4—Application

A Gardens employee or person engaged to perform services on behalf of the Board is not subject to these regulations in relation to the performance of their duties as a Gardens employee or the performance of those services.

Part 2—Administration

5—Approval of Board

- (1) An approval given by the Board for the purposes of these regulations—
 - (a) may be given—
 - (i) by notice in the Gazette; or
 - (ii) by notice in writing to a person; or
 - (iii) orally to a person (in which case it must be confirmed in writing as soon as practicable); and
 - (b) may be subject to such conditions (including a condition requiring payment of a fee determined by the Board) as are specified by the Board; and
 - (c) may be varied or revoked by the Board—
 - (i) in the case of an approval given by notice in the Gazette—by notice in the Gazette; or
 - (ii) in any other case—by notice given to the person to whom approval was given.
- (2) An approval may be in the form of a lease or licence.
- (3) If the Board gives approval subject to a condition, the person to whom approval is given, or, if it is given by notice in the Gazette, a person to whom the approval applies, must not contravene or fail to comply with the condition.

Maximum penalty: \$2 000.

Expiation fee: \$200.

6—Provision of education and training by Board

- (1) Pursuant to section 13(1)(m) of the Act, it is a function of the Board to provide courses of education and training, including vocational education and training, in relation to the fields of botany, horticulture, biology, conservation of the natural environment and history—
 - (a) whether on a commercial basis or otherwise, as determined by the Board; and
 - (b) whether by the Board acting alone or in partnership or joint venture with another person or body.
- (2) For the purposes of subregulation (1), the Board may—
 - (a) take such action as may be necessary to comply with requirements of any laws of this State or the Commonwealth in relation to the provision of education and training including, without limitation, complying with the requirements necessary for registration (and maintaining registration) as a registered training organisation under the *National Vocational Education and Training Regulator Act 2011* of the Commonwealth; and
 - (b) determine fees and charges in relation to the provision of education and training.

7—Reward

The Board may, at its discretion, pay a sum not exceeding \$1 000 to a person (other than a Gardens employee or police officer) for information leading to the conviction of any person for an offence against the Act or these regulations.

8—Waiver or reduction of fees

The Board may, if it considers appropriate, waive or reduce a fee or charge prescribed for the purposes of the Act or these regulations.

9—Appointment of authorised persons

- (1) The Board may appoint suitable members of the staff to be authorised persons for the purposes of these regulations.
- (2) An appointment may be made subject to conditions specified in the instrument of appointment.
- (3) The Board may, at any time, revoke an appointment of an authorised person or vary or revoke a condition of appointment or impose a further condition of appointment.
- (4) The Director is an authorised person for the purposes of these regulations.

10—Identity cards

- (1) The Board must provide an identity card to each authorised person.
- (2) An authorised person must produce the person's identity card at the request of a person in relation to whom the authorised person has exercised, or intends to exercise, powers under these regulations.

11—Powers of authorised persons

- (1) If an authorised person knows or reasonably suspects that a person has committed, or is committing, an offence against these regulations, the authorised person may do any or all of the following:

- (a) require the person to state the person's full name and usual place of residence;
 - (b) if the person has been given, or alleges that they have been given, an approval by the Board—require the person to produce the approval for inspection;
 - (c) if the person is in a Botanic Garden or Botanic Reserve—order the person to leave the Garden or Reserve for a stated period not exceeding 24 hours.
- (2) If an authorised person suspects on reasonable grounds that a person is about to commit an offence against these regulations, the authorised person may require the person to state the person's full name and usual place of residence.
- (3) If an authorised person suspects on reasonable grounds that the name or place of residence stated pursuant to this regulation is false, the authorised person may require the person to produce evidence of the person's full name or usual place of residence.
- (4) For the purposes of the *Expiation of Offences Act 1996*, authorised persons are authorised to issue expiation notices for alleged offences against these regulations.
- (5) A person must comply with a requirement or order of an authorised person under this regulation.

Maximum penalty: \$2 000.

12—Hindering authorised persons

A person must not hinder or obstruct an authorised person in the carrying out of the authorised person's duties.

Maximum penalty: \$2 000.

Part 3—Control of activities

13—Public access

- (1) A Botanic Garden is only open to members of the public—
 - (a) during the hours displayed at the entrances to the Garden; or
 - (b) at such other times as may be determined by the Board and notified in such manner as determined by the Board.
- (2) The Board may close a Botanic Garden or Botanic Reserve or part of a Botanic Garden or Botanic Reserve to members of the public if, in the Board's opinion, it is necessary or desirable to do so for any of the following purposes:
 - (a) leasing or licensing the Garden, Reserve or area to a particular person;
 - (b) conducting, or facilitating the conduct of, a particular celebration or event;
 - (c) the proper management of the Garden or Reserve (including if staff necessary to patrol the Garden or Reserve are unavailable);
 - (d) public safety (including if a total fire ban is in force in the area that includes the Garden or Reserve).

- (3) A person must not, without the approval of the Board—
- (a) enter or remain in a Botanic Garden when it is not open to members of the public; or
 - (b) enter or remain in a Botanic Garden or Botanic Reserve, or part of a Botanic Garden or Botanic Reserve, cordoned or closed off on behalf of the Board so as to deny public access or in respect of which a notice indicating that public access is denied is conspicuously displayed on behalf of the Board.

Maximum penalty: \$2 000.

Expiation fee: \$200.

14—Children in Botanic Gardens

- (1) A person having the custody or care of a child must not permit the child to enter or remain in a Botanic Garden unless accompanied by, and under the care of, a person who is 15 years of age or more.

Maximum penalty: \$2 000.

- (2) A child must not enter or remain in a Botanic Garden unless accompanied by, and under the care of, a person who is 15 years of age or more.

Maximum penalty: \$2 000.

15—Conservatory and other buildings

- (1) A person must not enter or remain in the Conservatory unless the appropriate charge for admission prescribed for the purposes of the Act has been paid.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (2) A person must not enter or remain in a glasshouse or building (or part of a building) within a Botanic Garden or Botanic Reserve used for the purposes of an exhibition, program, event or other activity approved by the Board unless the appropriate charge for admission prescribed for the purposes of the Act has been paid.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (3) A person must not, without the approval of the Board, take food or drink into the Conservatory, a glasshouse or a building (or part of a building) used for the purposes of an exhibition, program, event or other activity, within a Botanic Garden or Botanic Reserve.

Maximum penalty: \$2 000.

Expiation fee: \$200.

16—Flora and fauna protection

- (1) A person must not, without the approval of the Board—
- (a) remove from a Botanic Garden or Botanic Reserve any soil, rock, mineral or similar material; or
 - (b) dig or otherwise intentionally disturb any soil or similar material in a Botanic Garden or Botanic Reserve; or
 - (c) take, damage, climb on or interfere with any tree, shrub, plant, flower or other plant material in a Botanic Garden or Botanic Reserve; or

- (d) take or molest any bird, animal or fish in a Botanic Garden or Botanic Reserve; or
- (e) take or intentionally damage the nest or burrow of any bird or animal in a Botanic Garden or Botanic Reserve.

Maximum penalty: \$2 000.

- (2) A person must not, without the approval of the Board—
 - (a) plant (or attempt to plant), release, deposit or abandon, a tree, shrub, plant, flower or other plant material or vegetation; or
 - (b) release, deposit or abandon any insect, bird, animal or fish (whether dead or alive) in a Botanic Garden or Botanic Reserve.

Maximum penalty: \$2 000.

17—Protection of Board's property

- (1) A person must not, in a Botanic Garden or Botanic Reserve—
 - (a) remove, damage, deface or interfere with any label, sign, seat, statue, building, installation or other structure erected or placed in the Botanic Garden or Botanic Reserve (whether temporarily or permanently) on behalf of the Board; or
 - (b) step or walk on any garden bed or border.

Maximum penalty: \$2 000.

Expiation fee: In the case of an offence against paragraph (b)—\$200.

- (2) A person must not—
 - (a) climb over, pass under or break through any gate, fence or hedge or other barricade, in or surrounding a Botanic Garden or Botanic Reserve; or
 - (b) use a storm water drain or culvert, or other structure not designed or intended to be used as a usual means of pedestrian or vehicular access, to enter a Botanic Garden or Botanic Reserve.

Maximum penalty: \$2 000.

Expiation fee: \$200.

18—Animals

- (1) Subject to this regulation, a person must not bring an animal into, or permit an animal to enter, a Botanic Garden except as follows:
 - (a) a dog may be brought into, or permitted to enter, an area specifically set aside for the purpose by the Board during any period for which it is so set aside (but not for the purposes of participating in organised dog training);
 - (b) an animal may be brought into, or permitted to enter, a Botanic Garden with the approval of the Board.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (2) Subject to this regulation, a person must not bring an animal into, or permit an animal to enter, a Botanic Reserve except as follows:
 - (a) a horse may be ridden or led on a road in a Botanic Reserve;
 - (b) a dog may be brought into, or permitted to enter, a Botanic Reserve (but not for the purposes of participating in organised dog training);

- (c) an animal may be brought into, or permitted to enter a Botanic Reserve in the course of being transported to or from the Adelaide Zoo by or on behalf of the Royal Zoological Society of South Australia Incorporated;
- (d) an animal may be brought into, or permitted to enter, a Botanic Reserve with the approval of the Board.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (3) A person who is wholly or partially blind or deaf, or otherwise disabled, is entitled to be accompanied by an accredited assistance dog in a Botanic Garden or Botanic Reserve.
- (4) A person who brings a dog into, or permits a dog to enter, a Botanic Garden or Botanic Reserve must ensure that the dog is under effective control by means of physical restraint, within the meaning of the *Dog and Cat Management Act 1995*, at all times while in the Garden or Reserve.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (5) A person who brings a dog into, or permits a dog to enter, a Botanic Garden or Botanic Reserve (not being an accredited assistance dog) must immediately remove any faeces deposited by the dog in the Botanic Garden or Botanic Reserve and dispose of them in a suitable manner.

Maximum penalty: \$100.

Expiation fee: \$50.

- (6) In this regulation—

accredited assistance dog means an assistance dog accredited under the *Dog and Cat Management Act 1995*.

19—Camping

A person must not, without the approval of the Board, camp or stay overnight in a Botanic Garden or Botanic Reserve.

Maximum penalty: \$2 000.

Expiation fee: \$200.

20—Firearms etc

A person must not, without the approval of the Board—

- (a) bring a firearm, catapult or other weapon into a Botanic Garden or Botanic Reserve;
or
- (b) carry or use a firearm, catapult or other weapon in a Botanic Garden or Botanic Reserve.

Maximum penalty: \$2 000.

21—Fireworks

A person must not, without the approval of the Board, bring a firework into a Botanic Garden or Botanic Reserve or discharge a firework in a Botanic Garden or Botanic Reserve.

Maximum penalty: \$2 000.

Expiation fee: \$200.

22—Sport and other recreational activities

- (1) A person must not, without the approval of the Board, in a Botanic Garden—
- (a) engage in any form of sport or sporting activity or in any game involving the use of a ball or any game in which an object is thrown or discharged; or
 - (b) engage in an activity involving a mechanically propelled model vehicle, aircraft or vessel; or
 - (c) operate a drone or any other remotely controlled device; or
 - (d) fly a kite.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (2) Subregulation (1) does not apply in relation to an area specifically set aside for the purpose by the Board during any period for which it is so set aside.

- (3) A person must not, without the approval of the Board, engage in any organised sport or organised sporting activity in a Botanic Reserve.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (4) A person must not, without the approval of the Board, swim or jump or dive into water or take a boat, raft, hovercraft or other vessel onto water in a Botanic Garden or Botanic Reserve.

Maximum penalty: \$2 000.

Expiation fee: \$200.

23—Consumption of alcohol

- (1) A person must not, without the approval of the Board, consume alcohol in a Botanic Garden or Botanic Reserve except in licensed premises within the meaning of the *Liquor Licensing Act 1997* or in an area in which the consumption of alcohol is authorised by a licence under that Act.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (2) Subregulation (1) does not apply in relation to an area specifically set aside for the purpose by the Board during any period for which it is so set aside.

24—Behaviour

- (1) A person must not be intoxicated (whether by alcohol or by any other substance or combination of substances) or behave in a disorderly, offensive or indecent manner or create any disturbance in a Botanic Garden or Botanic Reserve.

Maximum penalty: \$2 000.

- (2) A person must not, without the approval of the Board, smoke in a Botanic Garden or Botanic Reserve.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (3) A person must not intentionally obstruct, disturb, interrupt or annoy any other person making proper use of a Botanic Garden or Botanic Reserve.
Maximum penalty: \$2 000.
- (4) A person must not throw, roll or discharge any stone, substance or missile or engage in any other activity that may endanger the safety of any person or animal in a Botanic Garden or Botanic Reserve.
Maximum penalty: \$2 000.
- (5) A person must not urinate or defecate in any place within a Botanic Garden or Botanic Reserve except in a public convenience.
Maximum penalty: \$2 000.
Expiation fee: \$200.

25—Noise

- (1) A person must not, without the approval of the Board—
 - (a) use or cause to be used any loud speaker, amplifier, radio, television or similar device in a Botanic Garden or Botanic Reserve; or
 - (b) play or sound any musical instrument or whistle in a Botanic Garden or Botanic Reserve.
Maximum penalty: \$2 000.
Expiation fee: \$200.
- (2) This regulation does not apply if the device or instrument is not audible except to the person using it by reason of the person's use of headphones, earplugs or some other similar device.

26—Litter and pollution

- (1) A person must not deposit litter, refuse or waste matter in a Botanic Garden or Botanic Reserve except in a receptacle provided for the purpose.
Maximum penalty: \$2 000.
Expiation fee: \$200.
- (2) A person must not, without the approval of the Board, deposit goods, materials, earth, stone, gravel, green waste or any other substance in a Botanic Garden or Botanic Reserve.
Maximum penalty: \$2 000.
- (3) A person must not foul or pollute any waters or waterways in a Botanic Garden or Botanic Reserve.
Maximum penalty: \$2 000.

27—Weddings and memorial services etc

- (1) A person must not, without the approval of the Board, use any part of a Botanic Garden or Botanic Reserve for a wedding or memorial service.
Maximum penalty: \$2 000.
Expiation fee: \$200.

- (2) A person must not scatter, bury or otherwise dispose of, the ashes of a deceased person or animal in a Botanic Garden or Botanic Reserve.

Maximum penalty: \$2 000.

Expiation fee: \$200.

28—Commercial activities etc

- (1) A person must not, without the approval of the Board, use any part of a Botanic Garden or Botanic Reserve for the purpose, or in the course, of carrying out any commercial enterprise (including, without limitation, guided tours and busking).

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (2) A person must not, without the approval of the Board, advertise any goods or services in a Botanic Garden or Botanic Reserve.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (3) A person must not, without the approval of the Board, sell any goods (including any badge) or services in a Botanic Garden or Botanic Reserve.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (4) A person must not, without the approval of the Board, post, distribute or leave for collection any pamphlet, paper or other written matter in a Botanic Garden or Botanic Reserve or on a vehicle in a Botanic Garden or Botanic Reserve.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (5) A person must not, without the approval of the Board, display or erect any flag, sign, hoarding or similar object in a Botanic Garden or Botanic Reserve.

Maximum penalty: \$2 000.

Expiation fee: \$200.

- (6) A person must not, without the approval of the Board, conduct a survey or poll of opinions of members of the public in a Botanic Garden or Botanic Reserve.

Maximum penalty: \$2 000.

Expiation fee: \$200.

29—Public assembly or announcement

A person must not, without the approval of the Board—

- (a) engage or take part in public speaking (including preaching) or make any public announcement in a Botanic Garden or Botanic Reserve; or
- (b) organise, attend or participate in any public meeting, demonstration or gathering in a Botanic Garden or Botanic Reserve.

Maximum penalty: \$2 000.

Expiation fee: \$200.

30—Donations

A person must not, without the approval of the Board—

- (a) collect or seek money or other donations in a Botanic Garden or Botanic Reserve; or
- (b) obtain or seek to obtain any promise or undertaking to pay any money or other donation in a Botanic Garden or Botanic Reserve.

Maximum penalty: \$2 000.

Expiation fee: \$200.

Part 4—Special provisions relating to vehicles

31—Interpretation of Part 4

In this Part—

bus means a motor vehicle—

- (a) designed for the principal purpose of carrying passengers; and
- (b) designed to carry more than 12 persons, including the driver;

drive has the same meaning as in the *Road Traffic Act 1961*;

long passenger vehicle means a motor vehicle (other than a bus)—

- (a) designed for the principal purpose of carrying passengers; and
- (b) exceeding 6 metres in length, excluding any trailer, caravan or other vehicle attached to the vehicle;

owner, in relation to a vehicle, has the same meaning as in the *Road Traffic Act 1961*;

prescribed offence means an offence against regulation 33 or 35;

prescribed vehicle means—

- (a) a motor vehicle that is constructed solely or mainly for the carriage of goods and has a gross vehicle mass (within the meaning of section 47A of the *Road Traffic Act 1961*) of 4.5 tonnes or more; or
- (b) a prime mover; or
- (c) a vehicle (including any trailer, caravan or other vehicle attached to the vehicle) that exceeds 6 metres in length other than—
 - (i) a bus that is less than 3 metres high when unladen; or
 - (ii) a long passenger vehicle;

road has the same meaning as in the *Road Traffic Act 1961*;

vehicle has the same meaning as in the *Road Traffic Act 1961*;

wheeled recreation device has the same meaning as in the *Road Traffic Act 1961* and includes an electric personal transporter within the meaning of the *Road Traffic (Miscellaneous) Regulations 2014*.

Note—

A wheeled recreation device includes rollerblades, rollerskates, skateboards, scooters, unicycles or similar wheeled devices, but does not include prams, strollers, trolleys, bicycles, wheelchairs (including motorised wheelchairs) or wheeled toys.

32—Public vehicular access to Botanic Gardens and Botanic Reserves

The Board may, from time to time, determine areas of a Botanic Garden or Botanic Reserve that are closed to public vehicular access.

33—Driving or bringing vehicles into Botanic Gardens and Botanic Reserves

- (1) A person must not, without the approval of the Board—
 - (a) bring a vehicle into, or drive a vehicle in, any part of a Botanic Garden or Botanic Reserve closed to public vehicular access; or
 - (b) drive a vehicle in a Botanic Garden or Botanic Reserve except on an area specifically set aside for the driving or parking of vehicles; or
 - (c) bring a prescribed vehicle into, or drive a prescribed vehicle in, a Botanic Garden or Botanic Reserve.

Maximum penalty: \$1 000.

Expiation fee: \$150.

- (2) This regulation does not prevent a bicycle being wheeled (rather than ridden) in a Botanic Garden or Botanic Reserve.

34—Prohibition against riding wheeled recreational devices in Botanic Gardens

A person must not, without the approval of the Board, travel in or on a wheeled recreational device in a Botanic Garden.

Maximum penalty: \$50.

Expiation fee: \$25.

35—Speed limits in Botanic Gardens and Botanic Reserves

- (1) A person must not, without the approval of the Board, drive a vehicle in a Botanic Garden or Botanic Reserve at a speed greater than—
 - (a) in the case of a road open to vehicular access by the public—20 kilometres per hour;
 - (b) in the case of a road within the fenced area of Mount Lofty Botanic Garden and not open to vehicular access by the public—15 kilometres per hour;
 - (c) in any other case—10 kilometres per hour.

Maximum penalty: \$1 000.

Expiation fee: \$150.

- (2) This regulation does not apply in circumstances where a speed limit applies under the *Road Traffic Act 1961*.

36—Liability of vehicle owners and expiation of certain offences

- (1) Without derogating from the liability of any other person, but subject to this regulation, 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 regulation.
- (2) The owner and driver of a vehicle are not both liable through the operation of this regulation 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.

- (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 offence against this regulation involving the vehicle must be accompanied by a notice inviting the owner, if the owner was not the driver at the time of the alleged prescribed offence, to provide the Board, within the period specified in the notice, with a statutory declaration—
 - (a) setting out the name and address of the driver; or
 - (b) if the owner had transferred ownership of the vehicle to another prior to the time of the alleged prescribed 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).
- (4) Before proceedings are commenced against the owner of a vehicle for an offence against this regulation involving the vehicle, the informant must send the owner a notice—
 - (a) setting out particulars of the alleged prescribed offence; and
 - (b) inviting the owner, if the owner 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 subregulation (3).
- (5) Subregulation (4) does not apply to—
 - (a) proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
 - (b) proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this regulation as the driver of the vehicle.
- (6) Subject to subregulation (7), in proceedings against the owner of a vehicle for an offence against this regulation, it is a defence to prove—
 - (a) 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
 - (b) that the owner provided the informant with a statutory declaration in accordance with an invitation under this regulation.
- (7) The defence in subregulation (6)(b) does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.
- (8) If—
 - (a) an expiation notice is given to a person named as the alleged driver in a statutory declaration under this regulation; or
 - (b) 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.
- (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.
- (10) In proceedings against a person named in a statutory declaration under this regulation for the offence to which the declaration relates, it will be presumed, in the absence of proof to the contrary, that the person was the driver of the vehicle at the time at which the alleged offence was committed.

- (11) In proceedings against the owner or driver of a vehicle for an offence against this Part, an allegation in the information that a notice was given under this regulation on a specified day will be accepted as proof, in the absence of proof to the contrary, of the facts alleged.

37—Permits for permit zones

- (1) This regulation applies if the Board has installed or determined that it will install, permit zone signs to establish a permit zone for the purposes of the *Road Traffic Act 1961*.
- (2) The Board may determine—
- (a) the class of permits required for vehicles to stop in the permit zone; and
 - (b) the persons entitled to such permits; and
 - (c) any fees to be paid for such permits; and
 - (d) the conditions to which the permits will be subject (which may include conditions as to the period for which such permits remain in force and conditions as to the display of permits in vehicles),
- and may vary any such determination.
- (3) The Board may issue permits in respect of the permit zone to persons entitled to them, on payment of the fee (if any), and subject to the conditions, determined by the Board.
- (4) A permit issued by the Board and in force in respect of the permit zone permits a vehicle to stop in the permit zone subject to the conditions of the permit.

38—Parking and parking ticket-vending machines or parking meters

- (1) This regulation applies if the Board has installed, or determined that it will install, permissive parking signs to apply to a length of road or an area for the purposes of the *Road Traffic Act 1961*.
- (2) Subject to subregulation (3), the Board may determine fees that will be payable for parking in the length of road or the area by—
- (a) the operation of parking ticket-vending machines or parking meters installed or to be installed in or near the length of road or area; or
 - (b) electronic devices (including mobile phones, tablets or other electronic method determined by the Board),
- and may vary such fees.
- (3) The fees determined by the Board in respect of the parking or standing of vehicles in a Botanic Garden or Botanic Reserve for the purposes of the *Road Traffic Act 1961* must not include any fee in respect of the parking or standing of a vehicle on a Sunday or other public holiday.

39—Fee for release of vehicle after hours

- (1) The Board may, from time to time, fix a fee for the release of a vehicle from a Botanic Garden or Botanic Reserve at a time when the relevant part of the Garden or Reserve is closed to the public.
- (2) A person is not entitled to release of the vehicle until the fee is paid.

Schedule 1—Revocation and transitional and saving etc provisions

Part 1—Revocation of *Botanic Gardens and State Herbarium Regulations 2007*

1—Revocation of *Botanic Gardens and State Herbarium Regulations 2007*

The *Botanic Gardens and State Herbarium Regulations 2007* are revoked.

Part 2—Transitional and saving etc provisions

2—Interpretation

In this Part—

revoked regulations means the *Botanic Gardens and State Herbarium Regulations 2007*.

3—Approvals of Board

An approval of the Board under regulation 5 of the revoked regulations and in force immediately before the commencement of this clause will be taken, on that commencement, to be an approval of the Board under regulation 5 of these regulations, and to continue for the balance of the term, and subject to the same conditions (if any), as applied under the approval immediately before that commencement.

4—Authorised persons

A person holding an appointment as an authorised person under regulation 8 of the revoked regulations immediately before the commencement of this clause will, on that commencement, be taken to hold an appointment as an authorised person under regulation 9 of these regulations, subject to the same conditions of appointment (if any) as applied to the appointment immediately before that commencement.

5—Permits for permit zones

A permit issued by the Board under regulation 36 of the revoked regulations and in force immediately before the commencement of this clause will continue for the balance of the period for which the permit was issued, subject to the same conditions (if any), as applied under the permit immediately before that commencement, as if it were a permit issued under regulation 37 of these regulations.

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 Administrator

on the recommendation of the Board of the Botanic Gardens and State Herbarium and with the advice and consent of the Executive Council
on 2 September 2021

No 135 of 2021

STATE GOVERNMENT INSTRUMENTS

EMERGENCY MANAGEMENT ACT 2004

SECTION 26A

Modification of Controlled Substances Act 1984

I, Steven Spence Marshall, Premier for the State of Australia, pursuant to Section 26A of the *Controlled Substances Act 1984* hereby modify the operation of section 18 of the *Controlled Substances Act 1984* for the duration of the declaration of a Major Emergency declared by Grantley Stevens, the State Coordinator pursuant to section 23(1) of the *Emergency Management Act 2004* on 22 March 2020 in respect of the outbreak of the Human Disease named COVID-19 within South Australia, which declaration has been extended by the Governor, as follows:

Section 18 of the *Controlled Substances Act 1984* applies with the following modification:

After section 18(1d)(d) insert:

- (e) a person may administer a prescription drug which is a COVID-19 vaccine to another person if the person is registered under the Health Practitioner Regulation National Law as a student in the health professions of nursing, midwifery, medicine, paramedicine or pharmacy and the person is:
 - A. undertaking a program of study for general registration approved by the National Board for that health profession;
 - B. in their final or penultimate year of their program of study; and
 - C. employed under:
 - a. section 34 of the *Health Care Act 2008* to perform functions in connection with the operations or activities of an incorporated hospital; or
 - b. the *Public Sector Act 2009* as an employee of the Department for Health and Wellbeing.

For the purposes of this Notice:

- **COVID-19 Vaccine** means a vaccine for COVID-19 included in the Australian Register of Therapeutic Goods.

Dated: 1 September 2021

STEVEN SPENCE MARSHALL
Premier of the State of South Australia

FISHERIES MANAGEMENT ACT 2007

SECTION 44

Management Plan for the South Australian Commercial Abalone Fisheries (2021)

Take notice that pursuant to Section 44(7) and (10) of the *Fisheries Management Act 2007* I hereby declare that I have adopted the *Management Plan for the South Australian Commercial Abalone Fisheries (2021)* and fix 1 October 2021 as the date of on which the plan will take effect.

Dated: 31 August 2021

HON DAVID BASHAM MP
Minister for Primary Industries and Regional Development

FISHERIES MANAGEMENT (PRAWN FISHERIES) REGULATIONS 2017

September 2021 Fishing for the West Coast Prawn Fishery

Take notice that pursuant to regulation 10 of the *Fisheries Management (Prawn Fisheries) Regulations 2017*, the notice dated 20 January 2021 on page 219 of the *South Australian Government Gazette* of 28 January 2021, prohibiting fishing activities in the West Coast Prawn Fishery is hereby varied such that it will not be unlawful for a person fishing pursuant to a West Coast Prawn Fishery licence to use prawn trawl nets in the areas specified in Schedule 1, during the period specified in Schedule 2, and under the conditions specified in Schedule 3.

SCHEDULE 1

The waters of the West Coast Prawn Fishery excluding Ceduna, and Corvisart Bay defined in the West Coast Prawn Fishery Harvest Strategy.

SCHEDULE 2

Commencing at sunset on 30 August 2021 and ending at sunrise on 15 September 2021.

SCHEDULE 3

1. Each licence holder or a registered master of a fishing license undertaking fishing activities pursuant to this notice must ensure that a representative sample of catch (a 'bucket count') is taken at least 3 times per night during the fishing activity.
2. Each 'bucket count' sample must be accurately weighed to 7kg where possible and the total number of prawns contained in the bucket must be recorded on the daily catch and effort return.
3. Fishing area must be closed if one of the following limits is reached:
 - (a) The average catch per vessel, per night (for all 3 vessels) drops below 300kg for 2 consecutive nights in each fishing area.
 - (b) The average 'bucket count' for all vessels exceeds 240 prawns per 7kg bucket on any single fishing night in the Coffin Bay area.
 - (c) The average 'bucket count' for all vessels exceeds 240 prawns per 7kg bucket on any single fishing night in the Venus Bay area.

4. Fishing must cease if one of the following limits is reached:
- All grounds have been closed due to the criteria being met in 3.
 - A total of 14 nights of fishing are completed.
 - A total of 75 nights of fishing are completed in the season.
5. Each licence holder or registered master of a fishing license undertaking fishing activities must provide a daily report by telephone or SMS message, via a nominated representative, to the Department of Primary Industries and Regions Prawn Fishery Manager, providing the following information from the previous nights fishing:
- average prawn catch; and
 - the average prawn 'bucket count' for all vessels operating in the fishery.
6. No fishing activity may be undertaken after the expiration of 30 minutes from the prescribed time of sunrise and no fishing activity may be undertaken before the prescribed time of sunset for Adelaide (as published in the *South Australian Government Gazette* pursuant to the requirements of the *Proof of Sunrise and Sunset Act 1923*) during the period specified in Schedule 2.

Dated: 27 August 2021

YOLANDE MARKEY
A/Prawn Fisheries Manager
Delegate of the Minister for Primary Industries and Regional Development

GEOGRAPHICAL NAMES ACT 1991

Notice to Alter Boundaries of a Place

Notice is hereby given pursuant to Section 11B of the *Geographical Names Act 1991*, that I, Vickie Chapman, Attorney-General, Minister of the Crown to whom the administration of the *Geographical Names Act 1991* is committed, DO HEREBY:

Alter the suburb boundary between Lonsdale and Hallett Cove to exclude from the bounded suburb of LONSDALE that area marked (A) shown highlighted in green and include in the suburb of HALLETT COVE.

A copy of the plan showing the extent of the altered boundary can be viewed on the Land Boundaries website at:

www.sa.gov.au/placenameproposals.

Dated: 2 September 2021

HON VICKIE CHAPMAN MP
Deputy Premier
Attorney-General

GOVERNORS' PENSIONS ACT 1976

Authorisation of Payment

I, the Robert Lucas MLC, Treasurer of South Australia (the "Treasurer"), pursuant to Sections 3 and 4 of the *Governors' Pensions Act 1976*, hereby provide for and authorise the payment of an annual pension on and from 1 September 2021, for life, of the sum of \$105,304 to Hieu Van Le, a former Governor.

Dated: 24 August 2021

ROBERT LUCAS MLC
Treasurer

THE COMMON SEAL OF THE TREASURER was hereunto affixed by authority of the Treasurer and in the presence of:

RACHAEL COLEGATE
Witness

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
18 Sturt Valley Road, Stirling SA 5152	Allotment 101 Deposited Plan 24525 Hundred of Noarlunga	CT5435/730
90 West Street, Brompton SA 5007	Allotment 102 Deposited Plan 74346 Hundred of Yatala	CT5994/486
147 Robsart Street, Parkside SA 5063	Allotment 81 Filed Plan 14658 Hundred of Adelaide	CT5719/206
5 Drew Street, Two Wells SA 5501	Allotment 1 and 2 Filed Plan 7269 Hundred of Port Gawler	CT5494/512, CT5495/651, CT5995/485
Lot 8, Smitham Road, Munno Para Downs SA 5115	Allotment 8 Deposited Plan 6153 Hundred of Munno Para	CT5184/792
17 Culross Avenue, Myrtle Bank SA 5064	Allotment 309 Filed Plan 15854 Hundred of Adelaide	CT5158/224
54 Ashfield Road, Elizabeth SA 5112	Allotment 3 Filed Plan 20577 Hundred of Munno Para	CT5257/784

Dated: 2 September 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. It being a condition of appointment that the Justices of the Peace must take the oaths required of a justice under the *Oaths Act 1936* and return the oaths of office form to Justice of the Peace Services within three months after the date of appointment:

For a period of ten years for a term commencing on 13 September 2021 and expiring on 12 September 2031:

Joanna Mary STOLZ
Nenita Fortuno SISON
Sandeep Kaur SIDHU
Marian Allan ROMANIUK
Tristan John MOREY
Stephen Roy MILLS
Jane Renee MENZ
Catherine Louise MCGILVERAY
Jane Frances FETHERSTONHAUGH
Stewart Norman Clark BURNS
Kimberley Jayde BENNETTS
Nilesh BANERJEE
Mario ARMIENTO

Dated: 25 August 2021

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

LAND ACQUISITION ACT 1969

SECTION 16

*Form 5—Notice of Acquisition***1. Notice of acquisition**

The Commissioner of Highways (the Authority), of 50 Flinders Street, Adelaide SA 5000, acquires the following interests in the following land:

- First: Comprising an unencumbered estate in fee simple in that piece of land being portion of Allotment 7 in Deposited Plan No. 45079 comprised in Certificate of Title Volume 5350 Folio 430, and being the whole of the land identified as Allotment 65 in D127170 lodged in the Lands Titles Office.
- Secondly: Comprising an unencumbered estate in fee simple in that piece of land being portion of Section 251 in the Hundred of Goyder comprised in Certificate of Title Volume 5350 Folio 430, and being the whole of the land identified as Allotment 66 in D127170 lodged in the Lands Titles Office.
- Thirdly: Comprising an unencumbered estate in fee simple in that piece of land being portion of Section 252 in the Hundred of Goyder, comprised in Certificate of Title Volume 5350 Folio 430, and being the whole of the land identified as Allotment 67 in D127170 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:

Petrula Pettas
GPO Box 1533
Adelaide SA 5001
Telephone: (08) 8343 2619

Dated: 31 August 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: 2020/20059/01

MINING ACT 1971

Intention to Grant Exploration Licences

Notice is hereby given, in accordance with Section 28(5) of the *Mining Act 1971* (SA) as in force immediately before the lodgement date stated below that the delegate of the Minister for Energy and Mining intends to grant Exploration Licences over the areas described below.

Applicant: Fowler Resources Pty Ltd
 Location: Yalata area—approximately 130km west-northwest of Ceduna
 Pastoral Leases: Mitchidy Moola, Churdaria
 Term: Six years
 Area in km²: 607
 Reference number: 2017/00227
 Lodgement Date: 20 November 2017

Applicant: PepinNini Kaolin Pty Ltd
 Location: Coultas area—approximately 20km north of Coffin Bay
 Term: 6 Years
 Area in km²: 548
 Reference number: 2020/00175
 Lodgement Date: 15 October 2020

Applicant: PepinNini Kaolin Pty Ltd
 Location: Cungenas area—approximately 20km east-northeast of Streaky Bay
 Term: 6 Years
 Area in km²: 581
 Reference number: 2020/00210
 Lodgement Date: 18 November 2020

Applicant: Strikeline Resources Pty Ltd
 Location: Lake Torrens area—approximately 100km north-northeast of Port Augusta
 Pastoral Leases: Black Hill, Holowiliena, Worumba, Shaggy Ridge, Three Creeks, Willippa, Holowiliena South
 Term: Six years
 Area in km²: 460
 Reference number: 2020/00233
 Lodgement Date: 20 December 2020

Plans and co-ordinates can be found on the Department for Energy and Mining website:

http://energymining.sa.gov.au/minerals/exploration/public_notices/exploration_licence_applications or by contacting Mineral Tenements on (08) 8463 3103.

Community information on mineral exploration licence processes and requirements under the *Mining Act 1971* is available from: http://energymining.sa.gov.au/minerals/exploration/public_notices/exploration_licence_applications or hard copy on request to Mineral Tenements.

J. MARTIN
 Mining Registrar as delegate for the Minister for Energy and Mining
 Department for Energy and Mining

MINING ACT 1971

Notice Pursuant to Sections 15(5) and 15(6)

Pursuant to Section 15(5) of the *Mining Act 1971* (the Act), I advise that the Mineral Resources Division of the Department for Energy and Mining, will be undertaking geoscientific investigations commencing from 2 September 2021 and concluding on 30 June 2023.

The area of interest is approximately 42,633 km² and is located predominantly over the Fowler, Coober Pedy, Childara, Barton, Tallaringa and Tarcoola map sheets.

Please note that the completion date may be extended and/or the area may be altered by further notice in the *Gazette*. A copy of the plan can be obtained by telephoning Mineral Tenements on (08) 8463 3103.

Description of Area

YELLABINNA AREA, bounded as follows:

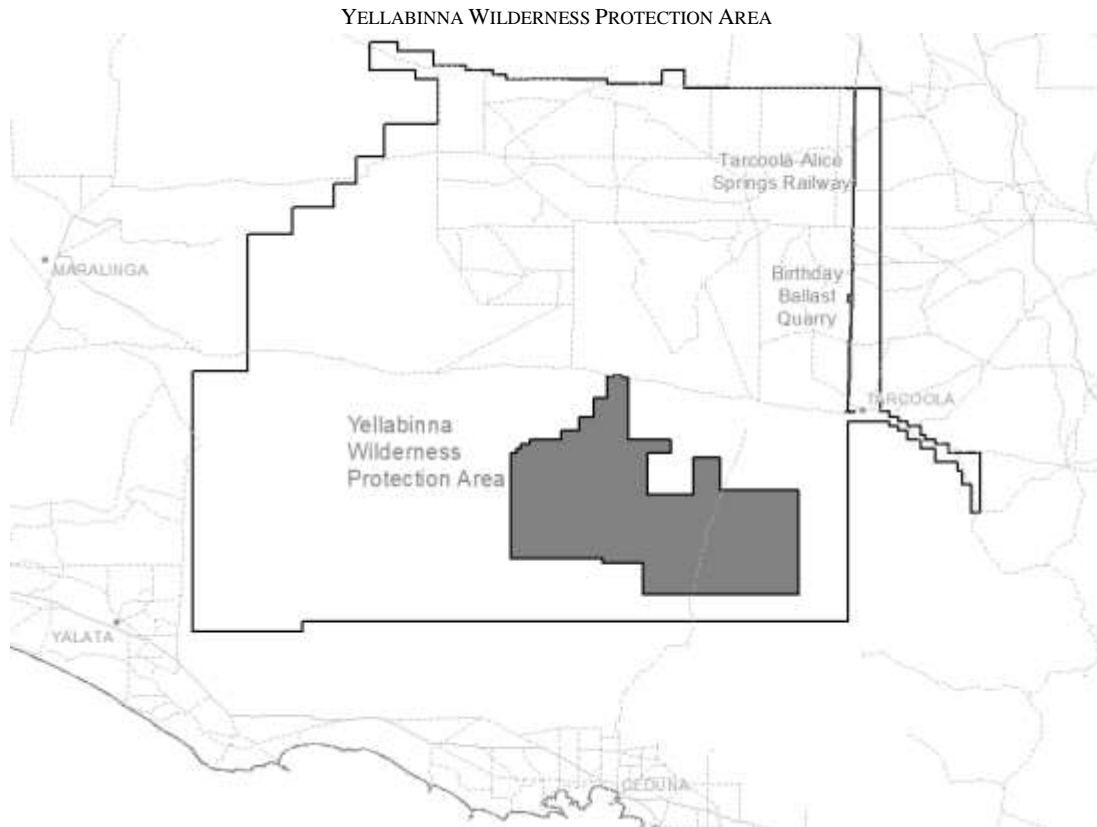
Commencing at a point being the intersection of latitude 29°22'S and longitude 132°52'E, then south to latitude 29°24'S, east to longitude 133°00'E, south to latitude 29°27'S, east to longitude 133°07'E, south to latitude 29°28'S, east to longitude 133°13'E, south to latitude 29°29'S, east to longitude 133°16'E, south to latitude 29°30'S, east to longitude 133°38'E, south to latitude 29°31'S, east to longitude 133°50'E, north to latitude 29°28'S, east to longitude 133°55'E, south to latitude 29°32'S, east to longitude 134°38'E, south to latitude 30°43'S, east to longitude 134°40'E, south to latitude 30°44'S, east to longitude 134°42'E, south to latitude 30°45'S, east to longitude 134°44'E, south to latitude 30°46'S, east to longitude 134°47'E, south to latitude 30°48'S, east to longitude 134°48'E, south to latitude 30°49'S, east to longitude 134°50'E, south to latitude 30°50'S, east to longitude 134°53'E, south to latitude 30°52'S, east to longitude 135°00'E, south to latitude 31°05'S, west to longitude 134°58'E, north to latitude 30°59'S, west to longitude 134°56'E, north to latitude 30°56'S, west to longitude 134°55'E, north to latitude 30°54'S, west to longitude 134°50'E, north to latitude 30°51'S, west to longitude 134°47'E, north to latitude 30°49'S, west to longitude 134°44'E, north to latitude 30°47'S, west to longitude 134°42'E, north to latitude 30°46'S, west to longitude 134°40'E, north to latitude 30°45'S, west to longitude 134°31'E, south to latitude 31°29'S, west to longitude 132°31'E, south to latitude 31°31'S, west to longitude 132°07'E, north to latitude 30°34'S, east to longitude 132°19'E, north to latitude 30°04'S, east to longitude 132°29'E, north to latitude 29°58'S, east to longitude 132°38'E, north to latitude 29°53'S, east to longitude 132°43'E, north to latitude 29°47'S, east to longitude 132°49'E, north to latitude 29°40'S, east to longitude 133°01'E, north to latitude 29°30'S, west to longitude 132°56'E, north to latitude 29°28'S, west to longitude 132°46'E, north to latitude 29°22'S, and east to the point of commencement, but excluding areas reserved from the operation of the *Mining Act 1971* (*South Australian Government Gazette*, No. 51, dated 13 November 1975, pp. 2431-2434) and Yellabinna Wilderness Protection Area.

All the within latitudes and longitudes are geodetic and expressed in terms of the Australian Geodetic Datum as defined on p.4984 of *Commonwealth Gazette* No. 84, dated October 6 1966 (AGD66).

AREA: 42,633 square kilometres approximately.

Dated: 2 September 2021

J. MARTIN
Mining Registrar
Delegate for the Minister for Energy and Mining
Department for Energy and Mining



PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Amendment of 'Description of Area' of Petroleum Production Licence—PPL 253

Notice is hereby given that under the provisions of section 82 of the *Petroleum and Geothermal Energy Act 2000*, pursuant to delegated powers dated 29 June 2018, the 'Description of Area' of the abovementioned petroleum production licence has been amended to reflect the consolidation with the area of adjacent petroleum production licence application PPLA 271.

The petroleum production licence (PPL 253) granted on 13 August 2014 is hereby amended by substituting the 'Description of Area' with the following:

All that part of the State of South Australia, bounded as follows:

Commencing at a point being the intersection of latitude 27°42'48"S GDA2020 and longitude 139°20'45"E GDA2020, thence east to longitude 139°22'16"E GDA2020, south to latitude 27°43'25"S GDA2020, east to longitude 139°22'47"E GDA2020, south to latitude 27°45'10"S GDA2020, west to longitude 139°22'24"E GDA2020, south to latitude 27°46'19"S GDA2020, west to longitude 139°21'46"E GDA2020, south to latitude 27°47'27"S GDA2020, west to longitude 139°21'17"E GDA2020, south to latitude 27°47'38"S GDA2020, west to longitude 139°20'47"E GDA2020, north to latitude 27°47'20"S GDA2020, west to longitude 139°20'28"E GDA2020, north to latitude 27°46'36"S GDA2020, west to longitude 139°20'00"E AGD66, north to latitude 27°43'30"S GDA2020, east to longitude 139°20'23"E GDA2020, north to latitude 27°43'00"S GDA2020, east to longitude 139°20'45"E GDA2020, and north to the point of commencement.

AREA: **30.69** square kilometres approximately

Dated: 27 August 2021

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

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Amendment of 'Description of Area' of Petroleum Production Licence—PPL 254

Notice is hereby given that under the provisions of section 82 of the *Petroleum and Geothermal Energy Act 2000*, pursuant to delegated powers dated 29 June 2018, the 'Description of Area' of the abovementioned petroleum production licence has been amended to reflect the consolidation with the area of adjacent petroleum production licence PPL 256 and petroleum production licence application PPLA 272.

The petroleum production licence (PPL 254) granted on 13 August 2014 is hereby amended by substituting the 'Description of Area' with the following:

All that part of the State of South Australia, bounded as follows:

Commencing at a point being the intersection of latitude 27°36'16"S GDA2020 and longitude 139°23'19"E GDA2020, thence east to longitude 139°24'19"E GDA2020, south to latitude 27°36'35"S GDA2020, east to longitude 139°24'40"E GDA2020, south to latitude 27°37'05"S GDA2020, east to longitude 139°24'55"E GDA2020, south to latitude 27°37'22"S GDA2020, east to longitude 139°25'07"E GDA2020, south to latitude 27°40'30"S GDA2020, west to longitude 139°24'30"E GDA2020, south to latitude 27°41'01"S GDA2020, west to longitude 139°24'00"E GDA2020, south to latitude 27°42'10"S GDA2020, west to longitude 139°22'59"E GDA2020, north to latitude 27°42'00"S GDA94, west to longitude 139°22'24"E GDA2020, north to latitude 27°41'05"S GDA2020, west to longitude 139°21'49"E GDA2020, north to latitude 27°40'55"S GDA2020, west to longitude 139°21'15"E GDA2020, north to latitude 27°39'29"S GDA2020, east to longitude 139°21'46"E GDA2020, north to latitude 27°39'00"S GDA2020, east to longitude 139°22'05"E GDA2020, north to latitude 27°38'35"S GDA2020, east to longitude 139°22'20"E GDA2020, north to latitude 27°38'14"S GDA2020, east to longitude 139°22'40"E GDA2020, north to latitude 27°37'14"S GDA2020, east to longitude 139°23'01"E GDA2020, north to latitude 27°36'35"S GDA2020, east to longitude 139°23'19"E GDA2020 and north to the point of commencement.

AREA: **45.69** square kilometres approximately

Dated: 27 August 2021

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

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Amendment of 'Description of Area' of Petroleum Production Licence—PPL 255

Notice is hereby given that under the provisions of section 82 of the *Petroleum and Geothermal Energy Act 2000*, pursuant to delegated powers dated 29 June 2018, the 'Description of Area' of the abovementioned petroleum production licence has been amended to reflect the consolidation with the area of adjacent petroleum production licence application PPLA 273.

The petroleum production licence (PPL 255) granted on 13 August 2014 is hereby amended by substituting the 'Description of Area' with the following:

All that part of the State of South Australia, bounded as follows:

Commencing at a point being the intersection of latitude 27°47'50"S GDA94 and longitude 139°20'55"E GDA94, thence east to longitude 139°21'24"E GDA2020, south to latitude 27°48'07"S GDA2020, west to longitude 139°21'17"E GDA2020, south to latitude 27°48'30"S GDA94, east to longitude 139°21'20"E GDA94, south to latitude 27°48'34"S GDA2020, east to longitude 139°21'54"E GDA2020, south to latitude 27°48'46"S GDA2020, east to longitude 139°22'04"E GDA2020, south to latitude 27°48'56"S GDA2020, east to longitude 139°22'11"E GDA2020, south to latitude 27°49'46"S GDA2020, west to longitude 139°21'22"E GDA2020, north to latitude 27°49'38"S GDA2020, west to longitude 139°21'10"E GDA2020, north to latitude 27°49'32"S GDA2020, west to longitude 139°21'04"E GDA2020, north to latitude 27°49'12"S GDA2020, west to longitude 139°20'50"E GDA94, north to latitude 27°48'55"S GDA94, west to longitude 139°20'40"E GDA94, north to latitude 27°48'30"S GDA94, east to longitude 139°20'45"E GDA94, north to latitude 27°48'15"S GDA94, east to longitude 139°20'55"E GDA94, and north to the point of commencement.

AREA: **5.41** square kilometres approximately

Dated: 27 August 2021

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

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Suspension of Petroleum Exploration Licence—PEL 182**Suspension of Associated Activities Licence—AAL 224*

Pursuant to section 90 of the *Petroleum and Geothermal Energy Act 2000*, notice is hereby given that the abovementioned Licences have been suspended for the period from 19 August 2021 until 18 August 2022 inclusive, pursuant to delegated powers dated 29 June 2018.

The expiry date of PEL 182 is now determined to be 15 November 2024 and the expiry date of AAL 224 is now determined to be 16 November 2022.

Dated: 27 August 2021

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

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 42

*Practice Directions**Preamble*

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

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

A practice direction must be notified in the Gazette and published on the SA Planning Portal.

A practice direction may be varied or revoked by the State Planning Commission from time to time by a further instrument notified in the Gazette and published on the SA Planning Portal.

NOTICE

Pursuant to section 42(4)(b) of the *Planning, Development and Infrastructure Act 2016*, I, Anita Allen, Director Planning and Development, as delegate of the State Planning Commission:

- (a) vary State Planning Commission Practice Direction 3 (Notification of Performance Assessment Development Applications); and
- (b) fix the day on which Practice Direction 3 (Notification of Performance Assessed Development Applications) is published on the SA Planning Portal as the day on which the varied practice directions will come into operation.

Dated: 2 September 2021

ANITA ALLEN
Director, Planning and Development
Delegate of the State Planning Commission

RADIATION PROTECTION AND CONTROL ACT 1982

SECTION 44

Notice by Delegate of the Minister for Environment and Water

Pursuant to Section 44 of the *Radiation Protection and Control Act 1982*, I, Keith Baldry, Director Science and Information, Environment Protection Authority, being a person to whom the powers of the Minister under that section have been delegated under the Act, exempt persons from the requirement to hold a licence under Sections 28 and 31 of the *Radiation Protection and Control Act 1982*, subject to the following conditions:

1. This exemption only applies to persons who are registered with the Medical Board of Australia and enrolled in specialist training in nuclear medicine.
2. The persons referred to in Condition 1 must only use or handle a radioactive source or operate ionising radiation apparatus under the supervision of a registered specialist in nuclear medicine who holds a licence under Section 28 or 31 of the *Radiation Protection and Control Act 1982* to use or handle such a source or operate such radiation apparatus that is not themselves subject to a supervisory requirement.
3. The supervision referred to in Condition 2 must be direct until the supervised practitioner has successfully completed the Basic Science course administered by the Australian Association of Nuclear Medicine Specialists (AANMS), overseen by the Committee for Joint College Training (CJCT) in Nuclear Medicine.

Direct supervision: The supervisor must be physically present with the supervised practitioner, who observes and works with the supervised practitioner and takes direct and principal responsibility for the operation or activity.

4. After passing the assessment in Condition 3, supervision may be indirect.

Indirect supervision: The supervisor must be easily contactable and be available to observe and discuss the operation or activity with the supervised practitioner.

5. The specified employer must ensure a record of persons subject to this exemption is maintained.

The exemption from requirements of Sections 28 and 31 of the *Radiation Protection and Control Act 1982* for persons registered with the Medical Board of Australia and enrolled in specialist training in nuclear medicine, published in the *South Australian Government Gazette* on 15 April 2021 is hereby revoked.

Dated: 23 July 2021

KEITH BALDRY
Director Science and Information
Environment Protection Authority
Delegate of the Minister for Environment and Water

RADIATION PROTECTION AND CONTROL ACT 1982

SECTION 44

Notice by Delegate of the Minister for Environment and Water

Pursuant to Section 44 of the *Radiation Protection and Control Act 1982*, I, Keith Baldry, Director Science and Information, Environment Protection Authority, being a person to whom the powers of the Minister under that section have been delegated under the Act, exempt persons from the requirement to hold a licence under Sections 28 and 31 of the *Radiation Protection and Control Act 1982*, subject to the following conditions:

1. This exemption only applies to persons who are registered with the Medical Board of Australia and enrolled in specialist training in diagnostic radiology.

2. The persons referred to in Condition 1 must only use or handle radioactive material or operate ionising radiation apparatus under the supervision of a registered diagnostic radiologist who holds a licence under Section 28 or 31 of the *Radiation Protection and Control Act 1982* to use or handle a source or operate apparatus that is not themselves subject to a supervisory requirement.
3. The supervision referred to in Condition 2 must be direct until the supervised practitioner has passed the Applied Imaging Technology exam administered by the Royal Australian and New Zealand College of Radiologists (RANZCR).
Direct supervision: The supervisor must be physically present with the supervised practitioner, who observes and works with the supervised practitioner and takes direct and principal responsibility for the operation or activity.
4. After passing the exam in Condition 3, supervision may be indirect.
Indirect supervision: The supervisor must be easily contactable and be available to observe and discuss the operation or activity with the supervised practitioner.
5. Where interventional fluoroscopy apparatus is used the person must have passed the exam in Condition 3, and must continue to be under direct supervision, provided by a licensed diagnostic radiographer or diagnostic radiologist.
6. The specified employer must ensure a record of persons subject to this exemption is maintained.
The exemption from requirements of Sections 28 and 31 of the *Radiation Protection and Control Act 1982* for persons registered with the Medical Board of Australia and enrolled in specialist training in diagnostic radiology, published in the *South Australian Government Gazette* on 15 April 2021 is hereby revoked.

Dated: 23 July 2021

KEITH BALDRY
Director Science and Information
Environment Protection Authority
Delegate of the Minister for Environment and Water

RADIATION PROTECTION AND CONTROL ACT 1982

SECTION 44

Notice by Delegate of the Minister for Environment and Water

Pursuant to Section 44 of the *Radiation Protection and Control Act 1982*, I, Keith Baldry, Director Science and Information, Environment Protection Authority, being a person to whom the powers of the Minister under that section have been delegated under the Act, exempt persons from the requirement to hold a licence under Sections 28 and 31 of the *Radiation Protection and Control Act 1982*, subject to the following conditions:

1. This exemption only applies to persons who are registered with the Medical Board of Australia and enrolled in specialist training in radiation oncology.
2. The persons referred to in Condition 1 must only use or handle a radioactive source or operate ionising radiation apparatus under the supervision of a registered specialist in radiation oncology who holds a licence under Section 28 or Section 31 of the *Radiation Protection and Control Act 1982* to use or handle such a source or operate such apparatus that is not themselves subject to a supervisory requirement.
3. The supervision referred to in Condition 2 must be direct until the supervised practitioner has passed the Phase 1 exam for radiation oncology trainees' administered by the Royal Australian and New Zealand College of Radiologists (RANZCR).
Direct supervision: The supervisor must be physically present with the supervised practitioner, who observes and works with the supervised practitioner and takes direct and principal responsibility for the operation or activity.
4. After passing the assessment in Condition 3, supervision may be indirect.
Indirect supervision: The supervisor must be easily contactable and be available to observe and discuss the operation or activity with the supervised practitioner.
5. Where interventional fluoroscopy apparatus is used, the person must have passed the exam in Condition 3, and must continue to be under direct supervision, provided by a licensed diagnostic radiographer or radiation oncologist.
6. The specified employer must ensure a record of persons subject to this exemption is maintained.

The exemption from requirements of Sections 28 and 31 of the *Radiation Protection and Control Act 1982* for persons registered with the Medical Board of Australia and enrolled in specialist training in radiation oncology, published in the *South Australian Government Gazette* on 15 April 2021 is hereby revoked.

Dated: 23 July 2021

KEITH BALDRY
Director Science and Information
Environment Protection Authority
Delegate of the Minister for Environment and Water

REMUNERATION TRIBUNAL

DETERMINATION NO. 5 OF 2021

2021 Inaugural Determination of Remuneration for Official Visitors of Correctional Institutions

SCOPE OF DETERMINATION

1. This Determination applies to Official Visitors of correctional institutions of South Australia appointed under the *Corrections Act 1982*.

REMUNERATION

2. The Tribunal hereby determines the following rates of pay shall be payable to Official Visitors as compensation for the performance of their Official Visitor duties:

Office Holder	Rate
Official Visitor of Correctional Institutions (half-day rate)	\$258
Official Visitor of Correctional Institutions (full-day rate)	\$483

3. For the purposes of the remuneration at clause 2 of this Determination:
 - 3.1. The half-day rate shall be payable where an Official Visitor is required to perform their Official Visitor duties for up to and including four hours on a single day; and
 - 3.2. The full-day rate shall be payable where an Official Visitor is required to perform their Official Visitor duties for greater than four hours on a single day.

DATE OF OPERATION

4. This Determination shall come into operation on and from the commencement date of section 9 of the *Correctional Services (Accountability and Other Measures) Amendment Act 2021*¹.

Note:

¹ Noting that section 14C of the *Act Interpretation Act 1915* provides that “...anything created, granted, issued, done or made under or pursuant to a provision by virtue of subsection (1) will take effect when the provision comes into operation and not before.”

Dated: 26 August 2021

MATTHEW O’CALLAGHAN
President

DEBORAH BLACK
Member

PETER DE CURE
Member

REMUNERATION TRIBUNAL

REPORT NO. 5 OF 2021

2021 Inaugural Review of Remuneration for Official Visitors of Correctional Institutions

INTRODUCTION AND BACKGROUND

1. Section 14 of the *Remuneration Act 1990* (“the Act”) provides that the Remuneration Tribunal (“the Tribunal”) has jurisdiction to determine the remuneration, or a specified part of the remuneration, payable in respect of certain offices, if such jurisdiction is conferred upon the Tribunal by any other Act or by the Governor by proclamation.
2. On 8 April 2021, the *Correctional Services (Accountability and Other Measures) Amendment Act 2021* (“the Amending Act”) was assented to. The Amending Act confers jurisdiction upon the Tribunal to determine remuneration to be paid to Official Visitors of correctional institutions (“Official Visitors”).
3. Prior to the Amending Act, some of the functions of Official Visitors were performed by Visiting Inspectors under the previous provisions of the *Corrections Act 1982* (“the Corrections Act”). The Tribunal is advised that Visiting Inspectors were not entitled to remuneration for the performance of their official duties and hence were appointed on a volunteer basis.

COMMENCEMENT OF THE AMENDING ACT

4. At the time of writing, the sections of the Amending Act in relation to the Tribunal’s jurisdiction for Official Visitors are yet to commence by Governor Proclamation. In the course of this Review, the Department for Correctional Services (“DCS”) requested that the Tribunal deal with this matter prior to the commencement of those sections to enable a recruitment process whereby those applying for appointment for Official Visitors would be notified of the applicable remuneration prior to their appointment.
5. DCS provided the Tribunal with Crown Solicitor’s Office advice in relation the Tribunal’s ability to rely on section 14C of the *Acts Interpretation Act 1915* (“the AIA”) for the making of a determination in relation to Official Visitor remuneration. That section is set out as follows:

“14C—Exercise of powers conferred by a provision of an Act or statutory instrument before the provision comes into operation

- (1) Where—
 - (a) a provision of an Act that has passed is not yet in operation; and
 - (b) it is expedient that a power expressed to be conferred by the provision be exercised before it comes into operation, the power may be so exercised before the provision comes into operation.
 - (2) Subject to subsection (3), anything created, granted, issued, done or made under or pursuant to a provision by virtue of subsection (1) will take effect when the provision comes into operation and not before.
 - (3) The appointment of a person to a position pursuant to subsection (1) takes effect at the time of appointment but any power exercised by that person pursuant to subsection (1) does not take effect until the relevant provision comes into operation.”
6. On the basis of this advice from the Crown Solicitor’s Office the Tribunal has agreed to deal with this matter under section 14C of the AIA so that a sensible and timely recruitment process for Official Visitors may be undertaken.

PROCEDURAL HISTORY

7. Section 10(2) of the Act provides that prior to the making of a Determination, the Tribunal must allow an affected person, or persons of an affected class, a reasonable opportunity to make submissions orally or in writing to the Tribunal.
8. Section 10(4) of the Act provides that the Minister responsible for the Act may intervene, personally or by counsel or other representative, in proceedings before the Tribunal for the purpose of introducing evidence, or making submissions, on any question relevant to the public interest.
9. On 28 June 2021, the Tribunal wrote to Visiting Inspectors, notifying of the Tribunal’s intention to conduct a review of remuneration to be paid to Official Visitors. The Tribunal invited written submissions with a closing date of 16 July 2021.
10. On 28 June 2021, the Tribunal wrote to the Honourable Premier of South Australia (“the Premier”), as the Minister responsible for the Act, inviting submissions in the public interest, with a closing date of 16 July 2021.
11. On 28 June 2021, the Tribunal wrote to the Minister for Police, Emergency Services and Correctional Services, as the Minister responsible for the Amending Act, inviting submissions in the public interest, with a closing date of 16 July 2021.
12. In addition, on 28 June 2021, a public notification of the review was placed on the Tribunal’s website.

LEGISLATIVE PROVISIONS

13. The operation of the Amending Act provides for amendments to section 20B of the Corrections Act. That section, as amended, is set out as follows:

“20B—Remuneration

- (1) *An official visitor is entitled to remuneration, allowances and expenses determined by the Remuneration Tribunal.*
- (2) *Jurisdiction is, by force of this section, conferred on the Remuneration Tribunal to make a determination or perform any other functions required by this section.”*

14. Notably, the statutory functions and powers of Official Visitors are set out by section 20D of the Corrections Act. That section, as amended, is set out as follows:

“20D—Functions of official visitors

- (1) *The functions of an official visitor in relation to the correctional institution in respect of which the visitor is appointed include the following:*
 - (a) *to receive any complaint of a prisoner in the correctional institution;*
 - (b) *to act as an advocate for prisoners in the correctional institution to promote the proper resolution of issues relating to the care, treatment or control of the prisoners;*
 - (c) *to conduct visits to the correctional institution as required or authorised under this Division;*
 - (d) *to conduct inspections of the correctional institution as required or authorised under this Division;*
 - (e) *to promote the best interests of prisoners in the correctional institution;*
 - (f) *to inquire into, investigate and provide advice to the Minister or the CE on any matter relating to the management of the correctional institution, or the care, treatment or control of the prisoners, either on the official visitor’s own initiative or on referral by the Minister or the CE;*
 - (g) *to make recommendations to the Minister or the CE on any matter for the purposes of improving the quality of care, treatment or control of prisoners in the correctional institution;*
 - (h) *any other functions assigned to the official visitor under this or any other Act.*
- (2) *An official visitor has power to do all things necessary or convenient to be done for or in connection with the performance of the official visitor’s functions and may have free and unfettered access to a correctional institution in respect of which the visitor is appointed.*
- (3) *In exercising functions under this Division, an official visitor—*
 - (a) *must encourage prisoners in the correctional institution to express their own views and give proper weight to those views; and*
 - (b) *must have regard to relevant legislation and other material, including international conventions and treaties, with a view to promoting the high quality care, treatment and control of prisoners in the correctional institution; and*
 - (c) *must pay particular attention to the needs and circumstances of prisoners in the correctional institution who—*
 - (i) *are Aboriginal or Torres Strait Islander persons; or*
 - (ii) *have a physical, psychological or intellectual disability; and*
 - (d) *may receive and consider information, reports and materials relevant to exercising the official visitor’s statutory functions.*
- (4) *Despite any other provision of this Division, an official visitor may conduct a visit to or inspection of any correctional institution (whether or not the official visitor is appointed in respect of the institution) if the official visitor considers it necessary to do so to investigate systemic issues relating to prisoners or the provision of correctional services.*
- (5) *An official visitor may receive and consider information, reports and materials, and interview a prisoner or other person, including in accordance with a requirement under section 20E(2), in private.*
- (6) *In exercising functions and powers under this Division, an official visitor must, so far as is reasonably practicable, ensure that those functions and powers are exercised in a manner that is not likely to—*
 - (a) *adversely affect the good order and security of a correctional institution or the safety of any person at, or whose work is connected with, a correctional institution; or*
 - (b) *adversely affect the protection from disclosure of criminal intelligence or the protection of the health, safety and welfare of a victim of an offence committed by a prisoner.”*

SUBMISSIONS

15. The Tribunal received the following submissions.

Department for Correctional Services

- 15.1. The Department for Correctional Services (“DCS”) lodged a comprehensive submission which was accompanied by a role description and a proposed schedule of activity for official visitors. A summary of official visitor remuneration in other jurisdictions was also provided although direct comparisons are not possible.
 - 15.2. On 30 July 2021, DCS made oral submissions to the Tribunal in support of their written submission.
 - 15.3. DCS chose not to form a view as to the level of the remuneration sought for official visitors and was content to leave the matter for the Tribunal to exercise its independent judgement.
16. No other submissions were received by the Tribunal in respect of the review to which this Report relates.

SECTION 101 OF FAIR WORK ACT 1994

17. In considering this matter, the Tribunal is aware of its obligations under section 101 of the *Fair Work Act 1994* (“the Fair Work Act”), as follows:

“101—State industrial authorities to apply principles

- (1) *In arriving at a determination affecting remuneration or working conditions, a State industrial authority must have due regard to and may apply and give effect to principles, guidelines, conditions, practices or procedures adopted by SAET under this Part.*
- (2) *However, principles adopted under this Part are not applicable to enterprise agreements.*
- (3) *In this section—*
State industrial authority means—
 - (a) *SAET; or*
 - (b) *the Remuneration Tribunal; or*
 - (c) *the Commissioner for Public Sector Employment; or*
 - (d) *another person or body declared by regulation to be a State industrial authority.”*

18. The Tribunal has noted the longstanding approach to the assessment of work value applied by both the South Australian Employment Tribunal and the Australian Fair Work Commission and has applied this approach such that it has sought to identify the requisite skills and skill requirements and then considered those skills and requirements against other roles and functions of comparable work value.

SCHEMES OPERATING IN OTHER JURISDICTIONS

19. The Tribunal has examined schemes operating in other jurisdictions using the information available and has made the following observations.
20. The nature, scope and complexity of the work of Official Visitors in other jurisdictions is comparable to those in South Australia in the sense that most other jurisdictions must perform independent inspections of prison facilities, hear complaints, and produce written reports including recommendations to either a Minister or a senior public office holder. However, there are material differences in the powers and functions of Official Visitors throughout the States and Territories which no doubt reflects the varying levels of remuneration.
21. The Tribunal noted that a direct point to point comparison of Official Visitor duties on an interjurisdictional basis was not possible to the varying nature of the legislative role and functions of Official Visitors throughout the States and Territories.
22. In terms of remuneration paid to Official Visitors in other jurisdictions for the performance of their official duties, a broad range of remuneration was observed between \$200 and \$540 per day, excluding expenses.
23. As the nearest jurisdiction to the South Australian approach operates in the ACT, the Tribunal sought specific information from the ACT Remuneration Tribunal in relation to how remuneration for Official Visitors within that jurisdiction are determined. The ACT Tribunal advised that remuneration is set on the basis of work value considerations, such as the level of responsibility, the type of work that is performed, and the overall impact on the community.
24. For the most part, schemes operating in other jurisdictions provide for a per day rate of remuneration, with some jurisdictions also providing a half day rate.

CONSIDERATION AND CONCLUSION

25. This review marks the first occasion the Remuneration Tribunal has made a Determination of remuneration for Official Visitors.
26. The Tribunal has assessed the Official Visitor functions as distinctly different to the voluntary functions previously undertaken by Visiting Inspectors. It may be the case that a person who has been a Visiting Inspector is successful in being appointed as an Official Visitor, however the functions and responsibilities have been revised and the Tribunal considers the new legislative requirements fundamentally distinguish this function from the previous roles.
27. The Tribunal has considered the functions to be undertaken by Official Visitors in the context of four key requirements. Firstly, the position presumes knowledge and understanding of correctional institutions in the context of South Australia’s commitments to international conventions regarding the treatment of prisoners and the operation of prisons. This requirement indicates that a capacity to understand the legal and social framework underpinning our prison system is an important element of this function. The function presumes these analytical skills can be applied in an impartial and responsible manner.
28. Secondly, the Tribunal considers that the Official Visitor function requires a substantive understanding of the legal system and principles of Law. The Tribunal considers that, while not essential, it is likely that substantial experience of legal practice is a likely requirement for the Official Visitor function. At minimum will be knowledge of how the law operates and the capacity to evaluate complaints and issues in the context of prison behaviour.
29. The Tribunal considers that the Official Visitors will need a comprehensive appreciation of social issues generally, with particular application to prisons. This knowledge may be derived from involvement with one or more special interest groups, or it may be derived from broader involvement with special interest groups generally. The Tribunal considers this requirement extends to a capacity to communicate with and understand the needs of Aboriginal and Torres Strait Islander people and people with psychological or physical disabilities.
30. Finally, the Tribunal anticipates that the Official Visitor function requires high level political astuteness and acumen. The Official Visitor is required to provide written recommendations to the responsible Minister and the Chief Executive Officer of the DCS. Inappropriately founded reports will have the potential to discredit not merely the Official Visitor, and the prisoners affected, but the Department and the Government.
31. Having considered these likely skill requirements, the Tribunal has noted the significance of the Official Visitor function. The Tribunal considers that that Parliament intended this function to be regarded as significant or it would not have delegated the remuneration fixing function to the Tribunal.

32. The Tribunal has assessed the Official Visitor positions using the public sector work level standards as a comparison point. More specifically, the Tribunal has taken the view that the skill requirements that have been identified most closely equate to a legal officer employed by a public sector agency. That function, referenced as LEC4 requires a legal practice qualification with the ability to work independently using substantial practical experience. That skill level envisages that the officer may have developed specialist knowledge of a given function and would have the ability to develop reports containing contentious issues using a high degree of tact and diplomacy.
33. In reaching this conclusion, the Tribunal stops short of establishing an ongoing nexus between the Official Visitor function and the LEC4 function in the South Australian Public Sector because it remains to be seen just what skill levels exist amongst the persons appointed and exactly how the Official Visitor function is undertaken.
34. In fixing this rate the Tribunal has noted remuneration levels applicable to DCS staff engaged in prisons but has concluded that the Official Visitor function is fundamentally different to those roles.
35. The Tribunal has also considered that the work of Official Visitors will include not only the visit to the correctional institution but also the necessary report writing process following the visit.
36. Taking all of the above factors into account Tribunal considers that a full-day rate of \$483 and a half-day rate of \$258 are appropriate.
37. The Tribunal anticipates that Official Visitors will provide detailed time records to the DCS to confirm their activities prior to any payment of remuneration being made.
38. The Tribunal will issue the accompanying Determination, which sets out the remuneration to be paid to Official Visitors of correctional institutions.

OPERATIVE DATE

39. The accompanying Determination shall come into operation on and from the commencement date of section 9 of the Amending Act.¹

Note:

¹ Noting that section 14C of the *Act Interpretation Act 1915* provides that “...anything created, granted, issued, done or made under or pursuant to a provision by virtue of subsection (1) will take effect when the provision comes into operation and not before.”

Dated: 26 August 2021

MATTHEW O'CALLAGHAN
President

DEBORAH BLACK
Member

PETER DE CURE
Member

RETIREMENT VILLAGES ACT 2016**SECTION 59(1)***Voluntary Termination of Retirement Village Scheme*

Take notice that I, Stephen Wade, Minister for Health and Wellbeing, pursuant to section 59(1) of the *Retirement Villages Act 2016*, HEREBY TERMINATE the Sutherland Court and Sutherland Lodge retirement village schemes situated at 11 and 15-19 Woodville Road, Woodville SA 5011 and comprising all of the land and improvements in Certificate of Title Register Book Volume 5147 Folio 424, 426, 427 and Volume 5751 Folio 535. I do so being satisfied for the purposes of section 59(2) of the Act that there are no retirement village residents in occupation. The termination will take effect on the day upon which the retirement village endorsement is cancelled.

Dated: 29 August 2021

STEPHEN WADE
Minister for Health and Wellbeing

LOCAL GOVERNMENT INSTRUMENTS

CITY OF ADELAIDE

LOCAL GOVERNMENT ACT 1999—SECTION 198

Adoption of Amended Community Land Management Plans

The City of Adelaide gives notice of its adoption of the following amended Community Land Management Plans (CLMPs):

- Golden Wattle Park/Mirnu Wirra (Park 21W)
- Bundey's Paddock/Tidlangga (Park 9)
- Adelaide Oval Precinct/part of Tarntanya Wama (Park 26)

These CLMPs may be viewed on the Adelaide Park Lands Community Land Register at:

<https://www.cityofadelaide.com.au/about-council/council-registers/adelaide-park-lands-community-land-register/>

Dated: 2 September 2021

C. MOCKLER
Chief Executive Officer

CITY OF ADELAIDE

LOCAL GOVERNMENT ACT 1999—SECTION 210

Conversion of a Private Road to Public Road—Tavistock Lane

Notice is hereby given pursuant to section 210 of the *Local Government Act 1999* that on 10 August 2021 Council declared the private road shown as "Tavistock Lane" on Deposited Plan D114632 to be public road.

Dated: 2 September 2021

C. MOCKLER
Chief Executive Officer

CITY OF ADELAIDE

LOCAL GOVERNMENT ACT 1999—SECTION 219

Power to Assign a Name, or Change the Name, of a Road or Public Place—Tavistock Lane

Notice is hereby given pursuant to section 219 of the *Local Government Act 1999* that on 10 August 2021 Council resolved to name the land lettered "RA" and "RB" on Filed Plan FX255998 as Tavistock Lane.

Dated: 2 September 2021

C. MOCKLER
Chief Executive Officer

CITY OF ADELAIDE

ROAD TRAFFIC ACT 1961—SECTION 32(6)

Resolution to Implement One-Way Traffic Conditions—Tavistock Lane

Notice is hereby given pursuant to section 32(6) of the *Road Traffic Act 1961* that on 10 August 2021 Council resolved to make the road constructed on the following land a one-way road (in a west-bound direction) with exemptions for bicycles, emergency services vehicles and vehicles authorised by the City of Adelaide:

1. the land shown as "Tavistock Lane" on Deposited Plan D114632; and
2. the land lettered "RA" on Filed Plan FX255998

Dated: 2 September 2021

C. MOCKLER
Chief Executive Officer

CITY OF PORT ADELAIDE ENFIELD

Assignment of Names for New Roads

Notice is hereby given that the Council of the City of Port Adelaide Enfield under delegated authority resolved pursuant to Section 219(1) of the *Local Government Act 1999* that:

- A certain new section of road (Sec 775 H 106100) being an extension of the existing Exeter Terrace, Dudley Park be assigned the street name Exeter Terrace as well.
- The street name Thomas Place be assigned to allotment 10 DP 121977 being an extension of existing Public Road Thomas Place, Port Adelaide extending from Church Street through to Commercial Road.
- New Roads in the suburb of Angle Park be assigned the names Saunders Road, Pita Street, Tampa Street, Waters Road and Yerta Walk being an extension of the existing road also named Yerta Walk.
- New Roads in the suburb of Port Adelaide were resolved at a Council meeting held on 11 December 2018 to be assigned the names Rockhampton Lane and London Road.

A copy of the plan that delineates the new roads that are the subject to the assignment of street names, are available for inspection on the Council's website www.cityofpae.sa.gov.au/connect/media-hub/public-notices.

Dated: 2 September 2021

MARK WITHERS
Chief Executive Officer

PORT AUGUSTA CITY COUNCIL

Adoption of Valuation

Notice is hereby given that pursuant to Section 167(2)(a) of the *Local Government Act 1999* the valuations of the Valuer-General of capital values for all land in the area of the Council which amounts in total to the value of \$1,759,312,500 and which represents the sum of all properties set forth in the assessment records of the Council for the 2021/2022 financial year and hereby specifies the 24th day of August 2021, as the day upon which the adoption of such valuations of the Valuer-General shall become the valuations of the Council.

Declaration of Rates

1. Declared differential general rates according to locality and the use of the land based upon capital value on all rateable land within the area of the Council for the year ending 30 June 2022, as follows:
 - (a) In the area of the City zoned in the Planning and Design Code 2021 as Rural Shack Settlement, Rural Living, Conservation, Rural, and Rural Neighbourhood:
 - (i) 0.5390 cents in the dollar on rateable land with a land use category of (a) Residential;
 - (ii) 1.3474 cents in the dollar on all rateable land with a land use category of (b), (c),(d), (e) and (f) Commercial and Industry;
 - (iii) 0.5390 cents in the dollar for all rateable land with a land use category of (g) Primary Production;
 - (iv) 1.0106 cents in the dollar for all rateable land with a land use category of (h) Vacant Land; and
 - (v) 0.6737 cents in the dollar for all rateable land with a land use category of (i) Other.
 - (b) In all other areas not specifically referred to in sub-paragraphs (a) above:
 - (i) 0.6737 cents in the dollar on rateable land with a land use category of (a) Residential;
 - (ii) 1.3474 cents in the dollar on all rateable land with a land use category of (b), (c),(d), (e) and (f) Commercial and Industry;
 - (iii) 0.5390 cents in the dollar for all rateable land with a land use category of (g) Primary Production;
 - (iv) 1.0106 cents in the dollar for all rateable land with a land use category of (h) Vacant Land; and
 - (v) 0.6737 cents in the dollar for all rateable land with a land use category of (i) Other.
2. Imposed, pursuant to section 151(1)(c)(ii) and 152(1)(c) of the *Local Government Act 1999*, a fixed charge of \$900 on rateable land within the area of the Council.
3. Imposed, Pursuant to section 155(2)(a) and (b) of the *Local Government Act 1999* an annual service charge of \$493 per unit for all vacant and occupied properties to which the effluent drainage disposal services is made available within the City of Port Augusta for the 2021/2022 financial year in the Willsden, Augusta Park, Hospital Road, Zanuckville, Conwaytown, Transcontinental Estate and Stirling North Community Waste Water Management Schemes.
4. Imposed:
 - (a) An annual service charge of \$270 for the purpose of a kerbside waste collection and recycling service for all occupied properties within the City of Port Augusta (with the exception of the Commissariat Point and Blanche Harbor Coastal home localities and Miranda Township) to which the service is provided or made available in 2021/2022 financial year.
 - (b) An annual service charge of \$135 for the purpose of a mixed bin waste collection service to all residential properties within the Commissariat Point and Blanche Harbor Coastal Home localities and Miranda Township to which the service is provided or made available in the 2021/2022 financial year.
5. Pursuant to section 69 of the *Landscape South Australia Act 2019* (formerly under section 95 of the *Natural Resources Management Act 2004*) and section 154 of the *Local Government Act 1999* and in order to reimburse the Council for amounts contributed to the South Australian Arid Lands Board for the financial year 2021/2022 totalling \$289,540 the Council declares a separate rate, being a Regional Landscape Levy, based on a fixed charge of \$39.00 on all rateable properties within the area of the Council.

Dated: 2 September 2021

J. BANKS
Chief Executive Officer

CITY OF TEA TREE GULLY

Removal of Councillor from Office

Notice is given in accordance with section 54(6) of the *Local Government Act 1999* that a vacancy has occurred in the office of Hillcott Ward Councillor effective from 24 August 2021, due to Councillor Alicia Schlueter being removed from office by Council, on the ground that she has been absent, without leave of the council, from three or more consecutive ordinary meetings of the Council.

Dated: 24 August 2021

J. MOYLE
Chief Executive Officer

ALEXANDRINA COUNCIL

LOCAL GOVERNMENT ACT 1999—SECTION 219(1)

Road Name Change—Portion of Excelsior Parade, Hindmarsh Island to Victoria Parade

Notice is hereby given that Alexandrina Council at its meeting on 16 August 2021, pursuant to Section 219(1) of the *Local Government Act 1999*, resolved to change the name of a portion of Excelsior Parade to Victoria Parade, Hindmarsh island, being the semi constructed portion of Excelsior Parade from and including Allotment 2067 in Deposited Plan 125474 and from and including Allotment 8061 in Deposited Plan 124036, and located north east and then easterly of the roundabout adjacent to allotment 227 in Deposited Plan 112729, to conclude at the junction of Excelsior Parade running north to Randell Road. This change of road name is to take effect from 1 October 2021.

Dated: 27 August 2021

GLENN RAPPENBERG
Chief Executive Officer

DISTRICT COUNCIL OF KIMBA

Adoption of Community Land Management Plans

Notice is hereby given pursuant to Section 197(3) of the *Local Government Act 1999* that the District Council of Kimba, at its meeting held on 11 August 2021, adopted the following Community Land Management Plans:

- Parklands and Reserves (Crown)
- Kimba Pioneer Memorial Village
- Kimba Cemetery (Crown)
- Kimba Refuse Dept (Crown)
- Community Wastewater Management Scheme Evaporation Ponds (Crown)
- Roora Water Catchment Reserve and Dam (Crown)
- Council Houses
- Kimba Aerodrome
- Kimba Institute Hall and Gardens
- Water Reserve, Section 81 HD Kelly (Crown)
- Recreation Reserve
- Lot 5 Ferry Street HD Solomon
- Vacant Reserve Sec 204 HD Solomon (Crown)
- Reserve—Whites Knob
- Undeveloped Reserve—Walking Trail (Crown)
- Lot 119 HD Solomon—Old Pistol Club (Crown)
- Lot 100 Railway Terrace—Gawler Ranges Information Bay
- Caralue Picnic Grounds (Crown)
- Old Pinkawillinie School Site (Crown)
- Section 28 HD of Panitya (Crown)

Dated: 2 September 2021

DEB LARWOOD
Chief Executive Officer

PORT PIRIE REGIONAL COUNCIL

Adoption of Valuation and Declaration of Rates 2021/22

Notice is hereby given that the Port Pirie Regional Council, at its meeting held 25 August 2021 in exercise of the powers contained in Chapter 10 of the *Local Government Act 1999* and for the year ending 30 June 2022:

Adoption of Valuations

Adopted for rating purposes, pursuant to Section 167(2)(a) of the *Local Government Act 1999*, the most recent valuations of the Valuer-General available to the Council of the capital value of land within the area of the Council totalling \$2,647,052,080, of which \$2,541,506,760 is the capital value of rateable land.

Fixed Charge Component of Differential General Rates

Declared, pursuant to Section 151(1)(c)(ii) and 152(1)(c)(ii) of the *Local Government Act 1999*, a fixed charge component of general rates of \$550 on rateable land within the area of the Council.

Component of Differential General Rates based on Value of Land

Declared, pursuant to Section 151(1)(c)(i), 152(1)(c)(i), 153(1)(b) and 156 of the *Local Government Act 1999* the following differential general rates as a component of its general rates based on the capital value of the land varying according to the locality of the land and its use in accordance with Regulation 14 of the *Local Government (General) Regulations 2013* as follows:

1. Rateable Land within the locality of the Significant Industry subzone of the Strategic Employment zone as defined by the Planning and Design Code in force as at the date of the declaration, and with the land use:
 - Category (a)—Residential: 0.4250 cents in the dollar;
 - Category (b)—Commercial—Shop: 0.8720 cents in the dollar;
 - Category (c)—Commercial Office: 0.8720 cents in the dollar;
 - Category (d)—Commercial Other: 0.8720 cents in the dollar;
 - Category (e)—Industry—Light: 0.8580 cents in the dollar;
 - Category (f)—Industry—Other: 3.8712 cents in the dollar;
 - Category (g)—Primary Production: 0.2727 cents in the dollar;
 - Category (h)—Vacant Land: 0.8600 cents in the dollar;
 - Category (i)—Other: 0.4250 cents in the dollar.

2. Rateable land within all other localities, being the balance of the Strategic Employment zone outside the scope of paragraph (1) above and all other zones and subzones as defined by the Planning and Design Code in force as at the date of this declaration, and with the land use:
- Category (a)—Residential: 0.4250 cents in the dollar;
 - Category (b)—Commercial—Shop: 0.8720 cents in the dollar;
 - Category (c)—Commercial Office: 0.8720 cents in the dollar;
 - Category (d)—Commercial Other: 0.8720 cents in the dollar;
 - Category (e)—Industry—Light: 0.8580 cents in the dollar;
 - Category (f)—Industry—Other: 0.8580 cents in the dollar;
 - Category (g)—Primary Production: 0.2727 cents in the dollar;
 - Category (h)—Vacant Land: 0.8600 cents in the dollar;
 - Category (i)—Other: 0.4250 cents in the dollar.

Annual Service Charge—Community Wastewater Management System

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

- Crystal Brook CWMS occupied \$201 per property unit
- Crystal Brook CWMS vacant \$151 per property unit
- Napperby CWMS occupied \$470 per property unit
- Napperby CWMS vacant \$352 per property unit

Annual Service Charge—Waste Management

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

Separate Rate—Regional Landscape Levy

Declared, pursuant to Section 69 of the *Landscape South Australia Act 2019* and Section 154 of the *Local Government Act 1999*, a differential separate rate of 0.01786 cents in the dollar on all rateable land located within the area of the Council in the region of the Northern & Yorke Landscape Board, to recover amounts payable to the Northern & Yorke Regional Landscape Board.

Due Dates for Payment of Rates

Determined, in accordance with Section 181 of the *Local Government Act 1999*, all rates (including all separate rates) and annual service charges shall be due in four equal or approximately equal instalments payable on 30 September 2021, 15 December 2021, 16 March 2022 and 15 June 2022.

Dated: 26 August 2021

L. WALDEN
Acting Chief Executive Officer

DISTRICT COUNCIL OF TUMBY BAY
ROADS (OPENING AND CLOSING) ACT 1991
Road Closure—Unmade Road, Lipson

Notice is hereby given, pursuant to section 10 of the *Roads (Opening and Closing) Act 1991*, that the District Council of Tumby Bay proposes to make a Road Process Order:

To close and merge with allotment 23 in Deposited Plan 78441 and Sections 386 and 387 in the Hundred of Yarityacka portion of the public road adjoining Sections 392, 390, 356 and 195 and allotment 2 in Filed Plan 139690 in the Hundred of Yarityacka and more particularly delineated and lettered 'A', 'B' and 'C' respectively on Preliminary Plan 21/0021.

A copy of the preliminary plan and a statement of persons affected are available for public inspection at the offices of the District Council of Tumby Bay, corner of Mortlock Street and West Terrace, Tumby Bay SA 5605 and at the Adelaide Offices of the Surveyor General during normal office hours. The Preliminary Plan can also be viewed at www.sa.gov.au/roadsactproposals.

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons. The application for easement or objection must be made in writing to the District Council of Tumby Bay, PO Box 61, Tumby Bay SA 5605, WITHIN 28 DAYS OF THIS NOTICE and a copy must be forwarded to the Surveyor General at GPO Box 1354, Adelaide SA 5001.

Where a submission is made the Council will give notification of a meeting at which the matter will be considered.

Dated: 2 September 2021

REBECCA HAYES
Chief Executive Officer

PUBLIC NOTICES

TRUSTEE ACT 1936

PUBLIC TRUSTEE

Estates of Deceased Persons

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

DEMIDOWICZ Jean Margaret late of 17 Nyonga Avenue Croydon Park Retired Stenographer who died 26 March 2021
KINGSTON Lilian Louisa late of 9 Brenchley Grove Kingswood of no occupation who died 5 April 2021
KORT Willi late of 23 Lawson Road Happy Valley Retired Engineer who died 11 March 2021
LEONARD Francis John late of 150 Reynell Road Woodcroft Retired Radio Producer who died 19 February 2020
LITTLE Harold Anthony late of 227 Osmanli Road D'Estrees Bay of no occupation who died 22 November 2020
MADALINA Luigi John late of 128 Hill Street Peterborough Retired Fitter and Turner who died 14 December 2020
MATTHEWS Christina Fay late of 80 Moseley Street Glenelg South of no occupation who died 26 December 2020
NEVILLE Roy Edward late of 16-24 Pennys Hill Road Hackham Retired Cabinet Maker who died 12 April 2021
NEWMAN Edward Minton late of 14 Frew Street Fullarton of no occupation who died 11 February 2021
PARSONS John Henry late of 10 Lloyd Street Peterborough Retired Bottleshop Attendant who died 5 May 2021
STIMSON Cedric Leslie late of 11 Cornwall Street Clinton of no occupation who died 23 December 2020
TEAGUE Graham late of 21 Panorama Crescent Reynella Retired Sales Manager who died 15 December 2020

Notice is hereby given pursuant to the *Trustee Act 1936*, the *Inheritance (Family Provision) Act 1972* and the *Family Relationships Act 1975* that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the office of Public Trustee at GPO Box 1338, Adelaide, 5001, full particulars and proof of such claims, on or before the 1 October 2021 otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver same to the Public Trustee.

Dated: 2 September 2021

N. S. RANTANEN
Public Trustee

NATIONAL ELECTRICITY LAW

Initiation of Rule Change Request

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

Under s 95, Dr Kerry Schott AO has requested the *Governance of DER Technical Standards* (Ref. ERC0319) proposal. The proposal seeks to introduce new governance arrangements for distributed energy resources (DER) technical standards in the NEM. Submissions must be received by **7 October 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: 2 September 2021

NATIONAL ENERGY RETAIL LAW

Initiation of Rule Change Request

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

Under s 251, Dr Kerry Schott AO has requested the *Governance of DER Technical Standards* (Ref. RRC0040) proposal. The proposal seeks to introduce new governance arrangements for distributed energy resources (DER) technical standards in the NEM. Submissions must be received by **7 October 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.

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Australian Energy Market Commission
Level 15, 60 Castlereagh St
Sydney NSW 2000
Telephone: (02) 8296 7800
www.aemc.gov.au

Dated: 2 September 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

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