

SUPPLEMENTARY GAZETTE



THE SOUTH AUSTRALIAN
GOVERNMENT GAZETTE

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

GOVERNOR'S INSTRUMENTS

APPOINTMENTS

Department of the Premier and Cabinet
Adelaide, 15 February 2023

Her Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Country Arts Trust, pursuant to the provisions of the South Australian Country Arts Trust Act 1992:

Presiding Member: from 25 February 2023 until 12 October 2025
Michael Andrew Lennon

Member: from 25 February 2023 until 24 February 2026
Ian McKay

By command,

KATRINE ANNE HILDYARD, MP
For Premier

23ART0004CS

Department of the Premier and Cabinet
Adelaide, 15 February 2023

Her Excellency the Governor 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 17 February 2023 until 20 July 2025
Andrew James McCracken

Deputy Member: from 17 February 2023 until 20 July 2025
Robyn Lisa Heyward (Deputy to McCracken)

By command,

KATRINE ANNE HILDYARD, MP
For Premier

AGO0011-23CS

DIRECTIONS

Department of the Premier and Cabinet
Adelaide, 15 February 2023

Her Excellency the Governor in Executive Council has issued directions to the State Emergency Relief Fund Committee to administer the fund as set out below, pursuant to Section 37(4) of the Emergency Management Act 2004:

GOVERNOR'S DIRECTIONS TO THE MEMBERS OF THE COMMITTEE APPOINTED TO ADMINISTER THE STATE EMERGENCY RELIEF FUND

Governor's Directions in Relation to the Emergency Arising From River Murray Floods

The State Emergency Relief Fund (the Fund) provides a publicly accountable mechanism for the receipt and disbursement of donated funds following a declared emergency or proclaimed situation. The Fund is an administered item of the Department for Human Services (the department). Monies provided to persons and/or organisations are gifts from the community in recognition of injury, loss or damage arising from the emergency, not a form of compensation. The department provides administrative and policy support to the Fund.

The committee to administer the Fund is appointed by the Minister under section 37(3) of the *Emergency Management Act 2004* (the Act) and is subject to broad directions by the Governor.

In these directions, the flood emergency occurring along the River Murray, hereto referenced as 'SA River Murray Floods' is a declared emergency in accordance with section 37(2) of the Act. The State Co-ordinator declared the River Murray High Flow and Flood situation a major emergency on 21 November 2022, pursuant to subsection 23(1) of the Act ("the Declaration"). The Declaration was extended on 5 December 2022 and 19 January 2023 and is currently extended for a period of 45 days commencing on 19 January 2023. These directions relate only to the River Murray flooding occurring in South Australia during this period unless otherwise varied by the Governor or Governor's Deputy.

These directions supersede the Governor's Directions in relation to the Emergency Arising from the Cuddlee Creek Fire and SA Bushfires 2019/2020 issued on 23 December 2019 and 7 January 2020 respectively.

Ongoing members of the committee are appointed for a term of three years. Other members (particular members) may be appointed for a period of six months to provide knowledge and judgment in relation to administration of the fund in response to a particular emergency.

One of the ongoing members of the committee is also appointed by the Minister as Fund Administrator (the administrator) and will chair meetings of the committee unless another member of the committee (ongoing or particular) is appointed by the Minister to chair the meetings of the committee. If the Minister does not appoint a chairperson, then the person appointed as the administrator will chair meetings of the committee as the chairperson.

A quorum of the committee will consist of the chairperson and three members of the committee. A further direction may provide that only members appointed to participate in the administration of the fund in relation to a particular emergency will be counted in forming the quorum for a meeting relating to that emergency (ongoing and particular members).

Where possible the committee should reach decisions by consensus. However, if a vote is required, and the results are tied, the chairperson will have a deliberative and casting vote. Particular members may only vote on issues relating to the administration and distribution of the funds in respect of the emergency to which their appointment relates.

Members of the committee are obliged to maintain confidentiality in relation to the deliberations of the committee and in relation to personal information that may be made available to the committee by or about potential recipients of fund monies.

Any member who believes they may have a conflict of interest in relation to their duties as a committee member must declare that interest.

Pursuant to the Act, and these directions, the committee is responsible for the appropriate disbursement of the monies in the Fund for the relief of persons who suffer injury, loss or damage as a result of a declared emergency or proclaimed situation, or otherwise, to assist communities adversely affected by the impact of a declared emergency or proclaimed situation.

The committee may also, subject to these directions and any criteria established by the Minister, develop any fair and reasonable assessment criteria for assessing applications for relief from the Fund, whether of its own design or that which has been developed wholly or in part by any government or non-government agency. Where there are any inconsistencies between the criteria established by the Minister and the criteria established by committee, the criteria established by the Minister are to prevail.

The committee may, with the approval of the Minister, consult with individuals, organisations or groups, government and non-government agencies, as appropriate, on the impacts of the emergency and the resulting needs of the persons and communities affected.

The committee will be responsible for ensuring:

- Monies received by the fund are disbursed equitably and fairly for the relief of persons who suffer injury, loss or damage as a result of the SA River Murray Floods or to assist the communities that are adversely affected in line with these directions and any criteria for disbursement of the monies as directed or approved by the Minister;
- Initial funds are disbursed to those impacted as immediately as possible;
- Administrative processes developed for the management and disbursement of the monies are transparent and meet all appropriate legal, probity and procedural requirements;
- Appropriate information is provided to affected parties and to the community regarding the availability of relief, eligibility and funds disbursement processes, and any other matters that the committee determines should be communicated in order to assist the proper administration of the fund;
- The committee will provide regular reports to the Minister in a form and frequency to be agreed between the Minister and the Chair of the committee as soon as practicable.
- A written report is provided to the Minister when the committee is satisfied that it has appropriately disbursed the available monies in relation to the SA River Murray Floods. The written report should include an audit of all monies disbursed, an evaluation of the effectiveness of the fund in meeting identified need and recommendations on any issues, which should be addressed to streamline processes and policy for future use of the fund following an emergency;
- That monies are allocated in an equitable, fair and culturally appropriate manner, and may take into account the following principles and/or such other principles as directed by the Minister:
 - priority is given to those most affected by the event as assessed by criteria established by the Minister;
 - priority is given in the allocation of monies to persons whose primary place of residence at the time of the SA River Murray Floods was within the areas as defined and approved by the relevant authority, i.e. Chief Officer of the State Emergency Service;
 - available monies can be used to provide relief over the short-term and/or long-term for persons who have suffered injury, loss or damage as determined by the committee as a result of the SA River Murray Floods within council areas impacted by the SA River Murray Floods;
 - defined circumstances for recipients affected by the emergency whose primary residence is outside the affected area may also be considered where the recipient has directly suffered injury, loss or damage from the emergency (provided that they meet assessment criteria to be determined by the committee and/or directed by the Minister);
 - community rebuilding and encouragement of individual resilience to deal with the consequences of the emergency may also be considered by the committee;
 - monies may be made available to corporate bodies, such as, small businesses that have suffered injury, loss or damage, if other sources of assistance are exhausted, and to community organisations where there has been a direct loss or damage to community facilities from the emergency or where a facility, or community program or service is proposed to be offered for the purpose of the relief of affected persons;
 - monies provided may complement or recognise other forms of assistance received by those affected by the emergency, including any insurance payments, government grants, other gifts from public donations or other sources of known tangible support;
 - monies may be provided irrespective of the insurance status of the recipient;
 - where the committee is of the opinion that a person who suffered injury, loss or damage as a result of the emergency has been overcompensated for that injury, loss or damage by reason of being paid money from the fund and damages for compensation from another source, the committee may, by notice in writing given personally or by post to the person, require the person to pay the fund the amount of the overcompensation as determined by the committee and specified in the notice; and
 - there will be a maximum and minimum amount that any recipient can receive from the fund, which will be determined by the committee from time to time.

By command,

KATRINE ANNE HILDYARD, MP
For Premier

PROCLAMATIONS

South Australia

Magistrates Court (Nunga Court) Amendment Act (Commencement) Proclamation 2023

1—Short title

This proclamation may be cited as the *Magistrates Court (Nunga Court) Amendment Act (Commencement) Proclamation 2023*.

2—Commencement of Act

The *Magistrates Court (Nunga Court) Amendment Act 2022* (No 26 of 2022) comes into operation on 1 March 2023.

Made by the Governor

with the advice and consent of the Executive Council
on 15 February 2023

REGULATIONS

South Australia

Residential Tenancies (Limit of Amount of Bond) Amendment Regulations 2023

under the *Residential Tenancies Act 1995*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Residential Tenancies Regulations 2010*

- 3 Amendment of regulation 8—Limit of amount of bond—rent level (section 61 of Act)

Schedule 1—Transitional provision

- 1 Transitional provision
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Residential Tenancies (Limit of Amount of Bond) Amendment Regulations 2023*.

2—Commencement

These regulations come into operation on 1 April 2023.

Part 2—Amendment of *Residential Tenancies Regulations 2010*

3—Amendment of regulation 8—Limit of amount of bond—rent level (section 61 of Act)

Regulation 8—delete "\$250" and substitute:

\$800

Schedule 1—Transitional provision

1—Transitional provision

The amendment to the *Residential Tenancies Regulations 2010* effected by these regulations—

- (a) applies to a bond paid or payable under a residential tenancy agreement entered into on or after the commencement of these regulations; and
- (b) does not apply to a bond paid or payable under a residential tenancy agreement entered into before that commencement.

Editorial note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 15 February 2023

No 2 of 2023

South Australia

Planning, Development and Infrastructure (General) (Temporary Accommodation) Amendment Regulations 2023

under the *Planning, Development and Infrastructure Act 2016*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Planning, Development and Infrastructure (General) Regulations 2017*

- 3 Amendment of Schedule 6—Relevant authority—Commission
 - 15 Temporary accommodation for certain workers
 - 4 Amendment of Schedule 6A—Accepted development
 - 1 Temporary accommodation for certain workers
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Planning, Development and Infrastructure (General) (Temporary Accommodation) Amendment Regulations 2023*.

2—Commencement

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

Part 2—Amendment of *Planning, Development and Infrastructure (General) Regulations 2017*

3—Amendment of Schedule 6—Relevant authority—Commission

Schedule 6, clause 15—delete the clause and substitute:

15—Temporary accommodation for certain workers

- (1) The construction or placement of a temporary building or structure on land within a designated area to be used as accommodation for a period not exceeding 2 years by persons employed or engaged in designated work.
- (2) Pursuant to section 99(3) of the Act, where a proposed development is of a kind referred to in subclause (1) and is to be undertaken within the area of a council, the Commission will be the relevant authority for the purposes of, if appropriate, granting the final development approval after all elements of the development have been approved by 1 or more relevant authorities under section 99.
- (3) In this clause—

designated area has the same meaning as in Schedule 6A clause 1;

designated work has the same meaning as in Schedule 6A clause 1.

4—Amendment of Schedule 6A—Accepted development

Schedule 6A, clause 1—delete the clause and substitute:

1—Temporary accommodation for certain workers

- (1) The construction or placement of a temporary building or structure on land within a designated area to be used as accommodation for a period not exceeding 2 years by persons employed or engaged in designated work.
- (2) In this clause—

designated area means an area of the State outside Metropolitan Adelaide designated by the Minister for the purposes of this clause by notice published on the SA planning portal, but does not include an area or place within the Local Heritage Place Overlay or State Heritage Place Overlay under the Planning and Design Code;

designated work means work of a kind designated by the Minister for the purposes of this clause by notice published on the SA planning portal.

Editorial note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 15 February 2023

No 3 of 2023

South Australia

Community Titles (Resolutions) Amendment Regulations 2023

under the *Community Titles Act 1996*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Community Titles Regulations 2011*

- 3 Amendment of regulation 21—Resolutions authorising expenditure (section 119 of Act)
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Community Titles (Resolutions) Amendment Regulations 2023*.

2—Commencement

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

Part 2—Amendment of *Community Titles Regulations 2011*

3—Amendment of regulation 21—Resolutions authorising expenditure (section 119 of Act)

Regulation 21(b) and (c)—delete paragraphs (b) and (c) and substitute:

- (b) of an amount that is equal to, or more than, the amount referred to in paragraph (a) must be authorised by a special resolution if—
 - (i) the expenditure is reasonably required for completing works that are required by a council (or a body established by 1 or more councils) or a public authority, or for works that are required in connection with or as a consequence of such works; or
 - (ii) the expenditure is less than an amount that is equivalent to \$5 000 multiplied by the number of community lots in the scheme;
- (c) of an amount that is equal to or more than the amount referred to in paragraph (b)(ii) (but is not expenditure of a kind referred to in paragraph (b)(i)) must be authorised by a unanimous resolution.

Editorial note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 15 February 2023

No 4 of 2023

South Australia

Burial and Cremation (Voluntary Assisted Dying) Amendment Regulations 2023

under the *Burial and Cremation Act 2013*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement

Part 2—Amendment of *Burial and Cremation Regulations 2014*

- 3 Insertion of regulation 9A
 - 9A Prescribed variations of Act where deceased died as a result of voluntary assisted dying
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Burial and Cremation (Voluntary Assisted Dying) Amendment Regulations 2023*.

2—Commencement

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

Part 2—Amendment of *Burial and Cremation Regulations 2014*

3—Insertion of regulation 9A

After regulation 9 insert:

9A—Prescribed variations of Act where deceased died as a result of voluntary assisted dying

In a case where a notification is given to the Registrar under section 84(1) of the *Voluntary Assisted Dying Act 2021* in relation to a deceased person, the Act applies with the following prescribed variations:

- (a) section 10 of the Act applies as if the following words were inserted after "natural causes" (wherever occurring):
 - , or from accessing voluntary assisted dying under the *Voluntary Assisted Dying Act 2021*,
- (b) the definition of *partial* in section 12(6) of the Act applies as if the following words were inserted after "natural causes" in paragraph (a) of the definition:

or from accessing voluntary assisted dying under the *Voluntary Assisted Dying Act 2021*

Editorial note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 15 February 2023

No 5 of 2023

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