



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ADELAIDE, THURSDAY, 14 AUGUST 2025

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

GOVERNOR'S INSTRUMENTS

APPOINTMENTS, RESIGNATIONS AND GENERAL MATTERS

Department of the Premier and Cabinet
Adelaide, 14 August 2025

Her Excellency the Governor in Executive Council has been pleased to appoint Dr Richard James Dunbar Harris SC OAM as Governor's Deputy of South Australia from 9.30pm on Friday, 15 August 2025 until 3.30pm on Tuesday, 9 September 2025, or, if the Governor has not returned to Adelaide by the specified time and date, until the Governor's return.

By command,

ZOE LEE BETTISON, MP
For Premier

Department of the Premier and Cabinet
Adelaide, 14 August 2025

Her Excellency the Governor in Executive Council has been pleased to appoint Wayne Andrew Harlock as the Acting Deputy Electoral Commissioner for a term commencing on 18 August 2025 and expiring on 17 August 2026 or upon the appointment of a new Deputy Electoral Commissioner, whichever is earlier - pursuant to section 6(2) of the Electoral Act 1985.

By command,

ZOE LEE BETTISON, MP
For Premier

AGO0148-25CS

Department of the Premier and Cabinet
Adelaide, 14 August 2025

Her Excellency the Governor in Executive Council has been pleased to approve the appointment of Elizabeth Russell as a Trustee of the Da Costa Samaritan Fund Trust, commencing on 14 August 2025 - pursuant to the Da Costa Samaritan Fund (Incorporation of Trustees) Act 1953.

By command,

ZOE LEE BETTISON, MP
For Premier

AGO0139-25CS

Department of the Premier and Cabinet
Adelaide, 14 August 2025

Her Excellency the Governor in Executive Council has determined that eligible members of the South Australian Government Financing Advisory Board, being those members who are eligible for remuneration according to the terms of Premier and Cabinet Circular PC016, are entitled to remuneration, effective from 14 August 2025 - pursuant to the Government Financing Authority Act 1982.

By command,

ZOE LEE BETTISON, MP
For Premier

T&F25/062CS

PROCLAMATIONS

South Australia

Retirement Villages (Miscellaneous) Amendment Act (Commencement) Proclamation 2025

1—Short title

This proclamation may be cited as the *Retirement Villages (Miscellaneous) Amendment Act (Commencement) Proclamation 2025*.

2—Commencement of Act

- (1) Subject to subclause (2), the *Retirement Villages (Miscellaneous) Amendment Act 2024* (No 57 of 2024) comes into operation on 2 February 2026.
- (2) Section 43(3) of the Act comes into operation on 5 December 2026.

Made by the Governor

with the advice and consent of the Executive Council
on 14 August 2025

South Australia

Disability Inclusion (Review Recommendations) Amendment Act (Commencement) Proclamation 2025

1—Short title

This proclamation may be cited as the *Disability Inclusion (Review Recommendations) Amendment Act (Commencement) Proclamation 2025*.

2—Commencement of Act

The *Disability Inclusion (Review Recommendations) Amendment Act 2024* (No 22 of 2024) comes into operation on 19 August 2025.

Made by the Governor

with the advice and consent of the Executive Council
on 14 August 2025

REGULATIONS

South Australia

**Public Sector (Honesty and Accountability)
Regulations 2025**

under the *Public Sector (Honesty and Accountability) Act 1995*

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**Schedule 1—Repeal of *Public Sector (Honesty and Accountability)
Regulations 2010***

1—Short title

These regulations may be cited as the *Public Sector (Honesty and Accountability) Regulations 2025*.

2—Commencement

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

3—Interpretation

In these regulations—

Act means the *Public Sector (Honesty and Accountability) Act 1995*.

4—Disclosure of pecuniary interests (section 17 of Act)

(1) The table below specifies—

- (a) the pecuniary interests to be disclosed by a senior official for the purposes of section 17 of the Act; and
- (b) the information that must be disclosed by the senior official in respect of any such pecuniary interest.

Pecuniary interest	Information required
1 A contract of service, office, trade, vocation, business or profession in respect of which the person receives or is entitled to receive any remuneration, fee or other pecuniary sum (not being payable under the Act).	A description of the contract, office, trade, vocation, business or profession and the amount and source of the remuneration, fee or other pecuniary sum.

	Pecuniary interest	Information required
2	An office held by the person (whether as a director or otherwise) in a company or other body (whether or not incorporated) in respect of which the person received or is entitled to receive any remuneration, fee or other pecuniary sum.	The name and address of the company or other body and the amount of the remuneration, fee or other pecuniary sum.
3	A company, partnership, association or other body in which the person is an investor.	The name and address or description of the company, partnership, association or other body.
4	Land in which the person has a beneficial interest (other than by way of security for a debt).	The address or description of the land.
5	A trust (other than a testamentary trust) of which the person is a beneficiary or trustee.	A description of the trust and the name and address of each trustee.
6	Any other pecuniary interest of the person of a kind determined by the Minister.	The information required by the Minister to be disclosed in respect of that pecuniary interest.

(2) For the purposes of this regulation—

- (a) a reference to a beneficial interest in land includes a reference to a right to reacquire land; and
- (b) a person who is an object of a discretionary trust is to be taken to be a beneficiary of that trust; and
- (c) a person is an investor in a body if—
 - (i) the person has deposited money with, or lent money to, the body that has not been repaid and the amount not repaid equals or exceeds \$10 000; or
 - (ii) the person holds, or has a beneficial interest in, shares in, or debentures of, the body or a policy of life insurance issued by the body.

5—Exemptions (section 32 of Act)

- (1) If a member of a corporate agency or advisory body was appointed as a member wholly or partly on the basis that they are or have been engaged in or associated with a particular industry, activity or sector, the member will not be taken to have a direct or indirect interest in a matter for the purposes of the Act by reason only of the fact that the member has an interest in a matter shared in common with those engaged in, or associated with, the industry, activity or sector generally, or a substantial section of those engaged in or associated with the industry, activity or sector.
- (2) If a member of a non-statutory advisory body—
 - (a) advises the relevant Minister, by notice in writing, of any direct or indirect personal or pecuniary interest that conflicts, or may conflict, with the member's functions; and
 - (b) complies with any directions given by the Minister regarding the resolution of the conflict, or potential conflict,

the member is exempt from the application of section 12 of the Act in relation to that interest.

- (3) In this regulation—

relevant Minister means—

- (a) in the case where advice is, or is to be, provided by the advisory body to a public sector agency consisting of a Minister—that Minister; or
- (b) in any other case—the Minister responsible for the public sector agency to which advice is, or is to be, provided by the advisory body.

6—Specific exemption—Return to Work Advisory Committee (section 32 of Act)

- (1) If a member of the Advisory Committee—

- (a) advises the relevant Minister, by notice in writing, of any direct or indirect personal or pecuniary interest that conflicts, or may conflict, with the member's functions; and
- (b) complies with any directions given by the relevant Minister regarding the resolution of the conflict, or potential conflict,

the member is exempt from the application of section 12 of the Act in relation to that interest.

- (2) Subregulation (1) does not include a case where a member is seeking to act as a member of a selection committee under section 118 of the *Return to Work Act 2014*.

- (3) In this regulation—

Advisory Committee means the *Minister's Advisory Committee* under the *Return to Work Act 2014*;

relevant Minister means the Minister who is responsible for the administration of the *Return to Work Act 2014*.

Schedule 1—Repeal of *Public Sector (Honesty and Accountability) Regulations 2010*

The *Public Sector (Honesty and Accountability) Regulations 2010* are repealed.

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 14 August 2025

No 87 of 2025

South Australia

Motor Vehicles Regulations 2025

under the *Motor Vehicles Act 1959*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Motor Vehicles Regulations 2025*.

2—Commencement

These regulations come into operation on 1 September 2025.

3—Interpretation

- (1) In these regulations—

Act means the *Motor Vehicles Act 1959*;

approved hazard perception test has the same meaning as in section 79A of the Act;

approved theoretical examination has the same meaning as in section 79 of the Act;

articulated bus means a bus consisting of more than 1 rigid section with passenger access between the sections and the sections connected to one another so as to allow rotary movement between the sections;

articulated motor vehicle means a motor vehicle consisting of a prime mover and a trailer that is pivoted to and superimposed on the prime mover (a semi-trailer);

B-double means an articulated motor vehicle that has a further semi-trailer superimposed on the semi-trailer that forms part of the articulated motor vehicle;

bike rack means a device that—

- (a) is designed or adapted for attachment to the rear of a motor vehicle (other than a motor bike or motor trike); and
- (b) is designed or adapted for the carriage of 1 or more pedal cycles, motor bikes, wheelchairs or other similar ride-on vehicles (whether self-propelled or propelled by the rider);

bus means a motor vehicle—

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

Commonwealth Department means the Agency (within the meaning of the *Public Service Act 1999* of the Commonwealth) that is responsible for assisting a Minister of the Commonwealth in the administration of the *Road Vehicle Standards Act 2018* of the Commonwealth;

converter dolly means a trailer with 1 axle group or single axle and a fifth wheel coupling designed to convert a semi-trailer into a dog trailer;

current registration details certificate, in relation to a motor vehicle, means—

- (a) the most recent registration details certificate issued on the Registrar's own initiative in relation to the motor vehicle; or
- (b) a registration details certificate issued on application by the owner of the motor vehicle since the registration of the vehicle was last renewed;

dog trailer means a trailer (including a trailer consisting of a semi-trailer and converter dolly) with—

- (a) 1 axle group or single axle at the front that is steered by connection to the towing vehicle by a drawbar; and
- (b) 1 axle group or single axle at the rear;

electric personal transporter has the same meaning as in the *Road Traffic (Miscellaneous) Regulations 2014*;

fifth wheel coupling means a device, other than the upper rotating element and the kingpin (which are parts of a semi-trailer), used with a prime-mover, semi-trailer or a converter dolly to permit quick coupling and uncoupling and to provide for articulation;

golf cart means a motor vehicle designed for the purpose of transporting a person or persons who are playing golf around a golf course;

golf course includes—

- (a) land (including land used for car parking) used for the purposes of, or in conjunction with, a golf course; and
- (b) 2 golf courses that are adjacent to one another and are managed by the same club or authority;

government-registered motor vehicle means a motor vehicle in respect of which the Registrar has issued number plates of the class established by the Registrar under section 47A of the Act as *Class 8—Government Vehicle Number Plates*;

high powered vehicle exemption means an exemption from section 81A(13) of the Act granted to the holder of a provisional licence under section 81A(14) of the Act;

low loader means a gooseneck semi-trailer with a loading deck no more than 1 metre above the ground;

low loader dolly means a mass distributing device that—

- (a) is usually coupled between a prime mover and a low loader; and
- (b) consists of a gooseneck rigid frame; and
- (c) does not carry any load directly on itself; and
- (d) is equipped with 1 or more axles, a kingpin and a fifth wheel coupling;

L plate—see regulation 64;

Metropolitan Adelaide means Metropolitan Adelaide as defined by GRO Plan 639/93;

moped means a 2 or 3 wheeled motor vehicle that—

- (a) is propelled by—
 - (i) an internal combustion engine with a capacity not exceeding 50 millilitres; or
 - (ii) a motor other than an internal combustion engine; and
- (b) is capable of a speed not exceeding 50 kilometres per hour;

motor bike rider knowledge test means a test approved by the Registrar relating to basic motor bike knowledge;

motor bike specific hazard awareness test means a test approved by the Registrar relating to motor bike specific hazards;

motor trike means a motor vehicle with 3 wheels, but does not include—

- (a) a 2 wheeled motor vehicle with a sidecar attached to it and supported by a third wheel; or
- (b) a motor vehicle with 3 wheels that has a body type commonly known as, or similar to, a sedan, station wagon, coupe, convertible, roadster, utility, tray top or van;

notifiable vehicle—see Part 6;

power-assisted pedal cycle means a power-assisted pedal cycle within the meaning of vehicle standards determined under the *Road Vehicle Standards Act 2018* of the Commonwealth, but does not include such a pedal cycle if it has an auxiliary propulsion motor comprised (in whole or in part) of an internal combustion engine;

Note—

power-assisted pedal cycle is defined in the *Vehicle Standard (Australian Design Rule – Definitions and Vehicle Categories) 2005* determined under the *Road Vehicle Standards Act 2018* of the Commonwealth.

pre-learner's permit motor bike training course means the course of that name conducted by the Transport Department (which may consist of multiple components);

pre-licence motor bike training course means the course of that name conducted by the Transport Department (which may consist of multiple components);

prescribed event means—

- (a) the annual Royal Adelaide Show; or
- (b) a country field day event; or
- (c) a boat or motor show; or
- (d) any other exhibition, fair or show;

P plate—see regulation 65;

registered number, in relation to a motor vehicle, means the number allotted to the motor vehicle under section 46 of the Act;

registration details certificate means a certificate issued by the Registrar under regulation 41;

restricted motor bike learner's permit has the same meaning as in section 75B of the Act;

rigid means not articulated, other than in respect of an articulated bus;

road train means a combination of vehicles, other than a B-double, consisting of a motor vehicle towing at least 2 trailers (counting as 1 trailer a converter dolly supporting a semi-trailer);

South Australian Police Department means the administrative unit of the Public Service that is responsible for assisting a Minister in the administration of the *Police Act 1998*;

special purpose vehicle has the same meaning as in the *Motor Vehicles (National Heavy Vehicles Registration Fees) Regulations 2008*;

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

ultra high powered vehicle means a motor vehicle—

- (a) with a GVM not greater than 4.5 tonnes, but not including a bus or a motor bike or motor trike; and
- (b) with a power to weight ratio equal to or greater than 276 kilowatts per tonne;

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

Vehicle on Road Test means a practical driving test consisting of a single test during which the person taking the test drives a motor vehicle on roads in the company of an authorised examiner who assesses the person's ability to drive safely and according to the rules required by law to be observed by drivers of motor vehicles.

- (2) In these regulations, **recognised secondary education or training**, **recognised tertiary education or training** and **recognised vocational education and training** have the same respective meanings as in Schedule 2 clause 3 of the Act.
- (3) In these regulations, **engine number**, **vehicle identification number** and **vehicle identification plate** have the same respective meanings as in Part 3A of the *Road Traffic Act 1961*.

- (4) For the purposes of these regulations—
- (a) the ***power to weight ratio***—
 - (i) of a motor bike or motor trike is to be calculated by dividing its engine power (in kilowatts) by the sum of its tare mass (in kilograms) and 90 kilograms, and multiplying the product of that division by 1 000;
 - (ii) of a motor vehicle other than a motor bike or motor trike is to be calculated by dividing the vehicle's engine power (in kilowatts) by its tare mass (in kilograms), and multiplying the product of that division by 1 000;
 - (b) the ***engine power*** of a motor vehicle is the engine power stated in the Road Vehicle Descriptor for that vehicle's make and model published by the Commonwealth Department;
 - (c) the ***tare mass*** of a motor vehicle is—
 - (i) the tare mass as stated in the Road Vehicle Descriptor for that vehicle's make and model published by the Commonwealth Department; or
 - (ii) if the tare mass is not stated in the Road Vehicle Descriptor—the tare mass for that vehicle's make and model as stated in the manufacturer's specifications; or
 - (iii) if the tare mass is not stated in the Road Vehicle Descriptor or the manufacturer's specifications—the tare mass for that vehicle as determined by the Registrar.

4—Meaning of high powered vehicle

- (1) The following classes of motor vehicles are prescribed as high powered vehicles for the purposes of the Act (see the definition of ***high powered vehicle*** in section 5(1) of the Act):
- (a) light vehicles manufactured before 1 January 2010 that have been modified to increase engine performance (other than vehicles that have been so modified by the manufacturer in the course of the manufacture of the vehicle);
 - (b) light vehicles manufactured before 1 January 2010 that have engines with 8 or more cylinders;
 - (c) light vehicles manufactured before 1 January 2010 that are turbocharged or supercharged (other than such light vehicles that have engines with less than 8 cylinders and are diesel powered);
 - (d) light vehicles manufactured on or after 1 January 2010 that have been modified to vary engine performance (other than vehicles that have been so modified by the manufacturer in the course of the manufacture of the vehicle);
 - (e) light vehicles (other than motor bikes and motor trikes) manufactured on or after 1 January 2010 that have a power to weight ratio greater than 130 kilowatts per tonne in tare mass.
- (2) In this regulation—
- light vehicle*** means a motor vehicle that is not a heavy vehicle.

5—Meaning of motor vehicle

- (1) The following kinds of devices and vehicles are excluded from the definition of **motor vehicle** in section 5(1) of the Act:
 - (a) personal mobility devices;
 - (b) power-assisted pedal cycles.
- (2) In this regulation—
personal mobility device has the same meaning as in the *Road Traffic Act 1961*.

6—Meaning of interstate non-provisional licence, interstate provisional licence and unconditional licence

- (1) For the purposes of the definition of **interstate non-provisional licence** in section 5(1) of the Act, the following types of licences are prescribed:
 - (a) a licence to drive a motor vehicle (other than a permit licence or a provisional licence) issued under the *Motor Vehicles Act 1949* of the Northern Territory;
 - (b) a driver licence (other than a learner permit or probationary licence) issued under the *Road Safety Act 1986* of Victoria;
 - (c) a driver's licence (other than a learner's permit or provisional licence) issued under the *Road Traffic (Authorisation to Drive) Act 2008* of Western Australia;
 - (d) a driver licence (other than a learner licence or a provisional licence) issued under the *Road Transport Act 2013* of New South Wales;
 - (e) a driver licence (other than a learner licence or a provisional licence) issued under the *Road Transport (Driver Licensing) Act 1999* of the Australian Capital Territory;
 - (f) a driver licence (other than a learner licence or a provisional licence) issued under the *Transport Operations (Road Use Management) Act 1995* of Queensland;
 - (g) a driver licence (other than a learner licence or a provisional licence) issued under the *Vehicle and Traffic Act 1999* of Tasmania.
- (2) For the purposes of the definition of **interstate provisional licence** in section 5(1) of the Act, the following types of licences are prescribed:
 - (a) a provisional licence issued under the *Motor Vehicles Act 1949* of the Northern Territory;
 - (b) a probationary licence issued under the *Road Safety Act 1986* of Victoria;
 - (c) a provisional licence issued under the *Road Traffic (Authorisation to Drive) Act 2008* of Western Australia;
 - (d) a provisional licence issued under the *Road Transport Act 2013* of New South Wales;
 - (e) a provisional licence issued under the *Road Transport (Driver Licensing) Act 1999* of the Australian Capital Territory;
 - (f) a provisional licence issued under the *Transport Operations (Road Use Management) Act 1995* of Queensland;
 - (g) a provisional licence issued under the *Vehicle and Traffic Act 1999* of Tasmania.

- (3) For the purposes of paragraph (b) of the definition of ***unconditional licence*** in section 5(1) of the Act, an interstate non-provisional licence that is not subject to 1 or more conditions the same as or similar to prescribed conditions is prescribed.
- (4) A reference in this regulation to a ***licence*** or ***permit*** of a particular type issued by a specified State or Territory includes a reference to a licence or permit of a type issued by that State or Territory that is the same in substance as that licence or permit.

7—Modification of Act

In accordance with section 5(6a) of the Act, the following modifications are prescribed:

- (a) section 75 of the Act is modified to provide that subsection (2) does not apply to a licence issued in electronic form;
- (b) section 75AAA of the Act is modified to provide (in addition to its present contents)—
 - (i) that if any licence issued in the form of a physical document or item is subsequently also issued in electronic form, the fact that the licence has been issued in electronic form will not affect the term of the licence; and
 - (ii) that the reference to the grant of a licence in subsection (2)(a) is a reference to the licence when issued in the form of a physical document or item;
- (c) section 75AAA(11)(a) of the Act is modified by inserting after "the licence" the following words:
 - (including, if the licence has also been issued in electronic form, cancelling that electronic form of the licence)
- (d) section 75A of the Act is modified to provide that subsection (9)(a) does not apply in relation to a learner's permit issued in electronic form.

Part 2—Registration of motor vehicles

Division 1—Exemptions and permits

8—Exemption from registration and insurance for certain vehicles used by disabled persons

A motor vehicle (other than a motor car) is prescribed for the purposes of section 12A(1) of the Act if—

- (a) the vehicle is specially designed and constructed (and not merely adapted) for the transport of a person suffering from some physical defect or disability; and
- (b) the vehicle has seating for 1 person only; and
- (c) the unladen mass of the vehicle does not exceed 250 kilograms; and
- (d) the vehicle is capable only of short low speed journeys.

9—Exemption from registration and insurance for certain vehicles driven by or at direction of police officer etc

- (1) A motor vehicle may be driven on roads without registration or insurance if the vehicle is being driven by, or at the direction of, a person of a class prescribed by subregulation (2) acting pursuant to powers conferred on the person, or in the discharge of duties imposed on the person, in relation to the vehicle (whether under the Act or any other Act or law).
- (2) For the purposes of subregulation (1), the following classes of persons are prescribed:
 - (a) police officers;
 - (b) authorised officers;
 - (c) persons authorised to examine motor vehicles under section 139 of the Act.

10—Exemptions from registration and insurance for certain motor vehicles being towed or on display at prescribed events

- (1) The following motor vehicles may be used on roads without registration and insurance:
 - (a) a motor vehicle (other than a trailer) that is being towed by a towtruck;
 - (b) subject to subregulation (2)—an agricultural implement, agricultural machine or any other motor vehicle that is on static display at a prescribed event.
- (2) The exemption set out in subregulation (1)(b) is subject to the condition that there must be in force a policy of insurance indemnifying the owner of the agricultural implement, agricultural machine or other motor vehicle (as the case may be) in the amount of at least \$20 000 000 in relation to death or bodily injury caused by, or arising out of, the static display of the agricultural implement, agricultural machine or other motor vehicle at the prescribed event.

11—Exemption from registration and insurance for golf carts and mopeds

A golf cart or moped may be driven on roads without registration or insurance subject to the following conditions:

- (a) the vehicle must not be driven on a road that does not form part of a golf course except to travel by the shortest available route from one part of a golf course to another part of the golf course;
- (b) the vehicle must not be used, either wholly or partly, for the purpose of hiring it to another person for fee or reward;
- (c) the vehicle must not be driven except by the owner of the vehicle or a person authorised by the owner of the vehicle;
- (d) a policy of public liability insurance indemnifying the owner and any authorised driver of the vehicle in an amount of at least \$10 000 000 in relation to death or bodily injury caused by, or arising out of, the use of the vehicle must be in force.

12—Exemption from registration and insurance for certain electric personal transporters

An electric personal transporter in respect of which an approval under section 161A of the *Road Traffic Act 1961* is in force may, subject to the conditions (if any) of the approval, be driven on roads without registration or insurance.

13—Exemption from registration and insurance for self-propelled elevating work platforms

- (1) A self-propelled elevating work platform may be driven on roads without registration or insurance subject to the following conditions:
 - (a) the vehicle must not be driven on roads for a distance exceeding 500 metres;
 - (b) the vehicle must not be driven on roads except—
 - (i) to use it for a purpose for which it was manufactured; or
 - (ii) to do any of the following:
 - (A) load the vehicle onto another vehicle;
 - (B) unload the vehicle from another vehicle;
 - (C) reposition the vehicle at a work site;
 - (c) the vehicle must not be driven on roads except by the owner of the vehicle or a person authorised by the owner of the vehicle;
 - (d) a policy of public liability insurance indemnifying the owner and any authorised driver of the vehicle in an amount of at least \$20 000 000 in relation to death or bodily injury caused by, or arising out of, the use of the vehicle must be in force.
- (2) A person who drives a self-propelled elevating work platform on a road without registration or insurance as authorised by this regulation must, at the request of a police officer, produce evidence of the person's public liability insurance either—
 - (a) immediately to the police officer who made the request; or
 - (b) within 48 hours after the making of the request, at a police station conveniently located for the driver, specified by the police officer at the time of making the request.

Maximum penalty: \$750.

- (3) In this regulation—

self-propelled elevating work platform means a self-propelled motor vehicle that—

- (a) is used for construction, maintenance or warehouse operations; and
- (b) is designed mainly for use outside roads; and
- (c) is not capable of travelling at a speed exceeding 10 kilometres per hour.

14—Exemption from registration and insurance for motor vehicles returning from extinguishing or controlling a fire

- (1) A motor vehicle that has been driven from a location without registration or insurance in accordance with the exemption specified in section 12B(1)(a) of the Act, may be driven on roads without registration or insurance under Part 4 of the Act subject to the following conditions:
 - (a) the motor vehicle may only be driven, by the shortest practicable route, back to that location or to another location at which the motor vehicle is to be kept;

- (b) a policy of public liability insurance indemnifying the owner and any authorised driver of the motor vehicle in an amount of at least \$5 000 000 in relation to death or bodily injury caused by, or arising out of, the use of the motor vehicle on roads must be in force.
- (2) A person who drives a motor vehicle on a road without registration or insurance under Part 4 of the Act as authorised by this regulation must, if requested by a police officer to do so, produce evidence of the person's public liability insurance either—
 - (a) immediately to the police officer who made the request; or
 - (b) within 48 hours after the making of the request, at a police station conveniently located for the driver, specified by the police officer at the time of making the request.

Maximum penalty: \$750.

15—Permit to drive unregistered vehicle in prescribed circumstances

A permit under section 16(1)(c)(ii) of the Act may authorise a motor vehicle to be driven on roads without registration in the following prescribed circumstances:

- (a) to enable the vehicle to be driven in a street procession, motor club rally or other similar activity;
- (b) to enable the vehicle to be moved to another location;
- (c) to enable the vehicle to be towed by another motor vehicle (other than a towtruck);
- (d) to enable the vehicle to be driven for a limited number of short journeys;
- (e) to enable the vehicle to be driven to, and from, a place for the purpose of an inspection or examination under the Act, the *Road Traffic Act 1961*, the *Passenger Transport Act 1994* or the *Heavy Vehicle National Law (South Australia)*.

16—Cessation of permit when registration information publicly available

For the purposes of section 16(7)(a)(i) and (b)(i) of the Act, the prescribed manner in which information becomes publicly available is by publication of the information on a website maintained by the Registrar for the purpose.

17—Cancellation of permit to drive unregistered vehicle

The holder of a permit under section 16 of the Act may at any time apply for cancellation of the permit and if the Registrar is satisfied that—

- (a) the permit has been destroyed; or
- (b) the motor vehicle in respect of which the permit was issued has been stolen or destroyed,

the Registrar must cancel the permit.

18—Exemption relating to vehicles registered etc interstate or overseas

A person who drives a motor vehicle, or causes a motor vehicle to stand, on a road is exempt from the operation of section 19A(1)(c) of the Act insofar as that paragraph imposes requirements relating to the visibility and legibility of number plates, if the motor vehicle—

- (a) is approved by the Minister for Tourism as a motor vehicle that may be driven, or caused to stand, on a road in relation to an event specified in a notice under regulation 32(4); and
- (b) is being so driven or caused to stand during the period, and in accordance with the conditions, specified in the notice.

19—Exemptions relating to consular officials etc

- (1) An eligible person who holds a foreign licence that is in force and that is of a kind that is equivalent to—
 - (a) a licence endorsed with the C classification is exempt from the requirements applying in sections 79 and 79A of the Act and any fee payable for the issue of, or a test or examination relating to, a licence endorsed with the C classification (to the extent that the requirements or fee apply to such a licence); and
 - (b) a licence endorsed with the R classification is exempt from the requirements applying in sections 79 and 79A of the Act and any fee payable for the issue of, or a test or examination relating to, a licence endorsed with the R classification (to the extent that the requirements or fee apply to such a licence); and
 - (c) a licence endorsed with the R-DATE classification is exempt from the requirements applying in sections 79 and 79A of the Act and any fee payable for the issue of, or a test or examination relating to, a licence endorsed with the R-DATE classification (to the extent that the requirements or fee apply to such a licence).
- (2) An eligible person who holds a licence issued under this Act is exempt from a fee payable for the renewal of the licence, or for the issue of any other licence under this Act.
- (3) In this regulation—

consular official means an individual who holds or is acting in any of the following positions or titles:

- (a) Consul-General;
- (b) Deputy Consul-General;
- (c) Consul;
- (d) Vice-Consul;
- (e) Diplomatic Officer with diplomatic rank;

eligible person means—

- (a) a consular official; or
- (b) a spouse or domestic partner of a consular official who resides with the official.

Division 2—Registration procedure

20—Report required before registration of new vehicles—prescribed particulars

A report required under section 23A of the Act in relation to a new motor vehicle must contain the following particulars:

- (a) the name of the person who completed the report;
- (b) the vehicle identification number of the vehicle;
- (c) the month and year of manufacture of the vehicle;
- (d) the make of the vehicle;
- (e) in the case of a motor vehicle other than a caravan or trailer—the body type and engine number of the vehicle.

21—Classes of vehicles Registrar may refuse to register

For the purposes of section 24(3)(ca) of the Act, the following classes of vehicles are prescribed:

- (a) written-off vehicles, within the meaning of Part 6 of these regulations;
- (b) interstate written-off vehicles, within the meaning of Part 6 of these regulations;
- (c) vehicles that are the subject of a recall notice made under section 122 of the *Australian Consumer Law*.

Division 3—Conditional registration

Subdivision 1—Interpretation

22—Interpretation

- (1) In this Division—

ambulance means a motor vehicle driven by—

- (a) a person engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008* on behalf of SA Ambulance Service Inc or any other person engaged in the provision of emergency ambulance services under section 57(1) of that Act; or
- (b) a person engaged in the provision of emergency ambulance services under section 57(2)(a) of the *Health Care Act 2008*;

emergency response vehicle means an ambulance, fire fighting vehicle or rescue vehicle;

fire fighting vehicle means a motor vehicle that is used principally for the purpose of fire fighting and is fitted with rotating flashing emergency lights, a siren or repeater horn and fire fighting equipment;

individually constructed vehicle means a motor vehicle that is not a production vehicle;

production vehicle means a motor vehicle manufactured and marketed in volume for normal road use;

rescue vehicle means a motor vehicle that is used principally for the purpose of taking action in connection with emergencies and is fitted with flashing emergency lights, a siren or repeater horn and rescue equipment;

street rod vehicle means a motor vehicle that has been modified for safe use on roads and—

- (a) has a body and frame that were built before 1949; or
 - (b) is a replica of a vehicle the body and frame of which were built before 1949.
- (2) For the purposes of this Division—
- (a) a motor vehicle is a **historic vehicle** if 25 years or more have elapsed since 1 January of the year in which the vehicle was manufactured;
 - (b) a motor vehicle is a **left hand drive vehicle** if—
 - (i) 25 years or more have elapsed since 1 January of the year in which the vehicle was manufactured; and
 - (ii) the vehicle has its steering wheel on the left of the longitudinal axis of the vehicle.

Subdivision 2—Prescribed classes of vehicles

23—Historic, individually constructed, left hand drive and street rod vehicles

- (1) For the purposes of section 25(1)(a) of the Act, the following classes of motor vehicles are prescribed:
- (a) a historic vehicle that has been built or modified in accordance with requirements or specifications accepted by the Registrar;
 - (b) an individually constructed vehicle—
 - (i) that has been built in accordance with requirements or specifications accepted by the Registrar; and
 - (ii) in respect of which there is in force an exemption under section 163AA of the *Road Traffic Act 1961* from compliance with specified Australian Design Rules or other vehicle standards prescribed under that Act;
 - (c) a left hand drive vehicle that has been built or modified in accordance with requirements or specifications accepted by the Registrar;
 - (d) a street rod vehicle—
 - (i) that has been built or modified in accordance with requirements or specifications accepted by the Registrar; and
 - (ii) in respect of which there is in force an exemption under section 163AA of the *Road Traffic Act 1961* from compliance with specified Australian Design Rules or other vehicle standards prescribed under that Act.

- (2) The registration of a historic vehicle, individually constructed vehicle, left hand drive vehicle or street rod vehicle under section 25 of the Act is subject to the following conditions:
- (a) a condition that a person must not drive the vehicle, or cause, suffer or permit the vehicle to be driven, on a road unless the owner of the vehicle is a financial member of a motor vehicle club recognised by the Registrar for the purposes of this regulation;
 - (b) a condition that a person who drives the vehicle on a road must—
 - (i) while doing so, carry in the vehicle a log book in a form approved by the Registrar; and
 - (ii) record in the log book, in accordance with the directions contained in the log book, particulars of each journey undertaken by the person in the vehicle; and
 - (iii) produce the log book for inspection on request made by an authorised officer or police officer;
 - (c) a condition that a person must not drive the vehicle, or cause, suffer or permit the vehicle to be driven, on a road on more than 90 days in each period of 12 months in the period of registration;
 - (d) a condition that a person must not drive the vehicle, or cause, suffer or permit the vehicle to be driven on a road, for fee, hire or reward;
 - (e) a condition that the owner of the vehicle must, at the request of the Registrar or the motor vehicle club to which the owner belongs, make the vehicle available for inspection by the Registrar or the club.
- (3) The Registrar may by notice in the Gazette—
- (a) recognise a motor vehicle club for the purposes of this regulation;
 - (b) impose such conditions on the recognition of the motor vehicle club as the Registrar thinks fit;
 - (c) if satisfied that—
 - (i) a motor vehicle club has contravened or failed to comply with a condition applying to its recognition by the Registrar; or
 - (ii) there is other good cause to do so,withdraw the recognition of a motor vehicle club with effect from a date specified in the notice (being not less than 28 days from the date of publication of the notice).

24—Vehicles used between farm blocks

- (1) For the purposes of section 25(1)(a) of the Act, a vehicle (other than a tractor or agricultural machine) that—
- (a) is owned by a primary producer; and
 - (b) is used in connection with the working of 2 or more separate parcels of land that are worked in conjunction with each other by that primary producer,
- is a prescribed class of vehicle.

- (2) The registration of such a vehicle under section 25 of the Act is subject to the condition that a person must not, during the period for which the vehicle is registered under that section, drive the vehicle, or cause, suffer or permit the vehicle to be driven, on a road except to enable the vehicle to be driven between the parcels of land referred to in subregulation (1).

25—Vehicles used to tow commercial fishing boats

- (1) For the purposes of section 25(1)(a) of the Act, a vehicle that—
- (a) is owned by the holder of a fishery authority under the *Fisheries Management Act 2007*; and
 - (b) is used solely for the purpose of towing a registered boat within the meaning of that Act,
- is a prescribed class of vehicle.
- (2) The registration of such a vehicle under section 25 of the Act is subject to the condition that a person must not, during the period for which the vehicle is registered under that section, drive the vehicle, or cause, suffer or permit the vehicle to be driven, on a road except for the purpose of—
- (a) towing a boat referred to in subregulation (1)(b) to a place at which it is to be launched; or
 - (b) retrieving such a boat from a place at which it has been landed.

26—Other prescribed classes of vehicles

For the purposes of section 25(1)(a) of the Act, the following classes of vehicles are prescribed:

- (a) an emergency response vehicle;
- (b) a special purpose vehicle;
- (c) a vehicle that is to be driven on a road for a limited number of short journeys;
- (d) a road train;
- (e) a B-double;
- (f) a vehicle in relation to which there is in force—
 - (i) an exemption granted by the Minister under section 163AA of the *Road Traffic Act 1961* exempting the vehicle from compliance with a requirement of Part 4 of that Act subject to conditions limiting the use of the vehicle (other than a restriction limiting the use of the vehicle to a particular road or roads or class of roads); or
 - (ii) an exemption granted by the Minister under regulation 71 of the *Road Traffic (Miscellaneous) Regulations 2014* exempting the vehicle from compliance with a requirement of the regulations subject to conditions limiting the use of the vehicle (other than a restriction limiting the use of the vehicle to a particular road or roads or class of roads); or
 - (iii) a mass or dimension exemption or vehicle standards exemption granted under the *Heavy Vehicle National Law (South Australia)*.

Subdivision 3—Miscellaneous

27—Exemption from stamp duty

An application to register a motor vehicle under section 25 of the Act (other than an application to register a road train, B-double or vehicle of a class referred to in regulation 26(f)) is declared to be exempt from stamp duty.

Note—

See the *Stamp Duties Act 1923* (Schedule 2 clause 2(2) exemption 10A).

28—Duration of registration

The period of registration of a motor vehicle registered under section 25 of the Act is—

- (a) in the case of the registration of a historic vehicle, individually constructed vehicle, left hand drive vehicle or street rod vehicle—1, 2 or 3 years, at the option of the applicant; or
- (b) in any other case—any number of quarters, not exceeding 12 quarters, at the option of the applicant.

29—Transfer of registration

The registration of a motor vehicle under section 25 of the Act may be transferred if—

- (a) the vehicle is a road train or B-double; or
- (b) the vehicle is a special purpose vehicle and the transferee undertakes that the conditions of registration of the vehicle under that section will be complied with.

Division 4—Duty to notify alterations or additions to vehicles

30—Duty to notify alterations or additions to vehicles

- (1) For the purposes of section 44(1) of the Act, the following alterations and additions are prescribed:
 - (a) an alteration of, or addition to, a motor vehicle by which the vehicle's mass is increased;
 - (b) an alteration of, or addition to, the specifications or tyres of a motor vehicle by which the GCM or GVM of the vehicle is varied;
 - (c) an alteration of the configuration of a heavy vehicle by which the configuration becomes an unregistered configuration within the meaning of section 43A of the Act;
 - (d) an alteration of, or addition to, the engine by which a motor vehicle is driven so as to enable the engine to drive the vehicle by a fuel that would not, but for the alteration or addition, drive the vehicle;
 - (e) the removal of the engine by which a motor vehicle is driven and the substitution of another engine;
 - (f) the removal of a pneumatic tyre from a motor vehicle having only pneumatic tyres, and the substitution of a tyre other than a pneumatic tyre;
 - (g) the removal of a tyre from a vehicle having no metal tyres, and the substitution of a metal tyre;

- (h) the attachment of a sidecar to a motor bike not having a sidecar;
 - (i) an alteration or addition by which a motor vehicle that is not a commercial motor vehicle is converted into a commercial motor vehicle;
 - (j) an alteration or addition by which a commercial motor vehicle ceases to be a commercial motor vehicle;
 - (k) the wrecking or disassembling of a motor vehicle (other than a notifiable vehicle) where the engine, a part of the engine bearing the engine number or a part of the body bearing a vehicle identification number or vehicle identification plate is removed and not put back into place as part of the vehicle;
 - (l) the removal, alteration, defacement or obliteration of—
 - (i) a vehicle identification plate or vehicle identification number (other than a plate or number of a notifiable vehicle); or
 - (ii) an engine number,
except where, in relation to the removal of a vehicle identification plate (or a plate bearing a vehicle identification number or engine number), the plate is put back into place on the vehicle;
 - (m) the changing of the colour of a motor vehicle such that the vehicle ceases to be of the primary colour recorded as its colour in the register of motor vehicles.
- (2) A registered owner or registered operator of a motor vehicle who gives written notice to the Registrar under section 44(1) of the Act must include the following particulars in the notice:
- (a) a full description of the alteration or addition;
 - (b) the date on which the alteration or addition was made;
 - (c) if the engine by which the vehicle is driven has been removed and substituted by another engine—
 - (i) the substituted engine number; or
 - (ii) in the case of the substitution of an engine that does not have identical specifications—the make, the number of pistons, the diameter of the cylinders, the engine number and the type of substituted engine;
 - (d) if an alteration has been made to the construction of the vehicle—a weighbridge note;
 - (e) if any alteration or addition has been made that may vary the gross combination mass or gross vehicle mass of the vehicle—the size, ply and type of construction of the tyres;
 - (f) details of any equipment that has been altered or added to the vehicle.

Division 5—Numbers and number plates

31—Carriage of number plates

- (1) For the purposes of section 47(1) of the Act, the following provisions apply to the carriage of number plates:
- (a) a motor vehicle must have attached to it—

- (i) in the case of a motor bike, motor trike or trailer—1 number plate at the rear;
 - (ii) in the case of a tractor or agricultural machine—1 number plate;
 - (iii) in the case of a prescribed vehicle—1 number plate;
 - (iv) in any other case—1 number plate at the front and 1 number plate at the rear,
- such that—
- (v) the bottom edge of the plate is not less than 30 centimetres above the level of the ground and in such a position that every figure and letter of the registered number is upright; and
 - (vi) —
 - (A) in the case of a plate placed on the front of the vehicle—the whole of the plate is visible from the front; and
 - (B) in the case of a plate placed on the rear of a vehicle—the whole of the plate is visible from the rear;
- (b) every letter and figure on a number plate must be—
- (i) clearly visible in daylight to a person standing on the same plane as the vehicle at any point not less than 3 metres or more than 18 metres from the plate looking at the plate along an imaginary line approximately at right angles to the plate; and
 - (ii) legible from left to right on a plane level with the ground; and
 - (iii) clean and legible at all times;
- (c) a number plate must be rectangular.

(2) In this regulation—

prescribed vehicle means a vehicle, or vehicle of a class, determined by the Registrar, of a kind prescribed by regulation 26.

32—Exemptions from duty to carry number plates

- (1) A person who drives a motor vehicle, the front and rear of which is marked with its registered number, is exempt from the operation of section 47(1) of the Act if—
- (a) the registered number was allotted before 1 July 1996; and
 - (b) the registered number was marked on the vehicle before 1 July 1996; and
 - (c) number plates bearing the registered number and the slogan "SA • The Festival State" have never been obtained for the vehicle; and
 - (d) the vehicle is registered in the name of the person who was, immediately prior to 1 July 1996, recorded on the register of motor vehicles as the owner of the vehicle; and
 - (e) there is no agreement in force under section 47A of the Act between the Registrar and the registered owner of the vehicle in relation to the registered number; and

- (f) every letter and figure of the registered number marked on the vehicle is—
 - (i) clearly visible in daylight to a person standing on the same plane as the vehicle at any point not less than 3 metres or more than 18 metres from the portion of the vehicle on which the number is marked looking at the number along an imaginary line approximately at right angles to the number; and
 - (ii) legible from left to right on a plane level with the ground; and
 - (iii) clean and legible at all times.
- (2) An officer or employee of the South Australian Police Department or the Transport Department who drives a motor vehicle on a road, or causes a motor vehicle to stand on a road, is exempt from the operation of section 47(1) of the Act if—
 - (a) the vehicle is being used for the purpose of testing the legibility of number plates; and
 - (b) the vehicle displays a sign bearing the word "test".
- (3) A person who drives a motor vehicle, or causes a motor vehicle to stand, on a road is exempt from the operation of section 47(1) of the Act insofar as that section imposes requirements relating to the visibility and legibility of number plates, if the motor vehicle—
 - (a) is approved by the Minister for Tourism as a motor vehicle that may be driven, or caused to stand, on a road in relation to an event specified in a notice under subregulation (4); and
 - (b) is being so driven or caused to stand during the period, and in accordance with the conditions, specified in the notice.
- (4) The Minister for Tourism may, with the concurrence of the Minister responsible for the administration of the Act, publish a notice in the Gazette—
 - (a) specifying an event; and
 - (b) specifying a period during which motor vehicles approved by the Minister for Tourism may be driven, or caused to stand, on a road in relation to the event; and
 - (c) specifying the conditions applicable to driving such a motor vehicle, or causing such a motor vehicle to stand, on a road in relation to the event.
- (5) In any proceedings, a document purporting to be a certificate signed by the Minister for Tourism and certifying that, on a specified day, a specified motor vehicle was or was not approved as a motor vehicle that may be driven, or caused to stand, on a road in relation to an event specified in a notice under subregulation (4), is proof of the matter so certified in the absence of proof to the contrary.

33—Surrender of number plates—exceptions

For the purposes of section 47C(4) of the Act, the Registrar, a police officer or an authorised officer may only seize a number plate if—

- (a) the Registrar has given a direction under section 47C(2) of the Act requiring a person to surrender the number plates; and
- (b) the person has failed to comply with the direction; and
- (c) the person has no reasonable excuse for failing to comply.

34—Exemptions from section 47D of Act

- (1) A police officer who, in the course of official duties, drives on a road, or causes to stand on a road, a government-registered motor bike at the front of which is attached a label or sticker that bears the number allotted to the motor bike under the Act is exempt from the operation of section 47D(1)(c) of the Act if—
 - (a) the label or sticker is made of silver reflective decal material; and
 - (b) the label or sticker is 220 millimetres wide and 93 millimetres high; and
 - (c) every letter and figure on the label or sticker is printed in blue on a white background and in upper case; and
 - (d) the label or sticker bears the slogan "SA Government".
- (2) An officer or employee of the South Australian Police Department or the Transport Department who drives a motor vehicle on a road, or causes a motor vehicle to stand on a road, is exempt from the operation of section 47D(1)(a), (b) and (c) of the Act if—
 - (a) the vehicle is being used for the purpose of testing the legibility of number plates; and
 - (b) the vehicle displays a sign bearing the word "test".
- (3) A person who drives a motor vehicle, or causes a motor vehicle to stand, on a road in circumstances referred to in regulation 32(3) is exempt from the operation of section 47D(1)(c) of the Act.

Division 6—Suspension, cancellation and transfer of registration**35—Exemption from section 56(b)(ii) of Act where motor vehicle dealer etc acting as delegate of Registrar, transfers registration of vehicle sold by dealer**

If—

- (a) a motor vehicle dealer or auctioneer sells a motor vehicle in the course of their business; and
- (b) the Registrar has delegated to the dealer or auctioneer the Registrar's function under section 58(1) of the Act; and
- (c) the dealer or auctioneer, acting under that delegation, registers the vehicle in the name of the purchaser,

the dealer or auctioneer is exempt from the operation of section 56(b)(ii) of the Act in respect of the transfer of ownership of that vehicle.

Division 7—Trade plates**36—Purposes for which trade plates may be issued and used**

- (1) For the purposes of sections 62(1) and 66 of the Act, the following purposes are prescribed:
 - (a) delivery of a motor vehicle from premises of the manufacturer or distributor of the vehicle to business premises of a motor vehicle dealer or auctioneer;
 - (b) delivery of a motor vehicle from premises of the manufacturer of the vehicle to a place for storage or to business premises of the distributor of the vehicle;

- (c) relocation of a motor vehicle—
 - (i) between different business premises of a motor vehicle dealer or auctioneer; or
 - (ii) between business premises of different motor vehicle dealers or auctioneers;
- (d) demonstration to a prospective purchaser of a motor vehicle of the on-road performance of the vehicle—
 - (i) being a demonstration in respect of which the vendor of the vehicle does not receive any monetary consideration; and
 - (ii) in the case of a commercial motor vehicle that is to carry a load during a demonstration, provided that—
 - (A) the demonstration consists of not more than 2 separate journeys by the same prospective purchaser and each journey is completed within 3 days; and
 - (B) during the demonstration the vehicle is used only within the State;
- (e) demonstration to a prospective purchaser of a bus of the on-road performance of the bus, being a demonstration—
 - (i) in respect of which the vendor of the bus does not receive any monetary consideration; and
 - (ii) during which no passengers other than the prospective purchaser and any person advising the prospective purchaser in relation to the purchase of the bus are carried in the bus;
- (f) on-road testing of a motor vehicle prior to delivery of the vehicle to a purchaser of the vehicle;
- (g) delivery of a motor vehicle sold by a motor vehicle dealer or auctioneer to a place nominated by the purchaser of the vehicle (whether within or outside the State);
- (h) in the case of a motor vehicle that—
 - (i) is sold by a motor vehicle dealer who is not authorised by a delegation under section 7 of the Act to register vehicles sold by the dealer; and
 - (ii) is delivered to the purchaser on a day on which, or at a time of day at which, the office of the Registrar is closed for business,to enable the vehicle to be driven by the purchaser or a person authorised by the purchaser without registration for any purpose until the time at which the office of the Registrar closes for business on the next day on which it is open for business;
- (i) delivery of a motor vehicle to a workshop or other place for repair or servicing of the vehicle or the making of alterations or additions to the vehicle;
- (j) return of a motor vehicle from a workshop or other place at which the vehicle has been repaired or serviced or at which alterations or additions have been made to the vehicle;
- (k) delivery of a motor vehicle to a place for wrecking or disassembling;
- (l) on-road testing of a motor vehicle in the course of repairs or servicing or the making of alterations or additions to the vehicle;

- (m) in the case of a motor vehicle on loan by a motor vehicle repairer to the owner of a motor vehicle under repair—to enable the loan vehicle to be driven for any purpose by the owner of the vehicle under repair provided that—
 - (i) the repairer does not receive any separate monetary consideration in respect of the provision of the loan vehicle; and
 - (ii) if the loan vehicle is a commercial motor vehicle—the loan vehicle is not used to carry a load during the loan period except within the State; and
 - (iii) if the loan vehicle is not a special purpose vehicle—
 - (A) the repairer is licensed as a dealer under the *Second-hand Vehicle Dealers Act 1995*; and
 - (B) the loan vehicle is a second-hand vehicle that is being offered or exposed for sale by the repairer; and
 - (C) a notice that complies with section 16 of the *Second-hand Vehicle Dealers Act 1995* is attached to the loan vehicle;
 - (n) delivery of a motor vehicle to the site of a motor show or other similar event at which the vehicle is to be on display;
 - (o) return of a motor vehicle from the site of a motor show or other similar event at which the vehicle has been on display;
 - (p) demonstration of the on-road performance of a motor vehicle while the vehicle is on display at a motor show or other similar event;
 - (q) delivery of a motor vehicle to a place for inspection or examination under the Act, the *Road Traffic Act 1961* or any other Act or law;
 - (r) return of a motor vehicle from a place to which the vehicle has been taken for inspection or examination under the Act, the *Road Traffic Act 1961* or any other Act or law.
- (2) For the purposes of sections 62(1) and 66 of the Act, the following purposes are prescribed in relation to a commercial motor vehicle or trailer:
- (a) delivery to the site of a prescribed event of—
 - (i) an agricultural implement, agricultural machine or any other motor vehicle that is to be on display at that site during the prescribed event; and
 - (ii) any equipment to be used for the purposes of, or in conjunction with, the display of the agricultural implement, agricultural machine or other motor vehicle during the prescribed event; and
 - (iii) any equipment, accessories or consumables for or associated with the agricultural implement, agricultural machine or other motor vehicle;
 - (b) return from the site of a prescribed event of—
 - (i) an agricultural implement, agricultural machine or any other motor vehicle that has been on display at that site during the prescribed event; and
 - (ii) any equipment used for the purposes of, or in conjunction with, the display of the agricultural implement, agricultural machine or other motor vehicle during the prescribed event; and

- (iii) any equipment, accessories or consumables for or associated with the agricultural implement, agricultural machine or other motor vehicle.
- (3) For the purposes of sections 62(1) and 66 of the Act, the following purposes are prescribed in relation to a trailer designed to carry a boat:
 - (a) delivery of a boat from the premises of the manufacturer of the boat to a place for storage or to business premises of a dealer or distributor of boats;
 - (b) delivery of a boat from business premises of a distributor of boats to business premises of a dealer of boats;
 - (c) delivery of a boat to or from waters for demonstration to a prospective purchaser of the boat of the performance of the boat on waters;
 - (d) delivery of a boat sold by a dealer of boats to a place nominated by the purchaser of the boat (whether within or outside the State);
 - (e) delivery of a boat to a workshop, boat yard or other place for repair or servicing of the boat or the making of alterations or additions to the boat;
 - (f) return of a boat from a workshop, boat yard or other place at which the boat has been repaired or serviced or at which alterations or additions have been made to the boat;
 - (g) delivery of a boat to the site of a prescribed event at which the boat is to be on display;
 - (h) return of a boat from the site of a prescribed event at which the boat has been on display.

37—Trade plate label and certificate of issue of trade plate

- (1) At the time of issuing a trade plate, the Registrar must issue to the holder of the trade plate or their agent—
 - (a) a trade plate label; and
 - (b) a certificate of issue of a trade plate.
- (2) A trade plate label will be in a form determined by the Registrar.
- (3) If the Registrar is satisfied by statutory declaration or such other evidence as the Registrar may require that the label or certificate issued in respect of a trade plate has been lost or destroyed, the Registrar may, on application by the holder of the trade plate or their agent and payment of the prescribed fee, issue a duplicate label or certificate.

38—Carriage of trade plate and trade plate label

If a motor vehicle is to be driven on a road pursuant to section 66 of the Act—

- (a) a trade plate must be securely attached to the rear of the vehicle in such a position that the bottom edge of the plate is not less than 30 centimetres above the level of the ground; and
- (b) the label issued by the Registrar in respect of the trade plate must be displayed in a waterproof holder that has a transparent front and is affixed to the plate; and
- (c) every figure and letter on the plate and label must be—
 - (i) legible from left to right on a plane level with the ground; and

- (ii) clean and legible at all times; and
- (d) every figure and letter on the plate must be clearly visible in daylight to a person standing on the same plane as the vehicle at any point not less than 3 metres or more than 18 metres from the plate, looking at the plate along an imaginary line approximately at right angles to the plate.

39—Offences

- (1) A person must not—
 - (a) drive or leave standing on a road a motor vehicle to which a colourable imitation of a trade plate is attached; or
 - (b) drive or leave standing on a road a motor vehicle to which is affixed a trade plate that displays a colourable imitation of a trade plate label; or
 - (c) drive or leave standing on a road a motor vehicle to which is affixed a trade plate that displays a trade plate label issued in respect of another trade plate; or
 - (d) without lawful excuse, have in their possession a trade plate label or an article resembling a trade plate label that is liable to be mistaken for a trade plate label.

Maximum penalty: \$1 250.

- (2) A person must not sell or supply trade plates without the approval of the Minister.

Maximum penalty: \$1 250.

40—Replacement of lost trade plate

- (1) If—
 - (a) a person satisfies the Registrar that—
 - (i) a trade plate has been lost; and
 - (ii) the loss has been reported to a police officer; and
 - (iii) the circumstances of the loss justify replacement of the plate; and
 - (b) an application for replacement of the lost plate is made to the Registrar; and
 - (c) the fee set out in Schedule 1 for the issue of a replacement trade plate is paid to the Registrar,

the Registrar may issue a new trade plate to that person.

- (2) The Registrar may require an applicant for a replacement trade plate to furnish—
 - (a) a statutory declaration stating the matters referred to in subregulation (1)(a); and
 - (b) a written undertaking to—
 - (i) return to the Registrar the lost trade plate if it comes into the applicant's possession; or
 - (ii) inform the Registrar of and when the location of the lost trade plate becomes known to or suspected by the applicant.

Division 8—Miscellaneous

41—Registration details certificate

The Registrar may—

- (a) on their own initiative; or
- (b) on application by the owner of a registered motor vehicle and payment of the prescribed fee,

issue to the owner a certificate setting out the registered particulars of the motor vehicle and such other matters as the Registrar thinks fit.

42—Prescribed documents

- (1) For the purposes of sections 56, 57(2) and 58(1) of the Act, a registration details certificate issued to the transferor is a prescribed document.
- (2) For the purposes of sections 71A and 71B(1) of the Act, a registration details certificate is a prescribed document.

43—Carriage of permits issued under section 16 of Act

A person driving a vehicle in respect of which a permit under section 16 of the Act has been issued must carry the permit at all times and must produce the permit immediately, either physically or electronically, if requested to do so by a police officer.

44—Offences

- (1) A person must not drive a motor vehicle on a road while—
 - (a) a device is attached to the vehicle or a number plate or trade plate on the vehicle; or
 - (b) a substance is painted on or otherwise added to or made part of a number plate or trade plate on the vehicle,

the effect of which is to obscure or distort a letter or figure on a number plate or trade plate on the vehicle when the plate is viewed or photographed from any particular angle or from all angles in daylight or at night.

Maximum penalty: \$2 500.

- (2) In subregulation (1), a reference to a **number plate** extends to that portion of a motor vehicle on which the registered number is marked in accordance with regulation 32.
- (3) Subregulation (1)(a) does not apply in relation to a motor vehicle to which a bike rack is attached if a number plate that—

- (a) conforms to the specifications and design prescribed for a number plate of a class established under section 47A of the Act for the purposes of this subregulation; and
- (b) bears the number allotted to the vehicle under the Act,

is attached to the bike rack and displayed such that—

- (c) the whole of the number plate is visible from the rear; and
- (d) the bottom edge of the number plate is not less than 30 centimetres above the level of the ground and in such a position that every letter and figure of the registered number is upright; and

- (e) every letter and figure on the number plate is—
 - (i) legible from left to right on a plane level with the ground; and
 - (ii) clean and legible at all times; and
 - (iii) clearly visible in daylight to a person standing on the same plane as the vehicle at any point not less than 3 metres or more than 18 metres from the plate looking at the plate along an imaginary line approximately at right angles to the plate.
- (4) If a bike rack that displays a number plate is attached to a motor vehicle, a person must not drive the motor vehicle on a road while—
 - (a) a device is attached to the bike rack or the number plate on the bike rack; or
 - (b) a substance is painted on or otherwise added to or made part of the number plate on the bike rack,the effect of which is to obscure or distort a letter or figure on the plate when the plate is viewed or photographed from any particular angle or from all angles in daylight or at night.
Maximum penalty: \$2 500.

Part 3—Driver's licences and learner's permits

Division 1—Classification of licences

45—Classification of licences

- (1) For the purposes of section 72(1) of the Act, the classifications appearing in column 1 of the table in Schedule 2 are prescribed.
- (2) For the purposes of section 72(6) of the Act, a person who has held a driver's licence that is assigned the R-DATE classification for at least 2 years will be taken to hold a licence that is assigned the R classification.
- (3) For the purposes of section 72(7) of the Act, a licence that is assigned the R classification in accordance with subregulation (2) is not required to be endorsed with that classification if it is already endorsed with the R-DATE classification.

Division 2—Driver's licences and learner's permits

46—Exemptions from certain requirements for qualified supervising drivers

- (1) A person to whom this regulation applies is exempted from the requirement specified in section 72A(1)(b) of the Act that the person must, in order to act as a qualified supervising driver for the holder of a licence or permit, have held a licence referred to in that paragraph during the whole of the immediately preceding 2 year period.
- (2) This regulation applies to a person if—
 - (a) the person—
 - (i) has not held the relevant licence during the whole of the immediately preceding 2 year period only because the licence expired during that period; and
 - (ii) renewed the licence within 3 months of that expiry; and

- (iii) has held the relevant licence for periods totalling at least 2 years (excluding any period between the expiry of the licence and the date of its renewal); or
- (b) the person holds the relevant licence and is ordinarily resident in a remote area (as defined in section 98AAG of the Act).

47—Duty of applicant for licence or permit to supply specimen signature etc

(1) If—

- (a) a person applies for the issue or renewal of a driver's licence or learner's permit; and
- (b) the licence or permit is to include a photograph of the person and a specimen of the person's signature; and
- (c) the Registrar requires the person to attend at a specified place for the purpose of having the person's photograph taken,

the person must, before having their photograph taken, supply the Registrar with 1 or more specimens of the person's signature, as specified by the Registrar.

(2) If—

- (a) a person applies for the issue or renewal of a driver's licence or learner's permit; and
- (b) the licence or permit is to include a photograph of the person and a specimen of the person's signature; and
- (c) the Registrar requires the person to supply to the Registrar 1 or more photographs of the person,

the person must, at the time of supplying the photographs to the Registrar, also supply the Registrar with 1 or more specimens of the person's signature, as specified by the Registrar.

- (3) If a person applies for the issue or renewal of a driver's licence or learner's permit that is not to bear a photograph of the person, the person must sign the licence or permit as soon as practicable after receiving it.

48—Use of photographs by Registrar under section 77BA(2)(e) of Act

- (1) Photographs to which section 77BA of the Act applies may be used by the Registrar to conduct comparisons using a facial recognition system—

- (a) to assist in determining whether the quality of the photographs is adequate for the photographs to be included in the register of licences; or
- (b) to assist in determining whether a person's photograph has been taken and recorded using more than 1 identity; or
- (c) to assist in determining whether a person who is applying for, or has applied for, the issue or renewal of a licence or learner's permit already holds a licence or learner's permit; or
- (d) to assist in determining whether a person who is applying for, or has applied for, the issue of a duplicate licence or learner's permit has already been issued a duplicate licence or learner's permit; or
- (e) for any other purpose connected with the administration or enforcement of the Act.

- (2) Photographs to which section 77BA of the Act applies may be used by the Registrar—

- (a) for inclusion on a motor driving instructor's licence; or

- (b) for inclusion on a towtruck certificate; or
- (c) to assist in determining the identity of a person applying for—
 - (i) the issue of a motor driving instructor's licence; or
 - (ii) the issue of a duplicate motor driving instructor's licence; or
 - (iii) the issue of a towtruck certificate; or
 - (iv) the issue of a duplicate towtruck certificate.

- (3) In this regulation—

facial recognition system means a computer software application that uses biometric technology to identify a person or verify a person's identity by comparison of digital images of human faces using various facial features (such as a person's eyes, nose and mouth) as points of comparison;

register of licences means the register of licences under section 73 of the Act.

49—Exemptions from duty to hold licence, learner's permit or particular class of licence

- (1) A police officer who holds a driver's licence may, in the course of official duties, drive a motor vehicle of a class other than that for which they hold a licence in circumstances of emergency.
- (2) If a person who holds a designated licence—
 - (a) is employed at a motor vehicle related workplace; and
 - (b) is required to drive an ultra high powered vehicle on a road in the course of their employment,the person may drive an ultra high powered vehicle as so required.
- (3) A person who holds a designated licence may, for the purpose of test driving an ultra high powered vehicle from a motor vehicle dealer, drive the ultra high powered vehicle on a road if, for the duration of the test drive—
 - (a) the person is accompanied by an employee of the dealer who holds a licence that is assigned the U classification; and
 - (b) the employee occupies a seat in the vehicle next to the person; and
 - (c) the person does not drive the vehicle at a speed exceeding 100 kilometres an hour.
- (4) If a person holds a driver's licence or is, under section 97A of the Act, permitted to drive a motor vehicle on roads in this State pursuant to an interstate licence or foreign licence, the person may drive a moped on roads in this State without holding a licence endorsed with the classification R-DATE.
- (5) A person may drive an electric personal transporter without holding a driver's licence or learner's permit.
- (6) A person may drive a self-propelled wheelchair or a motor vehicle of a class prescribed by regulation 8 for the purposes of section 12A(1) of the Act without holding a driver's licence or learner's permit if the person reasonably requires the use of the wheelchair or vehicle because of some physical infirmity.

- (7) A person may drive a motor bike without holding a driver's licence or learner's permit authorising the driving of a motor bike if—
- (a) the person is driving the motor bike in the course of undertaking a pre-learner's permit motor bike training course; and
 - (b) a plate bearing the letter "L" (an ***L plate***) that complies with the requirements set out in regulation 64(1)(b) is displayed at, and is clearly visible from, the rear of the motor bike; and
 - (c) the person, in the course of driving the motor bike, complies with any other requirements of the Registrar.
- (8) A person may drive a motor home on roads in this State without holding a driver's licence under the Act if—
- (a) the person holds a foreign licence, written in English or accompanied by an English translation, authorising the person to drive a motor vehicle with a GVM not exceeding 3.5 tonnes; or
 - (b) the person holds—
 - (i) a foreign licence authorising the person to drive a motor vehicle with a GVM not exceeding 3.5 tonnes; and
 - (ii) an international driving permit.
- (9) However, subregulation (8) does not apply if—
- (a) the person is disqualified from holding or obtaining an interstate licence in any State or Territory of the Commonwealth; or
 - (b) the person is disqualified from holding or obtaining a foreign licence in any country; or
 - (c) the person has resided in this State for a continuous period of more than 3 months and is a permanent resident or citizen of Australia; or
 - (d) the person's foreign licence only authorises the person to drive a motor bike, motor trike, moped, motorised wheelchair or other vehicle that is not a motor car; or
 - (e) a notice under subregulation (10) is in force in relation to the person.
- (10) If the Registrar is of the opinion that—
- (a) a person to whom subregulation (8) applies is not suitable to drive a motor home in this State; or
 - (b) the ability of a person to whom subregulation (8) applies to drive a motor home safely is impaired due to a permanent or long term injury or illness,
- the Registrar may give the person notice in writing—
- (c) prohibiting the person from driving a motor home on roads in this State without holding a driver's licence issued under the Act while the notice is in force; and
 - (d) stating the reasons for the giving of the notice; and
 - (e) specifying any action that may be taken by the person to regain the benefit of subregulation (8).
- (11) The Registrar may revoke a notice under subregulation (10) by further notice to the person.

- (12) A person must, while driving a motor home on roads in this State under subregulation (8)—
- (a) carry their—
 - (i) foreign licence (together with any accompanying English translation of the licence); and
 - (ii) international driving permit (if any); and
 - (b) produce those documents if requested to do so by a police officer or authorised officer.

Maximum penalty: \$1 250.

- (13) If a person drives a motor home in this State under subregulation (8), the person's foreign licence will—
- (a) for the purposes of section 74 of the Act and any law prescribed for the purposes of section 97A(4)(a) of the Act, be taken to be a licence under the Act; and
 - (b) for the purposes of a contract or policy of insurance relating to the vehicle, be taken to be a licence under the Act.
- (14) For the purposes of subregulation (2), a reference to a person being **employed** at a motor vehicle related workplace will be taken to include a reference to a person who—
- (a) is self-employed; or
 - (b) carries out work under a contract for services,

in respect of the workplace, and **employment** has a corresponding meaning.

- (15) In this regulation—

designated licence means a licence other than—

- (a) a learner's permit; or
- (b) a provisional licence; or
- (c) a driver's licence that is assigned the U classification; or
- (d) a driver's licence that is assigned only the R-DATE or R classification;

international driving permit, **interstate licence** and **permanent resident** have the same respective meanings as in section 97A of the Act;

motor home means a motor vehicle with a GVM not exceeding 4.5 tonnes that is designed and constructed for the primary purpose of providing a temporary dwelling for persons using the vehicle for recreational travel;

motor vehicle related workplace means a place at which the primary business relates to the repair, sale, trade, inspection or transport of motor vehicles, or the renting or leasing out of motor vehicles.

50—Section 75(1)(aa)(i) of Act—exemption for certain applicants

If—

- (a) a person applies for a licence authorising the driving of a motor bike; and
- (b) the person is entitled to apply for such a licence by virtue of section 81BA(3)(b) or 81BB(7)(b) of the Act; and
- (c) the person is at least 17 years of age,

the person is exempt from the operation of section 75(1)(aa)(i) of the Act in respect of the application for the licence.

51—Section 75A(1) of Act—prescribed locality

For the purposes of the definition of *prescribed locality* in section 75A(1) of the Act, the following areas of the State are defined:

- (a) those areas within postcode 5118 constituted by Concordia, Kangaroo Flat, Kingsford and Ward Belt;
- (b) those areas within postcode 5120 constituted by Buckland Park;
- (c) those areas within the following postcodes:
 - (i) 5153;
 - (ii) 5154;
 - (iii) 5157;
- (d) those areas within postcode 5172 constituted by Hope Forest, Kuitpo Colony, Kyeema, Pages Flat, Willunga Hill, Willunga South, Yundi, The Range, Dingabledinga and Montarra;
- (e) those areas within postcode 5174 constituted by Sellicks Hill;
- (f) those areas within the postcodes between 5201 and 5495 (inclusive), other than an area within the following postcodes:
 - (i) 5231;
 - (ii) 5232;
 - (iii) 5240;
 - (iv) 5242;
 - (v) 5245;
 - (vi) 5250;
 - (vii) 5251;
- (g) those areas within postcode 5501 constituted by Long Plains, Calomba, Avon, Middle Beach, Port Gawler, Lower Light, Dublin, Thompson Beach, Webb Beach, Parham, Windsor and Wild Horse Plains;
- (h) those areas within the postcodes between 5502 and 5734 (inclusive).

52—Section 75A(2)(a)(v)(A) of Act—prescribed training, requirements and exemptions

- (1) For the purposes of section 75A(2)(a)(v)(A) of the Act, the following requirements are prescribed:
 - (a) the applicant has passed the motor bike rider knowledge test;
 - (b) the applicant has passed the motor bike specific hazard awareness test.

- (2) To avoid doubt, the tests referred to in subregulation (1)—
- (a) must be undertaken by each applicant for a learner's permit authorising the driving of a motor bike (whether or not the applicant is exempt from undertaking the pre-learner's permit motor bike training course); and
 - (b) must, in the case of an applicant for a learner's permit authorising the driving of a motor bike who is not exempt from the requirement to undertake the pre-learner's permit motor bike training course, be undertaken prior to undertaking that course.
- (3) For the purposes of section 75A(2)(a)(v)(A) of the Act, the pre-learner's permit motor bike training course (comprising parts A and B) is prescribed.
- (4) An applicant for a learner's permit authorising the driving of a motor bike who resides more than 100 kilometres from the nearest place at which training referred to in subregulation (3) is conducted is exempt from the requirement in section 75A(2)(a)(v)(A) of the Act prescribed by subregulation (3).
- (5) The Registrar may, on application by an applicant for a learner's permit authorising the driving of a motor bike and payment of the fee (if any) determined by the Registrar, grant the applicant an exemption from the requirement in section 75A(2)(a)(v)(A) of the Act prescribed by—
- (a) subregulation (1); or
 - (b) subregulation (3),

subject to such conditions as the Registrar thinks fit.

53—Section 75A(10)(c) of Act—exemption while driving motor trike

The holder of a learner's permit is, while driving a motor trike on a road pursuant to the permit, exempt from the operation of section 75A(10)(c) of the Act.

54—Offence against section 75A(20) of Act—prescribed circumstances (section 75A(21)(b) of Act)

For the purposes of section 75A(21)(b) of the Act—

- (a) in the case of an offence committed while the person was the holder of a restricted motor bike learner's permit—driving a motor bike in the course of undertaking—
 - (i) recognised tertiary education or training; or
 - (ii) recognised vocational education and training,is driving the motor bike in prescribed circumstances; or
- (b) in any other case—driving a motor bike in the course of undertaking—
 - (i) recognised secondary education or training; or
 - (ii) recognised tertiary education or training; or
 - (iii) recognised vocational education and training,is driving the motor bike in prescribed circumstances.

55—Section 75A(20) of Act—exemption for certain restricted motor bike learner's permit holders

The holder of a restricted motor bike learner's permit is exempt from section 75A(20) if—

- (a) —
 - (i) the holder of the permit is 18 years of age or older; or
 - (ii) the holder of the permit—
 - (A) is 17 years of age or older; and
 - (B) is the holder of a provisional driver's licence; and
- (b) the holder of the permit drives a motor bike on a road—
 - (i) in circumstances prescribed by Schedule 2 of the Act for the purposes of section 75A(21); or
 - (ii) in the course of undertaking—
 - (A) recognised secondary education or training; or
 - (B) recognised tertiary education or training; or
 - (C) recognised vocational education and training.

56—Section 75B(1) of Act—exemption for certain restricted motor bike learner's permit holders

The holder of a restricted motor bike learner's permit is exempt from the operation of section 75B(1) of the Act—

- (a) on and after the day on which they attain the age of 18 years; or
- (b) if the holder of the permit—
 - (i) is 17 years of age or older; and
 - (ii) is the holder of a provisional driver's licence.

57—Offence against section 75B(1) of Act—prescribed circumstances (section 75B(1)(d) of Act)

For the purposes of section 75B(1)(d) of the Act, driving a motor bike in the course of undertaking—

- (a) recognised tertiary education or training; or
 - (b) recognised vocational education and training,
- is driving the motor bike in prescribed circumstances.

58—Examination of applicant for licence or learner's permit

- (1) For the purposes of section 79(1) of the Act—
 - (a) an approved theoretical examination will consist of questions determined by the Registrar from time to time as to—
 - (i) the rules required by law to be observed by drivers of motor vehicles; and
 - (ii) the causes of motor vehicle accidents; and

- (iii) safe driving behaviour and safe driving practices; and
 - (iv) the effects of alcohol and drugs on driving skills and driving behaviour; and
 - (v) the effects of speeding; and
 - (vi) the stopping distances of motor vehicles; and
 - (vii) the effects of road surfaces and weather conditions on the driving of motor vehicles; and
 - (viii) such other matters as are determined by the Registrar from time to time; and
- (b) an approved theoretical examination will be taken by a person—
- (i) in writing in the English language; or
 - (ii) if the person is, by reason of impairment, unable to take the examination in writing—
 - (A) orally in the English language; or
 - (B) in such other manner as may be approved by the Registrar; or
 - (iii) if the person's principal language is not English and the person's understanding of English is not adequate to enable the person to take the examination in writing in English—
 - (A) orally or in writing (as required by the Registrar) in the person's principal language; or
 - (B) in such other manner as may be approved by the Registrar.
- (2) For the purposes of section 79(2) of the Act, the number of questions in the examination that a person must answer correctly is—
- (a) in the case of an examination taken in person by the applicant at premises or a class of premises determined by the Registrar—a number that equals 80% of the questions asked in the examination; or
 - (b) in any other case—a number that equals 90% of the questions asked in the examination.

59—Section 79A of Act—exemptions from certain requirements

- (1) The Registrar may, on application by an applicant for a provisional licence and payment of the fee (if any) determined by the Registrar, grant the applicant an exemption from the requirements in section 79A(3)(b)(i) and 79A(7)(d)(i) of the Act, subject to such conditions as the Registrar thinks fit.
- (2) An applicant for a licence authorising the driving of a motor bike who resides more than 100 kilometres from the nearest place at which training referred to in regulation 60(2) is conducted is exempt from the requirement in section 79A(3)(c) of the Act.
- (3) The Registrar may, on application by an applicant for a licence authorising the driving of a motor bike and payment of the fee (if any) determined by the Registrar, grant the applicant an exemption from the requirement in section 79A(3)(c) of the Act, subject to such conditions as the Registrar thinks fit.

60—Section 79A of Act—prescribed requirements and prescribed training

- (1) For the purposes of section 79A(3)(a)(i)(B) of the Act, the prescribed requirements are that the applicant has driven a motor vehicle of a class for which the licence is sought for periods totalling not less than 75 hours, at least 15 hours of which must have occurred at night.
- (2) For the purposes of section 79A(3)(c) of the Act, the pre-licence motor bike training course is prescribed.
- (3) For the purposes of section 79A(6) of the Act, licence classes R-DATE and R are prescribed.
- (4) In this regulation—

night means the period between sunset on one day and sunrise on the next day.

61—Exemption from section 79B of Act

An applicant for the issue of a licence is exempt from section 79B of the Act if the applicant would, if granted a licence, be required, in accordance with section 81E of the Act, to be issued with a licence that is subject to the mandatory alcohol interlock scheme conditions.

62—Power to refuse practical driving test where undue danger to any person

If the Commissioner of Police or the Registrar believes on reasonable grounds that a person taking a practical driving test would present undue danger to the person taking the test, the authorised examiner or a member of the public, the Commissioner or the Registrar (as the case may be) may refuse to conduct such a test.

63—Certain practical driving tests not to be taken again within 13 day period

A person who fails a Vehicle on Road Test taken for the purpose of enabling the person to qualify for the issue of a provisional licence endorsed with the classification C cannot take a subsequent Vehicle on Road Test for that purpose unless 13 days have elapsed since the day on which the person failed the test.

64—Learner's permits—display of L plates

- (1) For the purposes of section 75A(15) of the Act—
 - (a) —
 - (i) in the case of a motor vehicle other than a motor bike—plates bearing the letter "L" (*L plates*) must be displayed on the vehicle so as to be clearly visible from the front and rear of the vehicle; or
 - (ii) in the case of a motor bike—a L plate must be displayed at, and be clearly visible from, the rear of the motor bike; and
 - (b) an L plate must conform to the following requirements:
 - (i) the plate must measure not less than 14.5 centimetres by 14.5 centimetres;
 - (ii) the letter "L" must be displayed in black on a yellow background and be clearly legible;
 - (iii) the letter "L" must be not less than 10.5 centimetres in height and 8 centimetres in width;
 - (iv) the width of every line of the letter "L" must be not less than 2 centimetres.

- (2) A person other than the holder of a learner's permit must not drive a motor vehicle on a road while there is affixed to the vehicle a L plate in accordance with this regulation.

Maximum penalty: \$1 250.

- (3) Subregulation (2) does not apply to—

- (a) a person driving a motor vehicle for the purpose of instructing the holder of a learner's permit in the safe and efficient driving of a motor vehicle; or
- (b) the holder of a motor driving instructor's licence driving a motor vehicle that is clearly identified as one being used in the business of driving instruction and proceeding from or to a place where instruction has been or is to be given; or
- (c) a person driving a motor bike in the course of undertaking a pre-learner's permit motor bike training course.

65—Display of P plates

- (1) For the purposes of sections 81A(15) and 81AB(3a)(a) of the Act—

- (a) —

- (i) in the case of a motor vehicle other than a motor bike—plates bearing the letter "P" (**P plates**) must be displayed on the vehicle so as to be clearly visible from the front and rear of the vehicle; or
- (ii) in the case of a motor bike—a P plate must be displayed at, and be clearly visible from, the rear of the motor bike; and

- (b) a P plate must conform to the following requirements:

- (i) the plate must measure not less than 14.5 centimetres by 14.5 centimetres;
- (ii) the letter "P" must be displayed in red on a white background and be clearly legible;
- (iii) the letter "P" must be not less than 10.5 centimetres in height and 8 centimetres in width;
- (iv) the width of every line of the letter "P" must be not less than 2 centimetres.

- (2) A person other than the holder of a provisional licence or a probationary licence issued subject to alcohol interlock scheme conditions must not drive a motor vehicle on a road while there is affixed to the vehicle a P plate in accordance with this regulation.

Maximum penalty: \$1 250.

66—Exemptions for police officer or police cadet with provisional licence

A police officer or police cadet who holds a provisional licence is, while engaged in official duties or training, exempt from the operation of section 81A(4)(b), (11), (13), (15), (16) and (18) of the Act.

67—Prescribed classes of applicants

For the purposes of section 81A(7)(b) of the Act, the following classes of applicants are prescribed:

- (a) applicants who have held a non-provisional licence or interstate non-provisional licence but not during the period of 5 years immediately preceding the application;

- (b) applicants who hold an interstate non-provisional licence but who are under the age of 20 years;
- (c) applicants who hold an interstate provisional licence.

68—Offence against section 81A(16) of Act—defence of driving in prescribed circumstances (section 81A(17)(b) of Act)

For the purposes of section 81A(17)(b) of the Act, driving a motor vehicle in the course of undertaking—

- (a) recognised secondary education or training; or
- (b) recognised tertiary education or training; or
- (c) recognised vocational education and training,

is driving the motor vehicle in prescribed circumstances.

69—Section 81AC(1) of Act—prescribed class of motor bike licence

For the purposes of the definition of *prescribed motor bike licence* in section 81AC(1) of the Act, a licence assigned the classification R-DATE is prescribed.

70—Application for high powered vehicle exemption

An application for a high powered vehicle exemption must be made to the Registrar in writing and must include such evidence in support of the application as the Registrar may require.

71—Issue of certificate of high powered vehicle exemption

The Registrar must, on granting a high powered vehicle exemption to the holder of a P1 or P2 licence, issue the holder of the licence with a certificate of exemption.

72—Issue of duplicate certificate of high powered vehicle exemption

On application by the holder of a high powered vehicle exemption and payment of the prescribed fee, the Registrar may, if satisfied that the certificate of exemption has been lost, stolen, or destroyed, or on the surrender of the certificate to the Registrar, issue to the holder a duplicate certificate.

73—Surrender of high powered vehicle certificate on surrender of licence

If a P1 or P2 licence to which a high powered vehicle exemption relates is surrendered, the person surrendering the licence must, at the same time, surrender the certificate of exemption.

Maximum penalty: \$1 250.

74—Requirement to produce certificate of high powered vehicle exemption

- (1) If the holder of a high powered vehicle exemption is required to produce their licence under section 96, 97 or 139BA of the Act, the court, person or body imposing the requirement may also require the holder to produce the certificate of exemption at the same time.
- (2) A person must comply with a requirement for production of a certificate imposed under this regulation.

Maximum penalty: \$1 250.

- (3) If a certificate is produced under this regulation and the licence to which it relates is to be cancelled or suspended or has become void, or a disqualification is imposed on the holder of the licence, the court, person or body to whom it is produced, or, in any case, the Registrar, may retain the certificate.

75—Duty to carry certificate of high powered vehicle exemption

The holder of a high powered vehicle exemption must carry the certificate of exemption at all times while driving a high powered vehicle and must produce the certificate immediately if requested to do so by a police officer.

Maximum penalty: \$1 250.

76—Cancellation of high powered vehicle exemption granted in error

- (1) If the Registrar is satisfied that a high powered vehicle exemption has been granted in error, the Registrar may cancel the exemption.
- (2) If the Registrar decides to exercise a power to cancel a high powered vehicle exemption, the Registrar must give the person notice in writing requiring the person to produce the certificate of exemption to the Registrar within a specified period and setting out—
 - (a) the reasons for the cancellation; and
 - (b) the date on which the exemption is cancelled; and
 - (c) the right to apply for a review of the decision.

- (3) A person must comply with a requirement to produce a certificate under this regulation.

Maximum penalty: \$1 250.

- (4) A certificate produced under this regulation may be retained by the Registrar.

77—High powered vehicle exemption falsely obtained is void

- (1) A high powered vehicle exemption that is granted by the Registrar on the basis of a false or misleading statement of the applicant or false or misleading evidence produced by the applicant is void and of no effect.
- (2) A person must not, without lawful excuse, have possession of a certificate of a high powered vehicle exemption if the exemption was granted by the Registrar on the basis of a false or misleading statement of the applicant or false or misleading evidence produced by the applicant.

Maximum penalty: \$1 250.

78—Certificate of high powered vehicle exemption unlawfully altered or damaged is void

- (1) If a person, without lawful authority, wilfully alters, defaces or otherwise damages a certificate of a high powered vehicle exemption, the certificate is void and of no effect.
- (2) A person who, without lawful authority, possesses a certificate of a high powered vehicle exemption that has been wilfully altered, defaced or damaged is guilty of an offence.

Maximum penalty: \$1 250.

79—Attendance at lectures by holder of learner's permit etc who contravenes probationary conditions or incurs 4 or more demerit points

- (1) For the purposes of section 81B(2) of the Act, lectures must be conducted as to motor vehicle accidents and their causes and consequences in a manner determined by the Registrar.
- (2) A person who is convicted or found guilty of an offence against section 75A(14), 81A(9) or 81AB(5) of the Act is exempt from the operation of section 81B(2) and 81B(3) of the Act if the person resides outside Metropolitan Adelaide.

80—Manner of giving Registrar notice of decision to enter into Safer Driver Agreement

- (1) If a notice of disqualification is given to a person by post, notice of a decision to enter into a Safer Driver Agreement under section 81BA(2) of the Act is to be given by the person lodging with the Registrar, at a place of a kind prescribed for the purposes of section 139BD(3)(a)(i) of the Act, the following documents signed by the person and completed in accordance with the instructions contained in the documents:
 - (a) the notice of disqualification;
 - (b) an application to enter into a Safer Driver Agreement in a form approved by the Minister.
- (2) If a notice of disqualification is given to a person by personal service, notice of a decision to enter into a Safer Driver Agreement under section 81BA(2) of the Act is to be given by the person lodging with the Registrar, at a place of a kind prescribed for the purposes of section 139BD(3)(a)(i) of the Act, an application to enter into a Safer Driver Agreement in a form approved by the Minister, signed by the person and completed in accordance with the instructions contained in the form.

81—Exemption from section 81BB(7)(a) of Act

- (1) If the Magistrates Court allows an appeal by a person against a disqualification under section 81B of the Act and the person holds a licence immediately before the determination of the appeal, the person is exempt from the operation of section 81BB(7)(a) of the Act—
 - (a) until the expiration of 2 business days after the day on which the appeal is determined; or
 - (b) until the person applies for a licence in accordance with section 81BB(7)(b) of the Act,

whichever occurs first.

- (2) In this regulation—

business day means any day except—

- (a) a Saturday, Sunday or public holiday; or
- (b) a day which falls between 25 December and 1 January in the following year.

82—Exemption from duty to carry and produce probationary licence or provisional licence for police officers and police cadets

A police officer or police cadet who holds a probationary licence or provisional licence is, while engaged in official duties or training, exempt from the operation of section 98AAB of the Act.

83—Cancellation of motor driving instructor's licence on surrender

The Registrar may cancel a motor driving instructor's licence if—

- (a) the holder of the licence gives the Registrar written notice of the holder's wish to surrender the licence; and
- (b) the Registrar is satisfied that the licence, or any duplicate of the licence, has been returned or has been lost or destroyed.

84—Endorsement of conditions on driver's licences and learner's permits

Conditions of driver's licences and learner's permits must be endorsed in accordance with Schedule 3.

Division 3—Alcohol interlock schemes**85—Circumstances in which licence not subject to mandatory alcohol interlock scheme conditions**

For the purposes of section 81E(4) of the Act, the prescribed circumstances are that—

- (a) the applicant for a licence is unable to operate an alcohol interlock by reason of some physical or medical condition of the applicant; and
- (b) it is not reasonably practicable for an alcohol interlock to be modified so as to enable the applicant to operate the device.

86—Testing of alcohol interlocks

For the purposes of section 81H(5) of the Act, an alcohol interlock fitted to a vehicle must have been tested not more than 60 days before, and not more than 60 days after, the time of the vehicle's operation specified in the relevant certificate.

Part 4—Motor driving instructors' licences**87—Applicant for licence to supply photographs to Registrar**

An applicant for a motor driving instructor's licence must, if requested to do so by the Registrar, supply 2 unmounted copies of a recent photograph of the applicant that—

- (a) depict only the head and shoulders of the applicant taken "full face" without any head covering and against a plain background; and
- (b) are of a size determined by the Registrar.

88—Applicant for licence to pay fees before proficiency tests

An applicant for a motor driving instructor's licence is not entitled to undergo the proficiency tests required by the Registrar under section 98A(5) of the Act unless the applicant has paid to the Registrar the appropriate fees set out in Schedule 1.

89—Exemption from duty to hold motor driving instructor's licence for approved motor bike training courses

A person is exempt from section 98A of the Act for the purposes of conducting a motor bike training course approved by the Registrar.

Part 5—Demerit points scheme

90—Demerit points for offences

- (1) For the purposes of section 98B(1) of the Act—
 - (a) the offences specified in Schedule 4 are prescribed; and
 - (b) the number of demerit points incurred by a person on conviction or expiation of an offence specified in Schedule 4 is the number set out alongside that offence.
- (2) For the purposes of section 98BC(2) of the Act, the offences specified in Schedule 4 Part 2 are prescribed.
- (3) Text set out in italic type under a heading and commencing with the words "Description of offence" is a description for convenience purposes only and is not to be taken to define the offence for which a particular number is prescribed as the number of demerit points attracted by the offence.

91—Demerit points for offences interstate—corresponding laws

For the purposes of Part 3B of the Act, the following laws are declared to be corresponding laws:

- (a) the *Motor Vehicles Act 1949* of the Northern Territory and regulations made under that Act;
- (b) the *Road Safety Act 1986* of Victoria and regulations made under that Act;
- (c) the *Road Traffic (Authorisation to Drive) Act 2008* of Western Australia and regulations made under that Act;
- (d) the *Road Transport Act 2013* of New South Wales and regulations and rules made under that Act;
- (e) the *Road Transport (Driver Licensing) Act 1999* of the Australian Capital Territory and regulations made under that Act;
- (f) the *Transport Operations (Road Use Management) Act 1995* of Queensland and regulations made under that Act;
- (g) the *Vehicle and Traffic Act 1999* of Tasmania and regulations made under that Act.

92—Manner of giving Registrar notice of election under section 98BE of Act

- (1) If a notice of disqualification is given to a person by post, notice of an election under section 98BE(2) of the Act is to be given by the person lodging with the Registrar, at a place of a kind prescribed for the purposes of section 139BD(3)(a)(i) of the Act, the notice of disqualification signed by the person and completed in accordance with the instructions contained in the notice.

- (2) If a notice of disqualification is given to a person by personal service, notice of an election under section 98BE(2) of the Act is to be given by the person lodging with the Registrar, at a place of a kind prescribed for the purposes of section 139BD(3)(a)(i) of the Act, a notice of election in a form approved by the Registrar, signed by the person and completed in accordance with the instructions contained in the notice.

93—Notification of demerit points to interstate licensing authorities

For the purposes of section 98BI(1) of the Act, the offences specified in Schedule 4 Part 1 are prescribed.

Part 6—Written-off vehicles

94—Interpretation

- (1) In this Part—

bus means a motor vehicle, built mainly to carry people, that seats more than 9 adults (including the driver);

category 1 vehicle means—

- (a) a bus with a GVM greater than 3.5 tonnes; or
- (b) a prime mover with a GVM greater than 4.5 tonnes; or
- (c) a trailer with a GVM greater than 4.5 tonnes; or
- (d) a truck with a GVM greater than 3.5 tonnes;

category 1 vehicle technical guide means the document entitled *Damage Assessment Criteria for the Classification of Heavy Vehicle Statutory Write-Offs* published by Austroads Ltd in December 2019, as in force from time to time;

category 2 vehicle means any motor vehicle with a GVM not exceeding 4.5 tonnes that is not—

- (a) a category 1 vehicle; or
- (b) a trailer;

category 2 vehicle technical guide means the document entitled *Damage Assessment Criteria for the Classification of Light Vehicle Statutory Write-Offs* published by Austroads Ltd in December 2019, as in force from time to time;

corresponding law means a law of another State or a Territory of the Commonwealth that corresponds to the provisions of this Part;

hail damage to a motor vehicle means damage sustained to the vehicle by the direct impact of hail stones;

interstate written-off vehicle means a motor vehicle that, for the purposes of a corresponding law, is recorded in a register maintained by the vehicle registration authority of another State or a Territory of the Commonwealth as a written-off vehicle, statutory write-off, repairable write-off or wrecked vehicle (as defined in that corresponding law);

notifiable vehicle means—

- (a) a category 1 vehicle that is a written-off vehicle; or

- (b) a category 2 vehicle that—
 - (i) is less than 15 years of age; and
 - (ii) is 1 of the following:
 - (A) a motor vehicle (other than a motor bike or trailer) to which the Australian Design Rules apply;
 - (B) a motor bike;
 - (C) a caravan; and
 - (iii) is a written-off vehicle;
- (c) an interstate written-off vehicle; or
- (d) if a motor vehicle referred to in a preceding paragraph is wrecked or wholly or partly disassembled—any part of the vehicle that bears a vehicle identification plate or vehicle identification number;

repairable write-off means—

- (a) a category 1 vehicle that has been substantially stripped (within the meaning of the category 1 vehicle technical guide) and returned to the insured person as part of a settlement of the insurance claim that resulted in the vehicle being determined to be a total loss; or
- (b) a motor vehicle that is written-off but is not a statutory write-off;

sell means sell whether by treaty or auction and whether on one's own behalf or on behalf of others;

statutory write-off means—

- (a) a category 1 vehicle that meets the assessment criteria as a statutory write-off specified in the category 1 vehicle technical guide; or
- (b) a category 2 vehicle to which the Australian Design Rules apply (other than a motor bike, caravan or trailer) that meets the assessment criteria as a statutory write-off specified in the category 2 vehicle technical guide; or
- (c) a motor bike or caravan that—
 - (i) has been burned to such an extent that it is fit only for wrecking or scrap; or
 - (ii) has been stripped of all, or a combination of most, interior and exterior body parts, panels and components (such as, for example, the engine and gearbox (if applicable), wheels, guards, body and chassis components or assemblies); or
- (d) a motor bike that—
 - (i) has been fully immersed in salt water for any period; or
 - (ii) has been fully immersed in fresh water for more than 48 hours; or
 - (iii) has impact damage (excluding scratching) to the suspension and at least 2 areas of structural frame damage;

total loss means a motor vehicle damaged by accident, collision, demolition, dismantling, fire, flood, trespass or other event to the extent that its fair salvage value, when added to the cost of repairing it for use on a road or road related area, would be more than its fair market value immediately before the event that caused the damage;

truck means a rigid motor vehicle that is built mainly as a load carrying vehicle;

vehicle dealer means a person who carries on the business of selling motor vehicles;

vehicle registration authority in relation to another State or a Territory of the Commonwealth, means the person or body responsible for registering motor vehicles in that State or Territory;

vehicle wrecker means a person who carries on the business of wrecking motor vehicles or disassembling motor vehicles for salvage;

written-off—see subregulation (2);

written-off vehicle means a motor vehicle that is a repairable write-off or a statutory write-off;

written-off vehicle notices means notices (including labels) issued by the Registrar for the purpose of being affixed to written-off vehicles or vehicle parts in accordance with regulation 97.

(2) For the purposes of this Part—

(a) hail damage to a motor vehicle is of a **cosmetic nature** if there is no evidence of—

- (i) structural damage to the vehicle; or
- (ii) water damage to the interior of the vehicle;

(b) a motor vehicle is **written-off** if the vehicle—

- (i) is a total loss; or
- (ii) is to be, or has been, wrecked or wholly or partly disassembled for salvage; or
- (iii) is to be, or has been, sold or acquired for wrecking or disassembling for salvage.

(3) For the purposes of this Part, the age of a motor vehicle is to be determined from the date of its manufacture.

95—Meaning of written-off motor vehicle for purposes of section 145(8) of Act

For the purposes of section 145(8) of the Act, the following classes of motor vehicles are written-off vehicles:

- (a) written-off vehicles within the meaning of this Part;
- (b) interstate written-off vehicles within the meaning of this Part.

96—Application of Part

This Part applies to a motor vehicle if the vehicle would be required to be registered under the Act in order to be driven on a road, whether or not the vehicle is in fact registered.

97—Registrar to be given notice of, and notices to be affixed to, written-off vehicles

- (1) Subject to this regulation—
 - (a) an insurer who makes a determination that a motor vehicle is a total loss for insurance purposes must, if the vehicle is a notifiable vehicle—
 - (i) as soon as practicable after making the determination, but before selling or otherwise disposing of the vehicle, affix written-off vehicle notices to the vehicle in accordance with this regulation; and
 - (ii) within 7 days after making the determination, give notice in relation to the vehicle to the Registrar in accordance with this regulation;
 - (b) a person who brings a notifiable vehicle into the State from another State or a Territory of the Commonwealth must—
 - (i) as soon as practicable after bringing the vehicle into the State, but before selling or otherwise disposing of the vehicle, affix written-off vehicle notices to the vehicle in accordance with this regulation; and
 - (ii) within 7 days after bringing the vehicle into the State, give notice in relation to the vehicle to the Registrar in accordance with this regulation;
 - (c) a vehicle dealer who comes into possession of a notifiable vehicle must—
 - (i) as soon as practicable after coming into possession of the vehicle, but before selling or otherwise disposing of the vehicle, affix written-off vehicle notices to the vehicle in accordance with this regulation; and
 - (ii) within 7 days after coming into possession of the vehicle, give notice in relation to the vehicle to the Registrar in accordance with this regulation;
 - (d) a vehicle wrecker who acquires a notifiable vehicle must—
 - (i) as soon as practicable after acquiring the vehicle, but before commencing to dismantle the vehicle, or selling or otherwise disposing of the vehicle, affix written-off vehicle notices to the vehicle in accordance with this regulation; and
 - (ii) within 7 days after acquiring the vehicle, give notice in relation to the vehicle to the Registrar in accordance with this regulation;
 - (e) a person (other than a person referred to in a preceding paragraph of this subregulation) who is in possession of a notifiable vehicle must, before selling or otherwise disposing of the vehicle—
 - (i) affix written-off vehicle notices to the vehicle in accordance with this regulation; and
 - (ii) give notice in relation to the vehicle to the Registrar in accordance with this regulation.
- (2) A person is not required to affix written-off vehicle notices to a notifiable vehicle under subregulation (1) if—
 - (a) such notices are already affixed to the vehicle in accordance with this regulation and (except where the person is a person referred to in subregulation (1)(d) or (e)) any identification of the vehicle as a statutory write-off or repairable write-off by the notices is correct; or

- (b) in the case of an interstate written-off vehicle, the notices required to be affixed under the corresponding law of the relevant State or Territory are so affixed; or
 - (c) the vehicle is a notifiable vehicle only because it has hail damage of a cosmetic nature.
- (3) A person is not required to give notice in relation to a notifiable vehicle to the Registrar under subregulation (1) if—
 - (a) notice has already been given in relation to the vehicle to the Registrar in accordance with this regulation and (except where the person is a person referred to in subregulation (1)(d) or (e)) the previous notification correctly identifies whether the vehicle is a statutory write-off or a repairable write-off; or
 - (b) the vehicle is an interstate written-off vehicle.
- (4) Written-off vehicle notices must be affixed to a notifiable vehicle in the manner determined by the Minister and specified on the notices or on accompanying material.
- (5) A notice required to be given to the Registrar in accordance with this regulation—
 - (a) must be given in the manner and form determined by the Minister; and
 - (b) must—
 - (i) (except in the case of a notice given by a person referred to in subregulation (1)(e)) specify whether the notifiable vehicle is a statutory write-off or a repairable write-off; and
 - (ii) contain particulars of such other matters as may be determined by the Minister.
- (6) Written-off vehicle notices affixed to a notifiable vehicle in accordance with this regulation (or, in the case of an interstate written-off vehicle, notices affixed in accordance with the relevant corresponding law) must not be defaced, altered or removed from the vehicle except—
 - (a) at a time or in a manner determined by the Minister and (except in the case of notices affixed in accordance with a corresponding law) specified in the notice; or
 - (b) by or with the approval of an authorised officer.
- (7) A person who contravenes or fails to comply with a requirement of this regulation is guilty of an offence.

Maximum penalty:

 - (a) in the case of an offence committed in the course of a trade or business—\$2 500;
 - (b) in any other case—\$1 250.
- (8) Without limiting the circumstances in which an insurer referred to in subregulation (1)(a) may be taken to have determined that a motor vehicle is a total loss, an insurer will for the purposes of that subregulation be taken to have made such a determination if the insurer—
 - (a) allows a claim for the full insured value of the vehicle; or
 - (b) sells or otherwise disposes of the vehicle to a third party.
- (9) A reference in this regulation to ***commencing to dismantle, selling or otherwise disposing of, affixing written-off vehicle notices to or removing written-off vehicle notices from,*** a vehicle, includes a reference to dismantling, selling or otherwise disposing of, affixing notices to or removing notices from, a part of the vehicle.

98—Offence to drive written-off vehicle on road

- (1) A person must not drive a notified written-off vehicle on a road except to or from—
 - (a) a place at which the vehicle is to be or has been repaired; or
 - (b) a place at which the vehicle is to be or has been inspected by an authorised officer.

Maximum penalty:

- (a) in the case of an offence committed in the course of a trade or business—\$2 500;
 - (b) in any other case—\$1 250.
- (2) Subregulation (1) does not apply in relation to a motor vehicle that is a notified written-off vehicle only because the vehicle has sustained hail damage of a cosmetic nature.
- (3) In this regulation—

notified written-off vehicle means—

 - (a) a motor vehicle recorded as a written-off vehicle by the Registrar following notification under this Part; or
 - (b) an interstate written-off vehicle.

Part 7—Fees**99—Fees**

- (1) For the purposes of the Act and these regulations, the fees set out in Schedule 1 are prescribed.
- (2) The fees prescribed by Schedule 1 for searching the register and supplying information or supplying an extract of an entry in the register do not apply in relation to—
 - (a) the provision of information for which fees are payable under a contract of a kind referred to in regulation 128(9); or
 - (b) the provision of information as to whether or not a particular motor vehicle is registered under the Act if the information is provided by means of a telephone enquiry service or website maintained by the Registrar for that purpose.
- (3) A fee set out in Schedule 1 must be paid to—
 - (a) the payee specified for that fee; or
 - (b) if no payee is specified—the Registrar.
- (4) The Registrar may, by written notice given to a person who is liable to pay the fee prescribed by clause 22(3) of Schedule 1, require the person to pay the fee within the time specified in the notice (being a period of not less than 14 days from the day on which the notice is given).
- (5) If a fee is not paid as required by a notice given under subregulation (4), the Registrar may recover the fee in a court of competent jurisdiction as a debt due to the Registrar.

100—Reduced registration fees—prescribed amounts

- (1) For the purposes of sections 34(1) and 37(2) of the Act, the prescribed amount is—
 - (a) in the case of a heavy vehicle (other than a special purpose vehicle, truck (type 1) or truck (type 2))—40% of the prescribed registration fee;

- (b) in the case of a motor vehicle that is not a heavy vehicle—50% of the prescribed registration fee.
- (2) For the purposes of section 38(1) of the Act, the prescribed amount is 66.667% of the prescribed registration fee.
- (3) For the purposes of sections 38A(1), 38AB(1) and 38B(1) of the Act, the prescribed amount is 50% of the prescribed registration fee.
- (4) In this regulation—
truck (type 1) and *truck (type 2)* have the same respective meanings as in the *Motor Vehicles (National Heavy Vehicles Registration Fees) Regulations 2008*.

101—Exemption from section 41(2) of Act

- (1) A person who uses a motor vehicle of restricted registration contrary to the terms of an undertaking in relation to the vehicle under section 34(1)(b) of the Act is exempt from the operation of section 41(2) of the Act if—
 - (a) the purpose for which the vehicle is used is solely the carrying of primary produce to assist a charitable organisation or a sporting organisation in fundraising activities; and
 - (b) neither the owner of the vehicle nor a person using the vehicle (if not the owner) receives a monetary or other material benefit (including out of pocket expenses relating to the use of the vehicle) in relation to that use of the vehicle; and
 - (c) the use of the vehicle is within an area having a radius of 75 kilometres from the garage address of the vehicle.
- (2) In this regulation—
charitable organisation means a body (whether corporate or unincorporate) established on a non-profit basis for charitable, religious, educational or benevolent purposes and includes a trustee who holds property on behalf of such a body;
sporting organisation means a body (whether corporate or unincorporate) established on a non-profit basis principally for the purpose of facilitating and coordinating the sporting activities of its members.

102—Reduction of fee—temporary configuration certificate

- (1) This regulation applies to an application under section 43A(4) of the Act for a temporary configuration certificate in respect of a registered heavy vehicle—
 - (a) that is a convertible B-double lead trailer; and
 - (b) that is to be used pursuant to the certificate as a B-double lead trailer.
- (2) Pursuant to section 145(1)(g) of the Act, the fee payable under section 43A(4)(b) of the Act in relation to an application to which this regulation applies is reduced to—
 - (a) a fee equal to the product obtained by multiplying the number of days in the period for which the certificate is to be in force or 28 days (whichever is the greater) by one-three hundred and sixty fifth of the difference between—
 - (i) the prescribed registration fee that would be payable for registration of the vehicle for 12 months if the configuration being applied for were nominated in an application for such registration; and

- (ii) the prescribed registration fee that would be payable for registration of the vehicle for 12 months if its registered configuration were nominated in an application for such registration,
 - (a fraction of 1 dollar being counted as 1 dollar); and
 - (b) the prescribed administration fee (being the fee prescribed for the purposes of section 43A(4)(b)(ii) of the Act).
- (3) In this regulation—

B-double combination has the same meaning as in the *Motor Vehicles (National Heavy Vehicles Registration Fees) Regulations 2008*;

B-double lead trailer means a semi-trailer used as the lead trailer in a B-double combination;

convertible B-double lead trailer means a trailer, the registered configuration of which is as a semi-trailer, that is capable of being used as a B-double lead trailer.

103—Additional amount payable where certain vehicles are altered or added to

- (1) If a motor vehicle is altered or added to during the period for which it is registered and the alteration or addition is such that, if it had been made before the registration, the registration fee would have been more than the amount paid, the additional amount payable under section 44(3) of the Act is an amount that bears to the difference the same proportion as the number of days in the unexpired period of registration bears to the number of days in the period of registration.
- (2) Subregulation (1) does not apply in relation to a heavy vehicle, motor bike, trailer or motor vehicle that is not propelled by an internal combustion engine.

104—Refund on cancellation of registration

- (1) For the purposes of sections 54 and 60 of the Act, the amount to be refunded on cancellation of the registration of a motor vehicle under those sections is an amount equal to the product obtained by multiplying one three hundred and sixty-fifth of the prescribed annual registration fee by the number of days in the unexpired period of registration.
- (2) If—
 - (a) the registration of a motor vehicle is renewed before the expiry of the previous registration; and
 - (b) before that expiry the registered owner or the registered operator of the vehicle applies for cancellation of the renewal of registration,

the Registrar must also refund any surcharge paid in respect of the renewal of registration.

105—Refund on surrender of trade plate

For the purposes of section 70(5) of the Act, the amount to be refunded on the surrender of a trade plate is an amount equal to the product obtained by multiplying one three hundred and sixty-fifth of the annual fee paid for the issue of the plate by the number of days in the unexpired portion of the period for which the plate was issued.

106—Refund on surrender of licence

For the purposes of sections 75AAA(11)(b) and 98A(4) of the Act, the amount to be refunded on the surrender of a driver's licence or motor driving instructor's licence is an amount equal to the product obtained by multiplying one quarter of the annual licence fee paid for the issue of the licence by the number of complete 3 month periods in the unexpired portion of the period for which the licence was issued.

107—Refund of part of licence fee on eligibility for reduced fee

If—

- (a) a driver's licence has been issued or renewed on payment of the licence fee prescribed in clause 22(1)(c) of Schedule 1; and
- (b) the holder of the licence becomes, at any time during the currency of the licence, entitled to a reduction of the licence fee,

the Registrar may refund to the holder of the licence such part of the licence fee as the Registrar thinks just in the circumstances.

108—No refund of administration fees

Administration fees are not refundable.

109—Rounding of fees and refunds

- (1) In calculating a fee or refund payable under the Act (other than a fee referred to in subregulation (2), (3) or (4)) a fraction of 10 cents not exceeding 5 cents must be excluded and a fraction of 10 cents exceeding 5 cents is to count as 10 cents.
- (2) In calculating the fees payable for—
 - (a) the registration of a motor vehicle; or
 - (b) the issue of a trade plate; or
 - (c) the issue of a replacement trade plate; or
 - (d) the issue of a probationary licence or provisional licence,a fraction of 1 dollar is to count as 1 dollar.
- (3) The following provisions apply in relation to calculating the monthly payment to be debited to an account for the purposes of the periodic payment scheme under section 24A of the Act:
 - (a) in calculating the quarterly registration fee that is to be divided by 3, a fraction of 1 dollar is to count as 1 dollar;
 - (b) in calculating the monthly amount to be so debited, a fraction of 1 cent is to be excluded.
- (4) In calculating the periodic payment (other than monthly payment) to be debited to an account for the purposes of the periodic payment scheme under section 24A of the Act, a fraction of 1 dollar is to count as 1 dollar.
- (5) In applying this regulation, the calculation to the nearest 10 cents or to the whole next dollar is to be applied only to the final amount payable.

110—Exemption from practical driving test fees

An applicant for the issue or renewal of a learner's permit or driver's licence, or the holder of a learner's permit or driver's licence, who is required to be tested otherwise than pursuant to section 72(4) or 79A of the Act, is exempt from the requirement that they pay the prescribed practical driving test fee.

111—Administration fee for licence subject to alcohol interlock scheme conditions

The administration fee prescribed by clause 40 of Schedule 1 for the issue of a licence subject to alcohol interlock scheme conditions—

- (a) is payable in addition to any other fee prescribed by Schedule 1 for the issue of a licence; and
- (b) must be paid—
 - (i) in the case of a licence that is to be subject to alcohol interlock scheme conditions for a period of 12 months or less—before the issue of the licence; or
 - (ii) in any other case—on or before 1 or more dates determined by the Registrar.

112—Remission and reduction of fees

- (1) The Registrar may, for reasonable cause, remit or reduce any of the following fees:
 - (a) an administration fee payable under the Act or these regulations;
 - (b) a fee payable for registration of a motor vehicle following cancellation of a current authority issued under the law of another State or a Territory by virtue of which the vehicle may be driven on roads within that State or Territory;
 - (c) a fee payable for the issue of a driver's licence following the surrender of a current interstate licence;
 - (d) a fee payable for the issue or renewal of a learner's permit;
 - (e) a fee payable for an examination of a motor vehicle for the purposes of section 139(1)(d) of the Act or regulation 20;
 - (f) a fee payable for motor bike driver training conducted by the Transport Department for the purposes of section 75A(2)(a)(v)(A) or 79A(3)(c) of the Act.
- (2) The Registrar may, for reasonable cause, reduce a fee payable under section 139BD of the Act for personal service of a notice of disqualification.
- (3) The Registrar may remit or reduce a fee payable for registration under section 24 of the Act of a converter dolly or low loader dolly.
- (4) The Registrar must remit the registration fee payable in relation to registration of an electric vehicle if the Registrar is satisfied that registration of the vehicle meets the remission eligibility criteria determined by the Treasurer for the purposes of this provision.
- (5) In subregulation (4)—

electric vehicle means a motor vehicle that is powered wholly by electricity from an external source (commonly known as a battery electric vehicle) or by hydrogen (commonly known as a fuel cell vehicle or a fuel cell electric vehicle) but does not include—

- (a) a heavy vehicle; or

- (b) a motor bike; or
 - (c) a special purpose vehicle.
- (6) The Registrar may remit the following fees payable by an Aboriginal person who ordinarily resides in a remote area:
 - (a) an administration fee payable under the Act or these regulations;
 - (b) a fee for the issue or renewal of a learner's permit;
 - (c) a fee for the issue or renewal of a licence;
 - (d) a fee for an approved theoretical examination;
 - (e) a fee for a practical driving test (including any booking fee that may be payable).
- (7) In this regulation, *Aboriginal person* and *remote area* have the same respective meanings as in section 98AAG of the Act.

113—Exemption from section 42(1) of Act

Section 42(1) of the Act does not apply to a motor vehicle that has been registered without payment of a fee in accordance with regulation 112(4).

Part 8—Miscellaneous

114—Proof by statutory declaration and prescribed circumstances

- (1) A statutory declaration furnished by a person to the Commissioner of Police under section 9(1b) or 102(1b) of the Act (or both of those sections) must comply with the following prescribed requirements:
 - (a) the statutory declaration must include—
 - (i) the person's full name and address; and
 - (ii) if it relates to an expiation notice—the expiation notice number; and
 - (iii) the motor vehicle registration number; and
 - (iv) details that establish that—
 - (A) if the statutory declaration is furnished under section 9(1b) of the Act—section 9(1a) of the Act applies; or
 - (B) if the statutory declaration is furnished under section 102(1b) of the Act—section 102(1a) of the Act applies; or
 - (C) if the statutory declaration is furnished under both sections 9(1b) and 102(1b) of the Act—sections 9(1a) and 102(1a) of the Act apply;
 - (b) the statutory declaration must be furnished—
 - (i) if it relates to an expiation notice—before the due date for payment specified in the expiation notice or expiation reminder notice; or
 - (ii) in any other case—within 21 days after the date of issue of the summons.

- (2) The following circumstances are declared to be prescribed circumstances in accordance with section 9(6b)(b) and section 102(3d)(b) of the Act:
- (a) circumstances where the person is not an owner or the registered operator of the vehicle and the person is required by another person to whom the person is answerable in working as a volunteer to drive the vehicle, or to cause the vehicle to stand, in the course of such work;
 - (b) circumstances where the person is not an owner or the registered operator of the vehicle and the person is reasonably required to drive the vehicle, or to cause the vehicle to stand, in the course of undertaking work required by a contract of service as a self-employed person.

115—Offence to alter, deface etc permits, labels or certificates

A person must not, without lawful authority, wilfully alter, deface, damage or destroy a permit, label or certificate issued under the Act.

Maximum penalty: \$1 250.

116—Forms determined by the Minister

The following documents will be in the form determined by the Minister:

- (a) an application for a permit under section 16 of the Act;
- (b) an application for the issue, transfer or replacement of a trade plate;
- (c) an application for a duplicate driver's licence or learner's permit;
- (d) a certificate of issue of a trade plate;
- (e) a motor driving instructor's licence.

117—Appointment of authorised examiners

- (1) The Registrar may, when appointing a person as an authorised examiner, or at any time by notice in writing to an authorised examiner, impose conditions limiting the kinds of tests that the authorised examiner may conduct as required by the Registrar under section 80 of the Act to assess the ability or fitness of applicants for the issue or renewal of licences and learner's permits.
- (2) The Registrar may, for the purpose of testing the proficiency of an applicant for appointment as an authorised examiner, require the applicant to undergo such tests (whether written, oral or practical) as the Registrar considers necessary.
- (3) An applicant for appointment as an authorised examiner (other than an employee in the Transport Department) is not entitled to undergo a proficiency test required by the Registrar under subregulation (2) unless they have paid the appropriate fees set out in Schedule 1.

118—Exemption from requirements as to display of disabled person's parking permit

- (1) A holder of a disabled person's parking permit under Part 3D of the Act who has been issued with a prescribed Australian Disability Parking Permit is exempt from the operation of section 98T(1b)(b) and (1c) of the Act if that prescribed Australian Disability Parking Permit is hung from the rear vision mirror on the inside of the windscreen of the vehicle so that the permit number and the expiry date of the permit are easily legible to a person standing in front of the vehicle.

(2) In this regulation—

Australian Disability Parking Permit means a disabled person's parking permit that includes the following:

- (a) the words "Australian Disability Parking Permit";
- (b) a people with disabilities symbol as defined in the *Australian Road Rules*;
- (c) a permit number;
- (d) an expiry date;

prescribed Australian Disability Parking Permit means an Australian Disability Parking Permit that is designed to be hung from a rear vision mirror.

119—Application for review under Part 3E of Act

For the purposes of section 98Z(2) of the Act, an application for a review must—

- (a) be in writing; and
- (b) set out the decision to which the application relates; and
- (c) set out the grounds on which the applicant seeks the review and the decision sought on the review; and
- (d) be accompanied by any information that the applicant considers should be taken into account on the review; and
- (e) be accompanied by the appropriate fee prescribed by Schedule 1; and
- (f) be lodged with the Registrar.

120—Meaning of uninsured motor vehicle

For the purposes of section 116(1)(f) of the Act, motor vehicles that are electric personal transporters are motor vehicles of a prescribed class.

121—Prescribed documents

For the purposes of section 124(5) of the Act the prescribed documents relating to a motor vehicle are a current certificate of registration (or current duplicate certificate of registration), a current permit or a current registration details certificate for the vehicle.

122—Manner of giving Registrar notice of change of name, address etc under section 136 of Act

Notice under section 136 of the Act is to be given by a person to the Registrar in a following manner:

- (a) in writing;
- (b) by telephone to a telephone number nominated by the Registrar for the purposes of giving notice;
- (c) by fax to a fax number nominated by the Registrar for the purpose of giving notice by fax;
- (d) by other telephonic or electronic means made available by the Registrar to members of the public for the purpose of giving notice in such manner.

123—Power of Registrar to require destruction of a document or thing issued or renewed in consequence of a void transaction

If a transaction is void by virtue of section 138B of the Act, the Registrar may require the person who is liable to make the payment to destroy the licence, permit, label, certificate, plate or other document or thing issued or renewed by the Registrar in consequence of the purported transaction and to produce evidence of the destruction to the satisfaction of the Registrar.

124—Power of Registrar to issue directions on certain audio visual recordings

The Registrar may issue directions in respect of the making of audio visual recordings (including the installation, use and maintenance of recording devices) of—

- (a) driver training activities undertaken by a person holding a licence under section 98A of the Act; and
- (b) practical driving tests conducted by an authorised examiner.

125—Places at which receipt of notice of disqualification may be personally acknowledged

For the purposes of sections 139BD(3)(a)(i)(A) and 141(2a)(a)(i) of the Act, places of the following kinds are prescribed:

- (a) offices known as Service SA Customer Service Centres;
- (b) Australia Post outlets that have electronic point of sale (EPOS) systems;
- (c) the PY Ku Centre at Amata;
- (d) a mobile station in a remote area (as defined in section 98AAG of the Act) established by the Registrar for the purpose of enabling persons to personally acknowledge receipt of a notice of disqualification in the remote area.

126—Exemption from cumulative application of new section 139BD notice of disqualification if existing suspension is under prescribed provision

(1) Subject to subregulation (2), if—

- (a) a person has been given, or is given, a notice of disqualification within the meaning of section 139BD of the Act; and
- (b) at the time that the notice is (but for the operation of section 139BD(9)) due to take effect, the person holds a licence or learner's permit that is already suspended under a prescribed provision,

the person is exempt from the requirement of section 139BD(9) of the Act that the notice of disqualification will instead take effect on the termination of that prior suspension.

(2) Subregulation (1) does not apply if—

- (a) the notice of disqualification is a notice under section 81BC(2) of the Act; and
- (b) the prescribed provision under which the licence or permit is suspended is section 45D of the *Road Traffic Act 1961*; and
- (c) the notice of disqualification relates to the same offence as the notice under section 45D giving rise to the suspension.

- (3) In this regulation—

prescribed provision means—

- (a) section 38(1) of the *Fines Enforcement and Debt Recovery Act 2017*; or
- (b) section 80(2a)(e) of the *Motor Vehicles Act 1959*; or
- (c) section 82(1)(b) of the *Motor Vehicles Act 1959*; or
- (d) section 83 of the *Motor Vehicles Act 1959*; or
- (e) section 45B of the *Road Traffic Act 1961*; or
- (f) section 45D of the *Road Traffic Act 1961*; or
- (g) section 47IAA of the *Road Traffic Act 1961*.

127—Confidentiality—prescribed public authorities

For the purposes of section 139D(1)(d) of the Act, South Australia Police is prescribed as a public authority.

128—Guidelines for disclosure of information

- (1) In this regulation—

Australian jurisdiction means the Commonwealth or a State or Territory of the Commonwealth;

confidential information means information obtained in the administration of the Act or the *Road Traffic Act 1961*;

personal information means information pertaining to a natural person or body corporate;

person concerned—

- (a) in relation to personal information, means the natural person to whom the information pertains, or the body corporate to which the information pertains, as the case may be;
 - (b) in relation to information relating to a motor vehicle, means the owner of the vehicle.
- (2) Pursuant to section 139D(1)(f) of the Act, confidential information the disclosure of which is not authorised by a preceding paragraph of section 139D(1) may, subject to such conditions as the Registrar thinks fit, be disclosed in accordance with this regulation.
- (3) Personal information or information relating to a motor vehicle may be disclosed to a person other than the person concerned if the person concerned has been made aware, or is reasonably likely to be aware, that—
- (a) the information is generally used for the purpose for which it is to be released; or
 - (b) the information is generally passed on to those persons or bodies to whom it is to be released.
- (4) Personal information or information relating to a motor vehicle may be disclosed to a person other than the person concerned if—
- (a) the person making the disclosure believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious threat to the life or health of the person concerned or some other person; or

- (b) the disclosure is reasonably necessary to protect the public revenue; or
- (c) the disclosure is reasonably necessary to protect the interests of the Crown as an employer; or
- (d) the disclosure is made to a public authority responsible under the law of another Australian jurisdiction for the registration of motor vehicles or the licensing of drivers of motor vehicles; or
- (e) the disclosure is made to a public authority of an Australian jurisdiction—
 - (i) authorised under a law of that jurisdiction to obtain the information directly from the person concerned; or
 - (ii) under an arrangement providing for the exchange of personal information; or
 - (iii) to enable the authority to ascertain whether a motor vehicle has been abandoned; or
 - (iv) to enable the authority to exercise or perform statutory powers or functions in relation to a motor vehicle that has been abandoned; or
 - (v) in connection with the administration of either of the following Acts:
 - (A) the *Harbors and Navigation Act 1993*;
 - (B) the *Passenger Transport Act 1994*; or
- (f) the disclosure is made to a public authority of the Commonwealth for the purposes of investigating or confirming whether—
 - (i) a motor vehicle is registered to a person without fee pursuant to section 31(1)(j) of the Act; or
 - (ii) an eligible person has been issued a licence for the purposes of regulation 19; or
- (g) the disclosure is made to Austroads Ltd; or
- (h) the disclosure is made to a person or body engaged in research related to road transport and the disclosure is made for the purposes of the research; or
- (i) the disclosure—
 - (i) consists of information other than medical information about the person concerned or information about that person's history of driving or driving-related offences; and
 - (ii) is made to—
 - (A) a person acting under a power of attorney granted by the person concerned; or
 - (B) a person acting under an authorisation signed by the person concerned; or
 - (C) a legal practitioner acting on behalf of the person concerned; or
 - (D) where the person is deceased—an executor or administrator of the deceased estate; or

- (E) where the person becomes bankrupt—the registered trustee of the bankrupt estate.
- (5) If a health professional has furnished information about a person to the Registrar in pursuance of section 148(1) of the Act, the health professional may be informed of the action taken (if any) by the Registrar as a result of the information.
- (6) Any of the following information may be disclosed to any person:
- (a) information comprised of statistical data that could not reasonably be expected to lead to the identification of any person to whom it pertains;
 - (b) whether a particular motor vehicle is registered;
 - (c) the date on which the registration of a particular motor vehicle is due to expire;
 - (d) whether the registration of a particular motor vehicle has expired;
 - (e) the date on which the registration of a particular motor vehicle expired;
 - (f) whether the registration of a particular motor vehicle has been suspended or cancelled;
 - (g) whether a particular motor vehicle is, or has been, a written-off vehicle;
 - (h) whether a particular motor vehicle that is, or has been, a written-off vehicle, is eligible for registration in the future;
 - (i) whether a particular motor vehicle is recorded as stolen;
 - (j) whether a particular motor vehicle is the subject of a current defect notice under section 145 of the *Road Traffic Act 1961*;
 - (k) whether a particular number or number plate is the subject of an agreement under section 47A(4) of the Act and the commencement and expiry dates of any such agreement;
 - (l) whether an agreement under section 47A(4) of the Act relating to a particular number or number plate of a particular class provides for the assignment of rights conferred under the agreement and, if so, the nature of the assignment and details of any conditions imposed on the assignment;

Example—

An agreement under section 47A(4) may permit a particular number or number plate of a particular class to be transferred or sold to a person not party to the agreement. Such an assignment of the rights conferred under the agreement may, however, be subject to such conditions as may be specified by the Registrar in the agreement.

- (m) whether a particular motor vehicle is a high powered vehicle for the purposes of the Act;
- (n) whether a particular motor vehicle is an ultra high powered vehicle for the purposes of the Act;
- (o) the name of, and contact details for, the approved insurer for a particular motor vehicle;
- (p) the 4 last digits of a particular motor vehicle's vehicle identification number;
- (q) a particular motor vehicle's registered configuration;
- (r) a particular motor vehicle's make;

- (s) a particular motor vehicle's colour and body type;
 - (t) a particular motor vehicle's CTP insurance premium class;
 - (u) a particular motor vehicle's gross vehicle mass;
 - (v) a particular motor vehicle's gross combination mass;
 - (w) in the case of a particular special purpose vehicle—the conditions to which the registration of the vehicle is subject.
- (7) The name and address of the registered owner of a motor vehicle may be disclosed—
- (a) to the manufacturer of the vehicle for the purposes of a safety-related recall of vehicles; or
 - (b) to a legal practitioner or insurer, or an investigation agent acting on behalf of a legal practitioner or insurer, where the information is required to identify the registered owner of a vehicle involved in an accident; or
 - (c) to a person, or the agent of a person, registered under the *Personal Property Securities Act 2009* of the Commonwealth as a secured party in relation to a security interest for which the vehicle is collateral; or
 - (d) to a person who has obtained a judgment in a court, or a legal practitioner acting on behalf of such a person, where the information is reasonably required to enforce the judgment and the judgment contains reference to property in the ownership or possession of the registered owner of the vehicle.
- (8) If—
- (a) a prescribed offence is committed, or allegedly committed, by a person driving a heavy vehicle; and
 - (b) the offence has not been detected by use of a photographic detection device,
- the following information relating to the offence, or alleged offence, may be disclosed by a police officer to a person who the police officer believes is a relevant person in relation to the heavy vehicle:
- (c) the name and date of birth of the person who was driving, or who is alleged to have been driving, the heavy vehicle;
 - (d) the time, date, location and nature of the offence, or alleged offence;
 - (e) the registration number of the heavy vehicle or, if the heavy vehicle is a combination, of any vehicles in the combination;
 - (f) details of action taken in relation to the offence, or alleged offence (such as, for example, arrest of the driver, clamping or impounding of the vehicle or issue of expiation notice or summons).
- (9) Information relating to a motor vehicle (not including personal information) may be disclosed in accordance with a contract entered into by the Minister under which the Minister agrees to provide such information for commercial use by a person or body that is a party to that contract.
- (10) Information sufficient to confirm the identity of a motor vehicle (such as the make, model and colour of the vehicle) may be disclosed to a person who is seeking disclosure of confidential information relating to that vehicle.

(11) In this regulation—

prescribed offence means—

- (a) an offence against section 45, 45A, 45C, 46, 47, 47B, 47BA, 47E or 47EAA of the *Road Traffic Act 1961*; or
- (b) an offence against section 74 or 91 of the *Motor Vehicles Act 1959*;

relevant person—each of the following is a relevant person in relation to a heavy vehicle:

- (a) a registered owner or registered operator of the heavy vehicle or, if the heavy vehicle is a combination, of any vehicle in the combination;
- (b) a person who is responsible for controlling or directing the use of the heavy vehicle or, if the heavy vehicle is a combination, of any vehicle in the combination;
- (c) an officer or employee of a person referred to in paragraph (a) or (b).

129—Corresponding laws declared for purposes of section 141(2) of Act

For the purposes of section 141(2) of the Act, the following laws are declared to be corresponding laws:

- (a) the *Motor Vehicles Act 1949* of the Northern Territory;
- (b) the *Road Safety Act 1986* of Victoria;
- (c) the *Road Traffic (Authorisation to Drive) Act 2008* of Western Australia;
- (d) the *Road Traffic (Vehicles) Act 2012* of Western Australia;
- (e) the *Road Transport Act 2013* of New South Wales;
- (f) the *Road Transport (Driver Licensing) Act 1999* of the Australian Capital Territory;
- (g) the *Road Transport (Vehicle Registration) Act 1999* of the Australian Capital Territory;
- (h) the *Transport Operations (Road Use Management) Act 1995* of Queensland;
- (i) the *Vehicle and Traffic Act 1999* of Tasmania.

130—Prescribed form of notice for Schedule 1 clause 3

For the purposes of Schedule 1 clause 3 of the Act, a notice that accompanies an expiation notice, expiation reminder notice or summons must be in the form set out in Schedule 1 Form 7 of the *Road Traffic (Miscellaneous) Regulations 2014* and contain the information and instructions set out in that form.

131—Definition of emergency worker

(1) For the purposes of Schedule 2 clause 2 of the Act, the following are emergency workers:

- (a) members of an emergency services organisation within the meaning of the *Fire and Emergency Services Act 2005*;
- (b) authorised officers under the *Emergency Management Act 2004*;
- (c) persons engaged in the provision of emergency ambulance services under section 57(1) of the *Health Care Act 2008* on behalf of SA Ambulance Service Inc or any other persons engaged in the provision of emergency ambulance services under section 57(1) of that Act;

- (d) persons engaged in the provision of emergency ambulance services under section 57(2)(a) of the *Health Care Act 2008*;
 - (e) members of the Australian Federal Police or Australian Border Force;
 - (f) members of the armed forces of the Commonwealth engaged in police, fire fighting or ambulance duties or duties in connection with the urgent disposal of explosives or any emergency;
 - (g) employees of Airservices Australia engaged in fire fighting duties or duties in connection with any emergency.
- (2) For the purposes of subregulation (1)(e), a person is a member of the Australian Border Force if—
- (a) —
 - (i) the person is covered by paragraph (a) of the definition of ***Immigration and Border Protection worker*** in section 4 of the *Australian Border Force Act 2015* of the Commonwealth; and
 - (ii) the person is in the Australian Border Force (as defined in that Act); or
 - (b) —
 - (i) the person is covered by paragraph (b), (c) or (d) of the definition of ***Immigration and Border Protection worker*** in section 4 of the *Australian Border Force Act 2015* of the Commonwealth; and
 - (ii) the person's services have been made available to the Australian Border Force or the person is performing services for the Australian Border Force.

132—Expiation of alleged offences

- (1) The expiation fees set out in Schedule 5 are fixed for alleged offences against the Act or these regulations specified in that Schedule.
- (2) Text set out in italic type under a heading in Schedule 5 commencing with the words "Description of offence" is a description for convenience purposes only and is not to be taken to define the offence for which a particular amount is fixed as the expiation fee.

Schedule 1—Fees

1—Interpretation

In this Schedule—

emergency response vehicle has the same meaning as in regulation 22;

government authorised examiner means an authorised examiner who is—

- (a) a police officer; or
- (b) an employee in the Transport Department; or
- (c) a person appointed as an authorised examiner by some public authority and approved by the Registrar;

level 1 fee means an administration fee of \$10.00;

level 2 fee means an administration fee of \$20.00;

level 3 fee means an administration fee of \$31.00;

special purpose vehicle (type O) has the same meaning as in the *Motor Vehicles (National Heavy Vehicles Registration Fees) Regulations 2008*;

special purpose vehicle (type T) has the same meaning as in the *Motor Vehicles (National Heavy Vehicles Registration Fees) Regulations 2008*;

Transport Department premises, in relation to an examination of a motor vehicle for the purposes of section 139(1)(d) of the Act, includes a place specified under section 139(4)(b)(ii) of the Act at which the motor vehicle is required to be produced for the purpose of the examination;

truck (type I) has the same meaning as in the *Motor Vehicles (National Heavy Vehicles Registration Fees) Regulations 2008*.

2—Registration fee (section 24 of Act)

- (1) For registration of a heavy vehicle under section 24 of the Act for a period of 12 months—the registration fee prescribed by, or determined in accordance with, the *Motor Vehicles (National Heavy Vehicles Registration Fees) Regulations 2008*.
- (2) For registration of a motor vehicle (other than a heavy vehicle) under section 24 of the Act for a period of 12 months—the following registration fee:

(a) a motor bike	\$52.00
(b) a trailer	\$95.00
(c) a motor vehicle propelled other than by an internal combustion engine	\$157.00
(d) a commercial motor vehicle—	
(i) if the unladen mass of the vehicle does not exceed 1 000 kg and the vehicle is propelled by an internal combustion engine—	
(A) having 4 cylinders or less	\$157.00
(B) having 5 or 6 cylinders	\$320.00
(C) having 7 or more cylinders	\$462.00
(ii) if the unladen mass of the vehicle exceeds 1 000 kg but does not exceed 1 500 kg	\$344.00
(iii) if the unladen mass of the vehicle exceeds 1 500 kg	\$587.00
(e) a motor vehicle (other than a vehicle referred to in paragraphs (a) to (d)) propelled by an internal combustion engine—	
(i) having 4 cylinders or less	\$157.00
(ii) having 5 or 6 cylinders	\$320.00
(iii) having 7 or more cylinders	\$462.00
- (3) For registration of a motor vehicle under section 24 of the Act for a period of less than 12 months—the following registration fee:
 - (a) in the case of registration for 1, 2 or 3 quarters—an amount equal to the product of the number of quarters for which the vehicle is to be registered multiplied by 1/4 of the relevant registration fee for 12 months (as set out in a preceding subclause) plus a surcharge of—

- (i) in the case of registration for 1 quarter—5.625% of that product; or
 - (ii) in the case of registration for 2 quarters—3.75% of that product; or
 - (iii) in the case of registration for 3 quarters—1.875% of that product;
- (b) in any other case—a fee equal to the product of the number of days for which the vehicle is to be registered multiplied by 1/365 of the relevant registration fee for 12 months (as set out in a preceding subclause) plus a surcharge of—
 - (i) in the case of registration for less than 6 months—5.625% of that product; or
 - (ii) in the case of registration for not less than 6 months but less than 9 months—3.75% of that product; or
 - (iii) in the case of registration for not less than 9 months but less than 12 months—1.875% of that product.

3—Registration fee—renewal of registration under periodic payment scheme (section 24A of Act)

For renewal of registration of a motor vehicle pursuant to the periodic payment scheme under section 24A of the Act where periodic payments are made monthly—a registration fee of an amount equal to 1/3 of the registration fee for 1 quarter for a motor vehicle of the relevant kind (determined in accordance with clause 2(3)).

4—Administration fees (sections 24 and 24A of Act)

Administration fee (payable in addition to the registration fee) for—

- | | | |
|-----|---|-------------|
| (a) | initial registration or re-registration of a motor vehicle under section 24 of the Act | level 3 fee |
| (b) | renewal of registration of a motor vehicle under section 24 of the Act | level 1 fee |
| (c) | renewal of registration pursuant to the periodic payment scheme under section 24A of the Act— | |
| | (i) if payment is made monthly—per payment | \$2.00 |
| | (ii) in any other case | \$6.00 |

5—Conditional registration (section 25 of Act)

- (1) For registration of a motor vehicle under section 25 of the Act—
 - (a) in the case of—
 - (i) a heavy vehicle that is a special purpose vehicle (type O); or
 - (ii) a heavy vehicle that is a special purpose vehicle (type T) (other than an emergency response vehicle or a vehicle that is used principally for the purpose of fire fighting and is fitted with fire fighting equipment),

a fee equal to the product of the number of quarters for which the vehicle is to be registered multiplied by 1 quarter of the amount that would be the registration fee for registration of the vehicle under section 24 of the Act for the financial year in which the registration is to take effect;

- (b) in the case of a heavy vehicle that is a road train, B-double or a vehicle of a class referred to in regulation 26(f)—a fee equal to the registration fee that would be payable for registration of the vehicle under section 24 of the Act;
 - (c) in any other case—no fee.
- (2) Administration fee (payable whether or not a registration fee is payable under subclause (1)) for registration of a motor vehicle under section 25 of the Act—
 - (a) initial registration or re-registration of a motor vehicle level 3 fee
 - (b) renewal of registration of a motor vehicle level 1 fee
- (3) If a registration fee is payable for the registration of a motor vehicle under section 25 of the Act and the period of registration is less than 12 months, a surcharge of the amount prescribed in clause 2(3) is payable in addition to the registration fee and administration fee.

6—Transfer of registration

- (1) Administration fee for transfer of the registration of a motor vehicle level 3 fee
- (2) Additional fee for late payment of the fee prescribed in subclause (1) \$105.00

7—Cancellation of registration

Administration fee for cancellation of the registration of a motor vehicle level 2 fee

8—Duplicate certificates of registration

Administration fee for the issue of a duplicate certificate of registration level 2 fee

9—Registration details certificate

Administration fee for the issue of a registration details certificate (when issued on application by the owner of the motor vehicle) level 2 fee

10—Permit to drive an unregistered motor vehicle

Administration fee for the issue of—

- (a) a permit under section 16(1)(c)(i) of the Act level 1 fee
- (b) a permit under section 16(1)(c)(ii) of the Act level 3 fee

11—Duplicate permit to drive an unregistered motor vehicle

Administration fee for the issue of a duplicate permit under section 16(12) of the Act level 2 fee

12—Temporary configuration certificate for heavy vehicle

Administration fee for the issue of a temporary configuration certificate for a heavy vehicle level 3 fee

13—Duplicate temporary configuration certificate for heavy vehicle

Administration fee for the issue of a duplicate temporary configuration certificate for a heavy vehicle level 2 fee

14—Number allotment

Administration fee for variation or amendment of the number allotted to a motor vehicle (per vehicle) level 3 fee

15—Number plates

- (1) Administration fee for the issue or replacement of—
 - (a) a single number plate or pair of number plates for a heavy vehicle \$31.10
 - (b) a single number plate or pair of number plates for a motor vehicle other than a heavy vehicle \$34.00
 - (c) a supplementary number plate for a bike rack \$34.00
- (2) Administration fee (payable in addition to the fee prescribed in subclause (1)) for postal delivery of a number plate or plates level 2 fee

16—Issue or reissue of trade plate

- (1) For the issue or reissue of a trade plate—
 - (a) in respect of a motor vehicle that has a gross vehicle mass exceeding 4 500 kg (other than a special purpose vehicle) (*Category A*)—an annual fee of an amount equal to the fee that would be payable for registration for 12 months of a heavy vehicle that is a truck (type 1) with 2 axles and a gross vehicle mass exceeding 4 500 kg but not exceeding 12 000 kg;
 - (b) in respect of a motor vehicle that has a gross vehicle mass not exceeding 4 500 kg (other than a motor bike, trailer or special purpose vehicle) (*Category B*)—an annual fee of an amount equal to the fee that would be payable for registration for 12 months of a motor vehicle referred to in clause 2(2)(d)(i) or 2(2)(e) that has 7 or more cylinders;
 - (c) in respect of a motor bike (*Category C*)—an annual fee of an amount equal to the fee that would be payable for registration for 12 months of a motor bike;
 - (d) in respect of a trailer that has a gross vehicle mass not exceeding 4 500 kg (*Category D*)—an annual fee of an amount equal to the fee that would be payable for registration for 12 months of a trailer;
 - (e) in respect of a special purpose vehicle (*Category E*)—no fee.

If an application for the issue or reissue of a trade plate relates to more than 1 category of vehicle such that more than 1 fee becomes payable, then only the highest fee must be paid.

- (2) Administration fees (payable in addition to the fee prescribed in subclause (1))—
 - (a) on application for the issue of a trade plate level 3 fee
 - (b) for allocation of a trade plate number on the issue of a trade plate (per plate) level 2 fee
- (3) Administration fee (payable in addition to the fee prescribed in subclause (1)) on application for the reissue of a trade plate level 1 fee

17—Supply of trade plate by Registrar

Administration fee for the supply of a trade plate by the Registrar \$34.00

18—Issue of replacement trade plate

Administration fee on application for the issue of a new trade plate in lieu of a lost trade plate \$23.00

19—Duplicate trade plate label or certificate of issue of trade plate

Administration fee for the issue of a duplicate trade plate label or duplicate certificate of issue of a trade plate level 2 fee

20—Trade plate transfer

Administration fee payable on application for the transfer of a trade plate level 3 fee

21—Trade plate surrender

Administration fee payable on surrender of a trade plate under section 70(5) of the Act level 2 fee

22—Driver's licences**(1) For the issue or renewal of a driver's licence—**

- (a) where the applicant is a person who as a result of their service in a naval, military or air force of His Majesty— \$27.00
 - (i) is totally or permanently incapacitated; or
 - (ii) has lost a leg or foot; or
 - (iii) receives under the law of the Commonwealth relating to repatriation a pension at the rate for total incapacity or a pension granted by reason of impairment of their power of locomotion at the rate of not less than 70% of the rate for total incapacity (per year)
- (b) where the applicant is a pensioner entitlement card holder (per year) \$27.00
- (c) in any other case (per year) \$55.00

(2) The licence fee for a driver's licence issued or renewed for a period other than for full years is 1 quarter of the annual licence fee for each complete 3 months of the period for which the licence is issued or renewed.**(3) If—**

- (a) a person ceases to be a pensioner entitlement card holder; and
- (b) the person holds a driver's licence that was issued or renewed on payment of a reduced fee,

the person must pay an additional fee of an amount that is equal to the difference between—

- (c) the amount obtained by multiplying the number of complete 3 month periods in the unexpired period of the licence by 1 quarter of the annual fee paid for the issue or renewal of the licence; and
- (d) the amount obtained by multiplying the number of complete 3 month periods in the unexpired period of the licence by 1 quarter of the annual fee that would have been payable for the issue or renewal of the licence if the person had not been a pensioner entitlement card holder.

(4) For the purposes of subclause (3), the unexpired period of the licence commences on the day on which the person ceases to be a pensioner entitlement card holder.**(5) Administration fee (payable in addition to the licence fee) for the issue or renewal of a driver's licence level 2 fee**

- (6) Administration fee (payable in addition to the fee prescribed in subclause (5)) where application for the issue of a driver's licence is made more than 6 months after the expiry of a previously held licence and the applicant was not, during the whole of the period of 6 months after the expiry of the previously held licence, disqualified from holding or obtaining a driver's licence level 3 fee

- (7) In this clause—

pensioner entitlement card holder means a person who—

- (a) holds a pensioner entitlement card issued under an Act or law of the Commonwealth; and
- (b) is entitled, as the holder of such a card, to travel on public transport in this State at reduced fares;

reduced fee means the fee payable for the issue or renewal of a driver's licence where the applicant is a pensioner entitlement card holder.

23—Duplicate driver's licence

Administration fee for the issue of a duplicate driver's licence that bears a photograph of the holder level 2 fee

24—Learner's permit

- (1) For the issue or renewal of a learner's permit for—

- (a) 1 year \$27.00
- (b) 2 years \$54.00
- (c) 3 years \$81.00

- (2) Administration fee for the issue or renewal of a learner's permit (payable in addition to the permit fee) level 2 fee

25—Duplicate learner's permit

Administration fee for the issue of a duplicate learner's permit level 2 fee

26—Duplicate certificate of high powered vehicle exemption

Administration fee for the issue of a duplicate certificate of a high powered vehicle exemption level 2 fee

27—Approved theoretical examination

For an approved theoretical examination—

- (a) examination fee \$21.00
- (b) administration fee (payable in addition to the examination fee) level 2 fee

28—Practical driving tests conducted by government authorised examiners

For a practical driving test conducted by a government authorised examiner—

- (a) booking fee level 2 fee
- (b) test fee—
 - (i) for a test of up to, but not exceeding, 40 min duration \$64.00
 - (ii) for a test exceeding 40 min duration \$146.00
- (c) administration fee (payable in addition to the test fee) level 2 fee

29—Other practical driving tests; final assessments

Booking fee, for notice to the Registrar of— \$39.00

- (a) a practical driving test; or
- (b) a final assessment in a competence based training course for drivers of motor vehicles undertaken in accordance with the directions of the Registrar,

to be conducted by an authorised examiner other than a government authorised examiner

30—Approved driver training course

For an approved driver training course—

- (a) course fee \$53.00
- (b) administration fee (payable in addition to the course fee) level 1 fee

31—Approved hazard perception tests

For an approved hazard perception test—

- (a) test fee \$15.00
- (b) administration fee (payable in addition to the test fee) level 2 fee

32—Motor bike learner's permit theoretical tests

For a motor bike rider knowledge test and a motor bike specific hazard awareness test—

- (a) combined fee for both tests \$15.00
- (b) administration fee (payable in addition to the test fee) level 2 fee

33—Motor bike training courses

For a motor bike training course undertaken in accordance with the directions of the Registrar—

- (a) for a pre-learner's permit motor bike training course—
 - (i) training course fee (part A) \$434.00 plus a booking fee of \$30.00
 - (ii) training course fee (part B) \$434.00 plus a booking fee of \$30.00
- (b) for a pre-licence motor bike training course—
 - (i) training course fee \$202.00 plus a booking fee of \$30.00
 - (ii) motor bike licence assessment fee \$218.00 plus a booking fee of \$30.00

34—Proficiency test for motor driving instructor's licence

For a proficiency test of an applicant for a motor driving instructor's licence—

- (a) for a theory test—
 - (i) test fee \$78.00
 - (ii) administration fee (payable in addition to the test fee) level 2 fee

(b)	for a practical test conducted by a government authorised examiner—	
(i)	test fee (per day)	\$292.00
(ii)	administration fee (payable in addition to the test fee)	level 2 fee
35—Motor driving instructor's licence		
	For the issue of a motor driving instructor's licence (per year)	\$125.00
36—Duplicate motor driving instructor's licence		
	Administration fee for the issue of a duplicate motor driving instructor's licence	level 2 fee
37—Appointment as authorised examiner		
	For appointment as an authorised examiner (other than a government authorised examiner)—	
(a)	authorised to conduct competence based driver training and assessment (per year)	\$182.00
(b)	authorised to conduct Vehicle on Road Tests (per year)	\$182.00
38—Proficiency tests for authorised examiners		
(1)	For a proficiency test, required by the Registrar, of an applicant for appointment as an authorised examiner in relation to the driving of motor vehicles with a gross vehicle mass not exceeding 4.5 t—	
(a)	practical training course test (per day)	\$292.00
(b)	administration fee (payable in addition to the test fee)	level 2 fee
(2)	For a proficiency test, required by the Registrar, of an applicant for appointment as an authorised examiner in relation to the driving of motor vehicles with a gross vehicle mass exceeding 4.5 t—	
(a)	practical training course test (per day)	\$492.00
(b)	administration fee (payable in addition to the test fee)	level 2 fee
(3)	For a training course for an authorised examiner whose appointment has been suspended, required by the Registrar for resumption of the appointment—	
(a)	training course (per day)	\$292.00
(b)	administration fee (payable in addition to the training course fee)	level 2 fee
39—Lectures as to motor vehicle accidents and their causes		
	For attendance at a lecture conducted under regulation 79	\$38.00
40—Administration fee for issue of alcohol interlock scheme licence		
	Administration fee for the issue of a licence subject to mandatory alcohol interlock scheme conditions—for each month in the period for which the licence will be subject to alcohol interlock provisions (a part of a month being treated as a whole month)	\$20.00
41—Disabled person's parking permit		
	For the issue of a disabled person's parking permit—	
(a)	permit fee—	
(i)	for 1 year or less	\$3.00
(ii)	for 2 years	\$5.00

- | | |
|--|-------------|
| (iii) for 3 years | \$7.00 |
| (iv) for 4 years | \$9.00 |
| (v) for 5 years | \$14.00 |
| (b) administration fee (payable in addition to the permit fee) | level 1 fee |

42—Register searches etc

- | | |
|---|-------------|
| (1) Administration fee for searching the register and supplying information— | |
| (a) for manual search of archived information (per search) | level 3 fee |
| (b) for manual search of current information (per search) | level 3 fee |
| (c) for multiple searches where separate extracts of entries are not required | level 2 fee |
| (d) where the applicant prepares computer input data in a form acceptable to the Registrar (per search) | level 1 fee |
| (2) Administration fee for an extract of an entry in the register | level 3 fee |

43—Motor vehicle examinations

- | | |
|--|--|
| (1) For an examination of a motor vehicle for the purposes of completion of a report under regulation 20 | \$17.00 |
| (2) A fee for an examination referred to in subclause (1) must be paid— | |
| (a) in the case of an examination to be carried out by an authorised officer—on the registration of the vehicle; or | |
| (b) in the case of an examination to be carried out by a police officer—prior to the examination. | |
| (3) For a basic examination of a motor vehicle for the purposes of section 139(1)(d) of the Act to be carried out by a person authorised by the Registrar under section 139(10) of the Act | \$45.00 |
| (4) For a basic examination of a motor vehicle for the purposes of section 139(1)(d) of the Act to be carried out by a police officer | \$73.00 |
| (5) For a basic examination of a motor vehicle for the purposes of section 139(1)(d) of the Act to be carried out by an authorised officer at Transport Department premises | \$73.00 |
| (6) For a basic examination of a motor vehicle for the purposes of section 139(1)(d) of the Act to be carried out by an authorised officer at a site other than Transport Department premises— | |
| (a) fee for call out (per site visit)—\$245.00; plus | |
| (b) fee for examination (per vehicle)—\$73.00. | |
| (7) For a comprehensive examination of a motor vehicle for the purposes of section 139(1)(d) of the Act to be carried out by an authorised officer | \$339.00 plus a booking fee of \$30.00 |
| (8) For a further examination of a motor vehicle for the purposes of section 139(1)(d) of the Act following a comprehensive examination referred to in subclause (7), to be carried out by an authorised officer | \$45.00 plus a booking fee of \$30.00 |
| (9) A fee for an examination of a motor vehicle for the purposes of section 139(1)(d) of the Act must be paid— | |
| (a) in the case of a fee specified in subclause (3), (5) or (6)(b)—on the registration of the vehicle; or | |

- (b) in the case of a fee specified in subclause (4), (6)(a), (7) or (8)—prior to the examination.
- (10) If more than 1 fee becomes payable under subclauses (1) to (7) (inclusive) in respect of the examination of the same motor vehicle, only the higher or highest fee (as the case may be) must be paid.
- (11) A fee for an examination referred to in this clause to be carried out by a police officer must be paid to the South Australian Police Department.

44—Application for review of decision of Registrar

Administration fee payable on application for a review under section 98Z of the Act level 3 fee

45—Dishonoured cheque or debit card or credit card transactions

Administration fee payable under section 138B of the Act level 3 fee

46—Fees payable by insurer for emergency treatment

For the purposes of section 110(1) of the Act—

- (a) the fee payable to a medical practitioner who renders emergency treatment is a fee equal to a level 3 fee;
- (b) the fee payable to a nurse who renders emergency treatment is a fee equal to a level 2 fee;
- (c) the amount payable to a person who conveys an injured person is an amount equal to one tenth of a level 1 fee for every kilometre that the person is conveyed.

47—Fees payable in connection with service of notices of disqualification

- (1) Administration fee payable under section 139BD of the Act \$41.00
- (2) Service fee payable under section 139BD of the Act \$144.00

Schedule 2—Classification of driver's licences**1—Classification of licences**

- (1) Subject to this clause, a licence that is endorsed with a classification appearing in column 1 of the table below authorises the holder of the licence to drive a motor vehicle of the description appearing opposite that classification in column 2.
- (2) A licence that is assigned the R classification in accordance with regulation 45(2) is not required to be endorsed with that classification in order to authorise the holder of the licence to drive any motor bike or motor trike.
- (3) A reference in column 3 of the table below to a *driver's licence* of a particular class includes a reference to an interstate licence of that class.
- (4) Subject to this clause, the Registrar may not endorse a licence with a particular classification unless the Registrar is satisfied that the applicant—
 - (a) fulfils the criteria specified in column 3 of the table below; and
 - (b) has—
 - (i) passed a practical driving test approved by the Registrar; or
 - (ii) completed a driver training course approved by the Registrar,
 in respect of that classification.

- (5) The Registrar may endorse a licence with a particular classification despite the fact that the applicant does not fulfil the criteria specified in column 3 of the table below in respect of that classification if—
- (a) the applicant is of or over the age of 18 years; and
 - (b) the Registrar is satisfied that—
 - (i) by reason of the applicant having undertaken the driver training course known as the "Training In Lieu of Experience" ("TILE") course or some other driver training course approved by the Registrar; or
 - (ii) for some other reason,
 special circumstances exist for doing so.
- (6) Without limiting subclause (5), the Registrar may endorse a licence with the MC classification despite the fact that the applicant does not fulfil the criteria specified in column 3 of the table below in respect of that classification if—
- (a) the applicant holds a driver's licence endorsed with the classification HC or HR; and
 - (b) the Registrar is satisfied that the applicant—
 - (i) has completed a training course approved by the Registrar; and
 - (ii) met any other requirements determined by the Registrar.
- (7) In determining whether the holder of a licence has the minimum driving experience prescribed in column 3 of this Schedule, any period during which—
- (a) the person's licence was suspended; or
 - (b) the person was disqualified from holding or obtaining a licence in this State or in another State or Territory of the Commonwealth,
- is not to be taken into account.

1—Licence class	2—Motor vehicles authorised to be driven	3—Minimum driving experience
C	1 A motor vehicle with a GVM not greater than 4.5 t but not including— <ul style="list-style-type: none"> (a) a bus; or (b) a motor bike or motor trike; or (c) an ultra high powered vehicle. 	Nil.
	2 A motor vehicle included in 1 towing a single trailer, subject to the combination mass limits fixed under the <i>Road Traffic Act 1961</i> .	

1—Licence class	2—Motor vehicles authorised to be driven	3—Minimum driving experience
LR	1 A motor vehicle authorised to be driven by a licence of the preceding class.	The applicant must have held a driver's licence endorsed with the classification C for at least 1 year.
	2 A motor vehicle with a GVM greater than 4.5 t but not greater than 8 t.	
	3 A bus with a GVM not greater than 8 t.	
	4 A motor vehicle included in 2 or 3 towing a single trailer, subject to the combination mass limits fixed under the <i>Road Traffic Act 1961</i> or the <i>Heavy Vehicle National Law (South Australia)</i> .	
MR	1 A motor vehicle authorised to be driven by a licence of a preceding class.	The applicant must have held a driver's licence endorsed with the classification C for at least 1 year.
	2 A motor vehicle (other than a special purpose vehicle) with 2 axles and a GVM greater than 8 t.	
	3 A motor vehicle included in 2 towing a single trailer (other than a semi-trailer) with a GVM not greater than 9 t, subject to the combination mass limits fixed under the <i>Heavy Vehicle National Law (South Australia)</i> .	
	4 A special purpose vehicle with— <ul style="list-style-type: none"> (a) 2 axles and a GVM greater than 8 t; or (b) 3 or more axles and a GVM not greater than 15 t. 	
HR	1 A motor vehicle authorised to be driven by a licence of a preceding class.	The applicant must have held— <ul style="list-style-type: none"> (a) a driver's licence endorsed with the classification C for at least 2 years; or (b) a driver's licence endorsed with the classification LR or MR for at least 1 year.
	2 A motor vehicle (other than an articulated motor vehicle or a special purpose vehicle) with 3 or more axles and a GVM greater than 8 t.	
	3 A motor vehicle included in 2 towing a single trailer (other than a semi-trailer) with a GVM not greater than 9 t, subject to the combination mass limits fixed under the <i>Heavy Vehicle National Law (South Australia)</i> .	
	4 An articulated bus with 3 or more axles and a GVM greater than 8 t.	
	5 A special purpose vehicle with 3 or more axles and a GVM greater than 15 t.	

1—Licence class	2—Motor vehicles authorised to be driven	3—Minimum driving experience
HC	1 A motor vehicle authorised to be driven by a licence of a preceding class.	The applicant must have held a driver's licence endorsed with the classification MR or HR for at least 1 year.
	2 A prime mover to which is attached a single semi-trailer (whether or not any unladen converter dolly or low loader dolly is also attached).	
	3 A rigid motor vehicle to which is attached a single trailer with a GVM greater than 9 t (whether or not any unladen converter dolly or low loader dolly is also attached).	
MC	1 Any motor vehicle or combination of motor vehicles except a motor bike, a motor trike or an ultra high powered vehicle.	The applicant must have held a driver's licence endorsed with the classification HC or HR for at least 1 year.
U	1 An ultra high powered vehicle.	The applicant must hold a licence that is not a learner's permit, a provisional licence or a driver's licence endorsed with only the classification R-DATE or R.
R-DATE	1 A motor bike or motor trike that—	The applicant must have held a learner's permit authorising the holder to drive a motor bike for at least 1 year.
	(a) has—	
	(i) an internal combustion engine with a capacity not exceeding 660 mL and a power to weight ratio not exceeding 150 kW per tonne; or	
	(ii) an electric motor with a power output not exceeding 25 kW; and	
	(b) is of a kind approved from time to time by the Registrar by notice in the Gazette.	
R	1 Any motor bike or motor trike.	The applicant must have held a driver's licence endorsed with the classification R-DATE for at least 2 years.

Schedule 3—Conditions of driver's licences and learner's permits

1—Endorsement of conditions of licences and permits

Where a provision of the Act requires a condition imposed on a licence or learner's permit to be endorsed on the licence or permit, the condition is sufficiently endorsed if—

- (a) full particulars of the condition are endorsed on the front of the licence or permit; or

- (b) in the case of a condition set out in column 1 of the table below—the front of the licence or permit is endorsed with the letter appearing opposite in column 2; or
- (c) in the case of a condition recorded on the register and advised in writing by the Registrar to the holder of the licence or permit—the front of the licence or permit is endorsed with the letter "X"; or
- (d) in the case of a condition imposed by a court—the front of the licence or permit is endorsed with the letter "Y".

1—Condition	2—Letter
The holder of the licence or permit is permitted to drive only a motor vehicle that is fitted with automatic transmission.	A
The holder of the licence or permit is permitted to drive only a motor vehicle that is fitted with automatic or synchromesh transmission.	B
The holder of the licence is permitted to drive only a motor bike or motor trike that—	E
(a) has—	
(i) an internal combustion engine with a capacity not exceeding 660 mL and a power to weight ratio not exceeding 150 kW per tonne; or	
(ii) an electric motor with a power output not exceeding 25 kW; and	
(b) is of a kind approved from time to time by the Registrar by notice in the Gazette.	
The holder of the permit is permitted to drive only a motor bike or motor trike that—	R-DATE
(a) has—	
(i) an internal combustion engine with a capacity not exceeding 660 mL and a power to weight ratio not exceeding 150 kW per tonne; or	
(ii) an electric motor with a power output not exceeding 25 kW; and	
(b) is of a kind approved from time to time by the Registrar by notice in the Gazette.	
The holder of the licence or permit is permitted to drive only a motor bike that is fitted with automatic transmission	M
The holder of the licence or permit is permitted to drive only a motor vehicle fitted with an alcohol interlock.	I
The holder of the licence or permit must, at all times while driving, wear glasses or contact lenses prescribed by a medical practitioner or optometrist.	S
The holder of the licence or permit is permitted to drive only a bus or truck that is fitted with automatic transmission.	T
The holder of the licence or permit is permitted to drive only a motor vehicle that is modified as recorded on the register and advised in writing by the Registrar to the holder.	V
The holder of the licence or permit is permitted to drive a motor vehicle only if the concentration of alcohol present in the holder's blood is 0.	Z

Schedule 4—Demerit points

Part 1—Demerit points within the national scheme

1—Offences against *Road Traffic Act 1961*

Section	Description of offence against <i>Road Traffic Act 1961</i>	Demerit points
79B(2)	<i>Being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of a prescribed offence</i> Contravention where the owner is a natural person	The number of demerit points prescribed by these regulations for the prescribed offence in which the vehicle appears to have been involved
164A(1)	<i>Contravening or failing to comply with provision of Act</i> Contravention of or failure to comply with— s 45— <i>Driving without due care or attention etc</i>	3

2—Offences against *Australian Road Rules*

Rule	Description of offence against <i>Australian Road Rules</i>	Demerit points
27(1)	<i>Failing to keep left when starting left turn (from other than multi-lane road)</i>	2
28(1)	<i>Failing to keep within left lane when starting left turn on multi-lane road</i>	2
29(1)	<i>Failing to make left turn as indicated by turn line</i>	2
31(1)	<i>Starting right turn incorrectly (from other than multi-lane road)</i>	2
32(1)	<i>Failing to keep within right lane when starting right turn on multi-lane road</i>	2
33(1)	<i>Making right turn at intersection incorrectly</i>	2
34(1)	<i>Making hook turn at "hook turn only" sign incorrectly</i>	2
37	<i>Starting U-turn without clear view etc</i>	2
38(1)	<i>Failing to give way when making U-turn</i>	3
39(1)	<i>Making U-turn contrary to "no U-turn sign" at break in dividing strip</i>	2
39(2)	<i>Making U-turn contrary to "no U-turn sign" on length of road</i>	2
40	<i>Making U-turn at intersection with traffic lights and no "U-turn permitted" sign</i>	2
41	<i>Making U-turn at intersection without traffic lights where "no U-turn" sign</i>	2
42	<i>Starting U-turn at intersection from incorrect position</i>	2

Rule	Description of offence against <i>Australian Road Rules</i>	Demerit points
46(1)	<i>Failing to give left change of direction signal before turning left</i>	2
48(1)	<i>Failing to give right change of direction signal before turning right</i>	2
53(1)	<i>Failing to give stop signal before stopping or suddenly slowing</i>	2
53(2)	<i>Failing to give sufficient warning of stopping</i>	2
53(3)	<i>Failing to give stop signal while slowing</i>	2
56(1)	<i>Failing to stop for red traffic light</i>	3
56(2)	<i>Failing to stop for red traffic arrow</i>	3
57(1)	<i>Failing to stop for yellow traffic light</i>	3
57(2)	<i>Failing to stop for yellow traffic arrow</i>	3
59(1)	<i>Proceeding through red traffic light</i>	3
60	<i>Proceeding through red traffic arrow</i>	3
61(2)	<i>Failing to stop at intersection when traffic lights or arrows change to yellow or red</i>	3
62(1)	<i>Failing to give way when turning at intersection with traffic lights</i>	3
63(2)	<i>Failing to give way at intersection with traffic lights not operating or only partly operating—where traffic light-stop sign</i>	3
63(3)	<i>Failing to give way at intersection with traffic lights not operating or only partly operating—where no traffic light-stop sign</i>	3
64	<i>Failing to give way at flashing yellow traffic arrow at intersection</i>	3
65(2)	<i>Failing to give way at marked foot crossing (except at intersection) with flashing yellow traffic light</i>	3
66(1)	<i>Failing to stop for twin red lights (except at level crossing)</i>	3
66(4)	<i>Proceeding after stopping for twin red lights (except at level crossing)</i>	3
67(1)	<i>Failing to stop and give way at stop sign or stop line at intersection without traffic lights</i>	3
68(1)	<i>Failing to stop and give way at stop sign or stop line at other place</i>	3
69(1)	<i>Failing to give way at give way sign or give way line at intersection (except roundabout)</i>	3
70	<i>Failing to give way at give way sign at bridge or length of narrow road</i>	3
71(1)	<i>Failing to give way at give way sign or give way line at other place</i>	3
72(1)	<i>Failing to give way at intersection (except T-intersection or roundabout)</i>	3
73(1)	<i>Failing to give way at T-intersection</i>	3
74(1)	<i>Failing to give way when entering road from road-related area or adjacent land</i>	3
75(1)	<i>Failing to give way when entering road-related area or adjacent land from road</i>	3
76(1)	<i>Moving into path of tram travelling in tram lane etc</i>	3
76(2)	<i>Failing to move out of path of tram travelling in tram lane etc</i>	3
77(1)	<i>Failing to give way to bus</i>	3
78(1)	<i>Moving into path of police or emergency vehicle</i>	3

Rule	Description of offence against <i>Australian Road Rules</i>	Demerit points
78(2)	<i>Failing to move out of path of police or emergency vehicle</i>	3
79(1)	<i>Failing to give way to police or emergency vehicle</i>	3
80(1)	<i>Driving near children's crossing at speed at which driver cannot stop safely</i>	3
80(2)	<i>Failing to stop at children's crossing</i>	3
80(3)	<i>Failing to obey hand-held stop sign at children's crossing</i>	3
80(4)	<i>Proceeding while pedestrian or bicycle rider on or entering children's crossing</i>	3
81(1)	<i>Driving near pedestrian crossing at speed at which driver cannot stop safely</i>	3
81(2)	<i>Failing to give way at pedestrian crossing</i>	3
82	<i>Overtaking or passing vehicle at children's crossing or pedestrian crossing</i>	3
83	<i>Failing to give way to pedestrian in shared zone</i>	3
84(1)	<i>Failing to give way when driving through break in dividing strip</i>	3
85	<i>Failing to give way on painted island</i>	3
86(1)	<i>Failing to give way in median turning bays</i>	3
87(1)	<i>Failing to give way when moving from side of road</i>	3
87(3)	<i>Failing to give way when moving from median strip parking area</i>	3
88(1)	<i>Failing to turn left at intersection with "left turn only" sign</i>	2
88(2)	<i>Failing to turn left when in left lane at intersection with "left lane must turn left" sign</i>	2
89(1)	<i>Failing to turn right at intersection with "right turn only" sign</i>	2
89(2)	<i>Failing to turn right when in right lane at intersection with "right lane must turn right" sign</i>	2
90	<i>Turning at intersection with "no turn" sign</i>	2
91(1)	<i>Turning left at intersection or other place with "no left turn" sign</i>	2
91(2)	<i>Turning at intersection or other place with "no right turn" sign</i>	2
93(1)	<i>Driving or overtaking on bridge or length of road where "no overtaking or passing" sign applies</i>	2
94	<i>Overtaking on bridge with "no overtaking on bridge" sign</i>	2
101(1)	<i>Failing to stop before hand-held stop sign</i>	3
101(2)	<i>Proceeding after stopping for hand-held stop sign</i>	3
112(2)	<i>Failing to give required left change of direction signal before entering roundabout</i>	2
112(3)	<i>Failing to continue left change of direction signal while on roundabout</i>	2
113(2)	<i>Failing to give required right change of direction signal before entering roundabout</i>	2
113(3)	<i>Failing to continue right change of direction signal while in roundabout</i>	2
114(1)	<i>Failing to give way when entering roundabout</i>	3
114(2)	<i>Failing to give way to tram when driving in roundabout</i>	3
115(1)	<i>Failing to drive in roundabout to left of central traffic island</i>	2

Rule	Description of offence against <i>Australian Road Rules</i>	Demerit points
117(1)	<i>Failing to give left change of direction signal when changing marked lanes or lines of traffic in roundabout</i>	2
117(2)	<i>Failing to give right change of direction signal when changing marked lanes or lines of traffic in roundabout</i>	2
118(1)	<i>Failing to give left change of direction signal when leaving roundabout</i>	2
121	<i>Failing to stop and give way at stop sign at level crossing</i>	3
122	<i>Failing to give way at give way sign or give way line at level crossing</i>	3
123	<i>Entering level crossing when train or tram approaching etc</i>	3
126	<i>Failing to keep safe distance behind other vehicle</i>	1
127(1)	<i>Failing to keep required minimum distance behind long vehicle</i>	1
129(1)	<i>Failing to keep to far left side of road</i>	2
130(2)	<i>Driving in right lane on certain multi-lane roads</i>	2
131	<i>Failing to keep to left of oncoming vehicle</i>	2
132(1)	<i>Failing to keep to left of centre of road</i>	2
132(2)	<i>Failing to keep to left of dividing line—</i>	
	if dividing line is formed by 2 parallel continuous lines	3
	if dividing line is any other dividing line	2
135(1)	<i>Failing to keep to left of median strip</i>	3
140	<i>Overtaking when not safe to do so</i>	2
141(1)	<i>Driver overtaking to left of other vehicle</i>	2
142(1)	<i>Overtaking to right of vehicle turning right</i>	2
143(1)	<i>Passing or overtaking to left of turning left vehicle displaying "do not overtake turning vehicle" sign</i>	2
143(1A)	<i>Passing or overtaking to left of vehicle displaying "do not overtake turning vehicle" sign</i>	2
143(2)	<i>Passing or overtaking to right of turning right vehicle displaying "do not overtake turning vehicle" sign</i>	2
144	<i>Failing to keep safe distance when overtaking</i>	2
148(1)	<i>Failing to give way when moving from one marked lane to another marked lane</i>	3
148(2)	<i>Failing to give way when moving from one line of traffic to another line of traffic</i>	3
149	<i>Failing to give way when lines of traffic merge into single line of traffic</i>	3
152(1)	<i>Driving in marked lane to which overhead lane control device applies—failing to comply with rule</i>	3
155(1)	<i>Driving in tram lane</i>	3
160(2)	<i>Passing or overtaking to right of tram not at or near far left side of road</i>	2
160(3)	<i>Passing or overtaking left turning etc tram not at or near far left side of road</i>	2
161(2)	<i>Passing or overtaking to left of tram at or near the left side of road</i>	2

Rule	Description of offence against <i>Australian Road Rules</i>	Demerit points
161(3)	<i>Passing or overtaking tram turning right or giving right change of direction signal</i>	2
162(1)	<i>Driving past safety zone</i>	3
163(1)	<i>Driving past rear of stopped tram at tram stop</i>	3
164(1)	<i>Failing to stop when tram stops at tram stop</i>	3
164A(1)	<i>Failing to stay stopped if tram stops alongside at tram stop</i>	3
215(1)	<i>Failing to use lights when driving at night or in hazardous weather conditions</i>	1
216(1)	<i>Failing to use lights when towing vehicle at night or in hazardous weather conditions</i>	1
218(1)	<i>Using headlights on high-beam</i>	1
219	<i>Using lights to dazzle other road users</i>	1
264	<i>Failing to wear approved seatbelt, and be seated, in accordance with rule—driver</i>	3
266(1)	<i>Failing to ensure passengers under 16 years old are restrained and seated in accordance with rule—</i>	
	(a) driver who is a person referred to in section 98BI(1)(a)(i) or (ii) of the <i>Motor Vehicles Act 1959</i>	3
	(b) all other drivers	see clause 5
270(1)	<i>Riding motor bike without wearing helmet or with passenger not wearing helmet</i>	3
281	<i>Failing to stop for red B light—bus driver</i>	3
282	<i>Failing to stop for yellow B light—bus driver</i>	3
284	<i>Proceeding after stopping for red or yellow B light—bus driver</i>	3
286(2)	<i>Proceeding when white B light or white traffic arrow no longer showing—bus driver proceeding before entering intersection</i>	3
286(3)	<i>Proceeding when white B light or white traffic arrow no longer showing—bus driver failing to leave intersection</i>	3
288(4)	<i>Driving on path—failing to give way</i>	3
289(2)	<i>Driving on nature strip—failing to give way</i>	3
300(1)	<i>Using mobile phone while driving vehicle</i>	3
304(1)	<i>Failing to obey direction of police officer or authorised person</i>	3

3—Offences against *Heavy Vehicle National Law (South Australia)*

Section	Description of offence against <i>Heavy Vehicle National Law (South Australia)</i>	Demerit points
228(1)	<i>Driving a fatigue-regulated heavy vehicle on a road while the driver is impaired by fatigue</i>	3
250(1)	<i>Failure of solo driver of a fatigue-regulated heavy vehicle to comply with standard hours—</i>	
	(a) for a severe risk breach	3
	(b) for a critical risk breach	4

Section	Description of offence against <i>Heavy Vehicle National Law (South Australia)</i>	Demerit points
251(1)	<i>Failure of two-up driver of a fatigue-regulated heavy vehicle to comply with standard hours—</i>	
	(a) for a severe risk breach	3
	(b) for a critical risk breach	4
254(1)	<i>Failure of solo driver of a fatigue-regulated heavy vehicle to comply with BFM hours—</i>	
	(a) for a severe risk breach	3
	(b) for a critical risk breach	4
256(1)	<i>Failure of two-up driver of fatigue-regulated heavy vehicle to comply with BFM hours—</i>	
	(a) for a severe risk breach	3
	(b) for a critical risk breach	4
258(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with AFM hours—</i>	
	(a) for a severe risk breach	3
	(b) for a critical risk breach	4
260(1)	<i>Failure of driver of fatigue-regulated heavy vehicle to comply with work and rest hours exemption hours—</i>	
	(a) for a severe risk breach	3
	(b) for a critical risk breach	4

Part 2—Demerit points peculiar to South Australia

4—Offences against *Road Traffic Act 1961*

Section	Description of offence against <i>Road Traffic Act 1961</i>	Demerit points
40H(5)	<i>Engaging in conduct in contravention of direction of authorised officer to stop vehicle, or not move it, or not interfere with vehicle or its equipment or load</i>	3
40I(2)	<i>Engaging in conduct in contravention of direction of authorised officer to move vehicle to specified location</i>	3
40J(3)	<i>Engaging in conduct in contravention of direction of authorised officer to move vehicle or do anything else reasonably required by officer to avoid causing harm or obstruction</i>	3
43(1)	<i>Failing to stop and give assistance immediately after accident involving injury or death</i>	5
44B(3)	<i>Misuse of motor vehicle</i>	4
44C	<i>Driving ultra high powered vehicle with disabled automated intervention system</i>	6
45A	<i>Excessive speed</i>	9
45C(1)	<i>Driver of truck or bus on prescribed road exceeding the speed limit by 10 kph or more</i>	6
45C(2)	<i>Driver of truck or bus on prescribed road failing to engage low gear</i>	6

Section	Description of offence against <i>Road Traffic Act 1961</i>	Demerit points
46(1)	<i>Driving recklessly or at speed or in manner dangerous to public</i>	6
47(1)	<i>Driving or attempting to put vehicle in motion while under influence of liquor or drug</i>	6
47(1a)	<i>Engaging in conduct involving motor vehicle that constitutes offence against section 47(1) while child under age of 16 years is present in or on that motor vehicle</i>	6
47B(1)	<i>Driving whilst having prescribed concentration of alcohol in blood:</i>	
	Contravention involving less than 0.08 g of alcohol in 100 mL of blood	4
	Contravention involving 0.08 g or more but less than 0.15 g of alcohol in 100 mL of blood	5
	Contravention involving 0.15 g or more of alcohol in 100 mL of blood	6
47B(1a)	<i>Engaging in conduct involving motor vehicle that constitutes offence against section 47B(1) while child under age of 16 years is present in or on that motor vehicle</i>	
	Contravention involving 0.08 g or more but less than 0.15 g of alcohol in 100 mL of blood	5
	Contravention involving 0.15 g or more of alcohol in 100 mL of blood	6
47BA(1)	<i>Driving while a prescribed drug is in oral fluid or blood</i>	4
47BA(1a)	<i>Engaging in conduct involving motor vehicle that constitutes offence against section 47BA(1) while child under age of 16 years is present in or on that motor vehicle</i>	4
47E(3)	<i>Refusing or failing to comply with direction of police officer in relation to alcotest or breath analysis</i>	6
47E(3a)	<i>Refusing or failing to comply with direction of police officer in relation to alcotest or breath analysis—person engaging in conduct described in section 47E(1)(a), (b) or (c) while child under age of 16 years is present in or on motor vehicle</i>	6
47EAA(9)	<i>Refusing or failing to comply with direction of police officer in relation to drug screening test, oral fluid analysis or blood test</i>	6
47EAA(9a))	<i>Refusing or failing to comply with direction of police officer in relation to drug screening test, oral fluid analysis or blood test—person engaging in conduct described in section 47E(1)(a), (b) or (c) while child under age of 16 years is present in or on motor vehicle</i>	6
47I(7)	<i>Refusing or failing to comply with request to submit to taking of sample of blood—child under age of 16 years present in or on motor vehicle at time of accident</i>	6
47I(14)	<i>Refusing or failing to comply with request to submit to taking of sample of blood</i>	6
79B(2)	<i>Being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of a prescribed offence</i>	

Section	Description of offence against <i>Road Traffic Act 1961</i>	Demerit points
	Contravention where the owner is a natural person	The number of demerit points prescribed by these regulations for the prescribed offence in which the vehicle appears to have been involved
91(3)	<i>Person subject to direction or request of authorised person failing to comply or giving false information</i>	3
123	<i>Light vehicle not complying with light vehicle mass, dimension or load restraint requirement driven on road—being driver of vehicle</i>	
	Breach comprising failure to comply with clause 7A(1) of Schedule 1 of the <i>Road Traffic (Light Vehicle Mass and Loading Requirements) Regulations 2013</i>	3
124(1)	<i>Light vehicle not complying with light vehicle mass, dimension or load restraint requirement driven on road—being operator of vehicle</i>	
	Breach comprising failure to comply with clause 7A(1) of Schedule 1 of the <i>Road Traffic (Light Vehicle Mass and Loading Requirements) Regulations 2013</i>	3
164A(1)	<i>Contravening or failing to comply with provision of Act</i>	
	Contravention of or failure to comply with—	
s 82(1)	<i>Speeding while passing school bus</i>	
	Exceeding the speed limit while passing school bus—	
	by less than 10 kph	2
	by 10 kph or more but less than 20 kph	3
	by 20 kph or more but less than 30 kph	5
	by 30 kph or more	7
s 82A(1)	<i>Speeding while passing breakdown services vehicle</i>	
	Exceeding the speed limit while passing a breakdown services vehicle—	
	by less than 10 kph	2
	by 10 kph or more but less than 20 kph	3
	by 20 kph or more but less than 30 kph	5
	by 30 kph or more	7
s 83(1)(a)	<i>Speeding in emergency service speed zone</i>	
	Exceeding 25 kph in an emergency service speed zone—	
	by less than 10 kph	2
	by 10 kph or more but less than 20 kph	3

Section	Description of offence against <i>Road Traffic Act 1961</i>	Demerit points
	by 20 kph or more but less than 30 kph	5
	by 30 kph or more	7
s 83(1)(b)	<i>Speeding in emergency service speed zone</i>	
	Exceeding lesser speed required to avoid endangering any person while driving through emergency service speed zone	3
s 110	<i>Failing to keep whole of vehicle on sealed surface when driving on sealed road</i>	3
s 145(6)	<i>Contravention of terms of defect notice</i>	
	Contravention comprising driving contrary to terms of defect notice	3

5—Offences against *Australian Road Rules*

Rule	Description of offence against <i>Australian Road Rules</i>	Demerit points
20	<i>Speeding</i>	
	Exceeding applicable speed limit on length of road—	
	by less than 10 kph	2
	by 10 kph or more but less than 20 kph	3
	by 20 kph or more but less than 30 kph	5
	by 30 kph or more	7
28(1A)	<i>Failing to use slip lane when starting left turn on multi-lane road</i>	2
28(2A)	<i>Bicycle rider starting left turn on multi-lane road from incorrect position in bicycle storage area</i>	2
32(2A)	<i>Bicycle rider starting right turn on multi-lane road from incorrect position in bicycle storage area</i>	2
43	<i>Making a U-turn at children's crossing, level crossing, marked foot crossing or pedestrian crossing without a U-turn permitted sign</i>	2
43A	<i>Making a U-turn at a place with traffic lights where road and road-related area intersect without a U-turn permitted sign</i>	2
46(4)	<i>Failing to stop giving left change of direction signal after turning left</i>	2
48(4)	<i>Failing to stop giving right change of direction signal after turning right</i>	2
51	<i>Using direction indicator lights when not permitted</i>	2
57(3)	<i>Failing to leave intersection showing yellow traffic light or arrow</i>	3
60A(1)	<i>Proceeding through bicycle storage area before red traffic light</i>	3
60A(2)	<i>Proceeding through bicycle storage area before red traffic arrow</i>	3
61(5)	<i>Failing to leave intersection when traffic lights or arrows change to yellow or red</i>	3
92(1)	<i>Failing to drive in direction indicated by traffic lane arrows</i>	3
95(1)	<i>Driving in emergency stopping lane</i>	3

Rule	Description of offence against <i>Australian Road Rules</i>	Demerit points
96(1)	<i>Stopping on area of road marked with keep clear marking</i>	3
97(1)	<i>Driving on length of road where "road access" sign applies</i>	3
98(1)	<i>Driving in wrong direction on length of road where "one-way" sign applies</i>	3
99(1)	<i>Failing to drive to left of "keep left" sign</i>	3
99(2)	<i>Failing to drive to right of "keep right" sign</i>	3
100	<i>Driving past "no entry" sign</i>	3
101A(1)	<i>Driving on safety ramp or arrester bed</i>	3
102(1)	<i>Driving past "clearance" or "low clearance" sign</i>	3
103(1)	<i>Driving past "bridge load limit (gross mass)" or "gross load limit" sign—vehicle exceeding gross mass indicated by sign</i>	3
103(2)	<i>Driving past "bridge load limit (mass per axle group)" sign—vehicle axle group carrying mass exceeding mass indicated by sign</i>	3
104(1)	<i>Driving past "no trucks" sign—vehicle GVM exceeding permitted mass</i>	3
104(2)	<i>Driving truck past "no trucks" sign—vehicle or combination exceeding permitted length</i>	3
104(3)	<i>Driving truck past "no trucks" sign where no mass or length indicated</i>	3
105	<i>Failing to enter area indicated by "trucks must enter" sign</i>	3
106(1)	<i>Driving bus past "no buses" sign—bus exceeding mass indicated by sign</i>	3
106(2)	<i>Driving bus past "no buses" sign—bus exceeding length indicated by sign</i>	3
106(3)	<i>Driving bus past "no buses sign" where no mass or length indicated</i>	3
107	<i>Failing to enter area indicated by "buses must enter" sign</i>	3
108(1)	<i>Failing to drive truck or bus in low gear on length of road where "trucks and buses low gear" sign applies</i>	3
111(1)	<i>Failing to enter roundabout from multi-lane road or road with 2 or more lines of traffic travelling in same direction correctly</i>	3
116	<i>Failing to obey traffic lane arrows when driving in or leaving roundabout</i>	3
118(2)	<i>Failing to stop left change of direction signal after leaving roundabout</i>	2
119	<i>Failing to give way by rider of bicycle or animal to vehicle leaving roundabout</i>	3
124	<i>Failing to leave level crossing as soon as safe to do so</i>	3
128	<i>Entering blocked intersection</i>	3
128A(1)	<i>Entering blocked crossing</i>	3
132(2A)	<i>Making U-turn across certain dividing lines</i>	3
136	<i>Driving in wrong direction on one-way service road</i>	2
141(2)	<i>Bicycle rider overtaking to left of vehicle turning left</i>	2
145	<i>Increasing speed while being overtaken</i>	2
146(1)	<i>Failing to drive within single marked lane</i>	3
146(2)	<i>Failing to drive within single line of traffic</i>	3

Rule	Description of offence against <i>Australian Road Rules</i>	Demerit points
148A	<i>Failing to give way when diverging left or right within marked lane</i>	3
151(1)	<i>Riding motor bike or bicycle alongside more than 1 other rider on non multi-lane road</i>	3
151(2)	<i>Riding motor bike or bicycle alongside more than 1 other rider in marked lane</i>	3
151(4)	<i>Riding motor bike or bicycle more than 1.5 m from another rider</i>	3
151A(2)	<i>Rider of motor bike engaging in unlawful lane filtering</i>	3
155A(1)	<i>Driving in tramway</i>	3
247A(1)	<i>Bicycle rider failing to enter bicycle storage area correctly at intersection with red traffic light or arrow</i>	2
247B(1)	<i>Bicycle rider failing to give way when entering bicycle storage area</i>	3
247B(2)	<i>Bicycle rider in bicycle storage area on multi-lane road failing to give way to motor vehicles in certain lanes when traffic lights are green or yellow</i>	3
260(1)	<i>Bicycle rider crossing contrary to red bicycle crossing light</i>	3
261(1)	<i>Bicycle rider crossing contrary to yellow bicycle crossing light</i>	3
262(1)	<i>Bicycle rider crossing at an intersection or other place with bicycle crossing lights and traffic lights—failing to cross in accordance with rule</i>	3
265(1)	<i>Failing to wear approved seatbelt, and be seated, in accordance with rule—passenger 16 years old, or older</i>	3
265(3)	<i>Failing to ensure passengers 16 years old or older are wearing approved seatbelts, and are seated, in accordance with rule—</i>	
	failure in relation to 1 such passenger	3
	failure in relation to more than 1 such passenger	5
266(1)	<i>Failing to ensure passengers under 16 years old are restrained and seated in accordance with rule—</i>	
	driver who is a person referred to in section 98BI(1)(a)(i) or (ii) of the <i>Motor Vehicles Act 1959</i>	see clause 2
	all other drivers—	
	(a) failure in relation to 1 such passenger	3
	(b) failure in relation to more than 1 such passenger	5
268(1)	<i>Travelling in or on part of motor vehicle not designed primarily for carriage of passengers or goods</i>	3
268(2)	<i>Travelling in or on part of motor vehicle designed primarily for carriage of goods unless enclosed and seatbelt fitted</i>	3
268(3)	<i>Travelling in or on motor vehicle with part of body outside window or door</i>	3
268(4)	<i>Driving motor vehicle with part of passenger's body outside window or door</i>	3
268(4A)	<i>Driving motor vehicle with passenger in or on part of vehicle not designed primarily for carriage of passengers or goods</i>	3
268(4B)	<i>Driving motor vehicle with passenger in or on part of vehicle designed primarily for carriage of goods unless enclosed and seatbelt fitted</i>	3

Rule	Description of offence against <i>Australian Road Rules</i>	Demerit points
269(3)	<i>Creating hazard by opening door of vehicle, leaving door open etc</i>	3
270(2)	<i>Passenger on motor bike failing to wear helmet</i>	3
274	<i>Failing to stop for red T light—tram driver</i>	3
275	<i>Failing to stop for yellow T light—tram driver</i>	3
277	<i>Proceeding after stopping for red or yellow T light—tram driver</i>	3
279(2)	<i>Proceeding when white T light or white traffic arrow no longer showing—tram driver proceeding before entering intersection</i>	3
279(3)	<i>Proceeding when white T light or white traffic arrow no longer showing—tram driver failing to leave intersection</i>	3
287(1)	<i>Driver involved in crash failing to give required particulars</i>	3
288(1)	<i>Driving on path</i>	3
289(1)	<i>Driving on nature strip</i>	3
292(1)	<i>Driving or towing vehicle carrying insecure or overhanging load</i>	3
292A(1)	<i>Driving or towing vehicle carrying load without required load restraint system</i>	3
298	<i>Driving motor vehicle towing trailer with person in trailer</i>	3

6—Offences against *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*

Regulation	Description of offence against <i>Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014</i>	Demerit points
8(1)	<i>Speeding while driving road train</i> Exceeding prescribed speed limit (road trains)— by less than 10 kph by 10 kph or more but less than 20 kph by 20 kph or more but less than 30 kph by 30 kph or more	 2 3 5 7
8(2)	<i>Speeding while driving road train</i> Exceeding 40 kph speed limit— by less than 10 kph by 10 kph or more but less than 20 kph by 20 kph or more but less than 30 kph by 30 kph or more	 2 3 5 7
8A(1)	<i>Speeding while driving on beach</i> Exceeding a prescribed speed limit (beaches)— by less than 10 kph by 10 kph or more but less than 20 kph	 2 3

Regulation	Description of offence against <i>Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014</i>	Demerit points
	by 20 kph or more but less than 30 kph	5
	by 30 kph or more	7
11A(1)	<i>Driver of motor vehicle failing to pass rider of bicycle at a sufficient distance from the bicycle</i>	2
44(1)	<i>Learner or P1 driver using mobile phone while driving vehicle</i>	3

7—Offences against *Motor Vehicles Act 1959*

Section	Description of offence against <i>Motor Vehicles Act 1959</i>	Demerit points
75A(15)(a)	<i>Holder of learner's permit driving motor bike on road while no L plate affixed to bike in accordance with regulations</i>	2
75A(15)(b)	<i>Holder of learner's permit driving motor vehicle (other than motor bike) on road while L plates not affixed to vehicle in accordance with regulations</i>	
	no L plates affixed to vehicle in accordance with regulations	2
75A(20)	<i>Holder of prescribed learner's permit driving motor bike between midnight and 5.00 a.m.</i>	3
75A(24)	<i>Holder of learner's permit driving motor bike on road carrying person on motor bike</i>	3
75A(25)	<i>Holder of learner's permit driving motor bike on road towing vehicle by use of motor bike</i>	3
75B(1)	<i>Holder of a restricted motor bike learner's permit driving motor bike on road (other than in prescribed circumstances)</i>	3
81A(13)	<i>Holder of P1 or P2 licence under the age of 25 years driving high powered vehicle</i>	3
81A(15)(a)	<i>Holder of P1 licence driving motor bike on road while no P plate affixed to bike in accordance with regulations</i>	2
81A(15)(b)	<i>Holder of P1 licence driving motor vehicle (other than motor bike) on road while P plates not affixed to vehicle in accordance with regulations</i>	
	no P plates affixed to vehicle in accordance with regulations	2
81A(16)	<i>Holder of P1 licence under the age of 25 years driving between midnight and 5.00 a.m. without being accompanied by a person acting as qualified supervising driver</i>	3
81A(18)	<i>Holder of P1 licence under the age of 25 years driving with 2 or more peer passengers in the vehicle without carrying person acting as qualified supervising driver</i>	3
81AC(3)	<i>Contravening condition of prescribed motor bike licence referred to in section 81AC(2) of Act</i>	4

8—Offences against *Heavy Vehicle National Law (South Australia)*

Section	Description of offence against <i>Heavy Vehicle National Law (South Australia)</i>	Demerit points
529	<i>Using or permitting the use of heavy vehicle in contravention of a vehicle defect notice</i>	
	Using heavy vehicle in contravention of a major defect notice or minor defect notice	3

Schedule 5—Expiation Fees**1—Offences against *Motor Vehicles Act 1959***

Section	Description of offence against <i>Motor Vehicles Act 1959</i>	Fee
9(1)	<i>Driving unregistered motor vehicle on road or causing unregistered motor vehicle to stand on road</i>	\$486
9(3)	<i>Being owner of unregistered motor vehicle driven or found standing on road</i>	\$486
16(9)	<i>Driving motor vehicle without carrying permit under section 16 of Act</i>	\$170
16(11)	<i>Contravening condition of permit under section 16 of Act</i>	\$140
43A(3)	<i>Causing or permitting unregistered heavy vehicle to be driven on road</i>	\$486
43A(7)	<i>Failing to carry temporary configuration certificate in vehicle or to produce it for inspection by police officer or authorised officer</i>	\$68
47(1)	<i>Driving, or causing to stand, motor vehicle not bearing number plates</i>	\$857
47(1a)	<i>Being registered owner or registered operator of motor vehicle driven, or caused to stand, in contravention of section 47(1) of Act</i>	\$857
47A(7)	<i>Driving motor vehicle to which is attached number plates in respect of which a declaration under section 47A(2) of Act has been made without relevant agreement under section 47A(4)</i>	\$857
47B(2)	<i>Selling or supplying number plates without approval of Minister</i>	\$857
47C(3)	<i>Failing to comply with direction of Registrar under section 47C(2) of Act</i>	\$389
47D(1)(a)	<i>Driving, or causing to stand, motor vehicle to which is attached number plate bearing number other than number allotted to vehicle</i>	\$857
47D(1)(b)	<i>Driving, or causing to stand, motor vehicle to which is attached number plate altered, defaced, mutilated or added to</i>	\$857
47D(1)(c)	<i>Driving, or causing to stand, motor vehicle to which is attached colourable imitation of number plate</i>	\$857

Section	Description of offence against <i>Motor Vehicles Act 1959</i>	Fee
47D(1)(d)	<i>Without lawful excuse, having in possession number plate or article resembling number plate</i>	\$857
47D(2)	<i>Being registered owner or registered operator of motor vehicle driven, or caused to stand, in contravention of section 47D(1)(a), (b) or (c) of Act</i>	\$857
56	<i>Failing to comply with requirements of section on transfer of ownership of motor vehicle—</i>	
	failing to lodge notice of transfer of ownership of motor vehicle within 14 days after transfer in accordance with section 56(b)(ii) where application for cancellation of registration has not been made in accordance with section 56(a)	\$324
66(2)	<i>If motor vehicle to which trade plates are affixed is driven other than for a prescribed purpose stated in application for issue of the plates, being driver or person to whom plates were issued</i>	\$166
71B(2)	<i>Failure by person to whom replacement number plate, trade plate or prescribed document issued to return found or recovered original plate or document to Registrar</i>	\$166
72A(2)	<i>Acting as qualified supervising driver while having prescribed concentration of alcohol in blood or prescribed drug in oral fluid or blood</i>	\$338
74(1)	<i>Driving motor vehicle without currently holding appropriate licence or learner's permit</i>	\$587
75A(14)	<i>Contravening condition of learner's permit</i>	\$441
75A(15)(a)	<i>Holder of learner's permit driving motor bike on road while no L plate affixed to bike in accordance with regulations</i>	\$441
75A(15)(b)	<i>Holder of learner's permit driving motor vehicle (other than motor bike) on road while L plates not affixed to vehicle in accordance with regulations—</i>	
	only 1 L plate affixed to vehicle in accordance with regulations	\$256
	no L plates affixed to vehicle in accordance with regulations	\$441
75A(20)	<i>Holder of prescribed learner's permit driving motor bike between midnight and 5.00 a.m.</i>	\$441
75A(24)	<i>Holder of learner's permit driving motor bike on road carrying person on motor bike</i>	\$441
75A(25)	<i>Holder of learner's permit driving motor bike on road towing vehicle by use of motor bike</i>	\$441
75B(1)	<i>Holder of restricted motor bike learner's permit driving motor bike on road (other than in prescribed circumstances)</i>	\$441
81(4)	<i>Contravening condition endorsed on licence or permit under section 81 of Act</i>	\$452
81A(9)	<i>Contravening condition of provisional licence</i>	\$441

Section	Description of offence against <i>Motor Vehicles Act 1959</i>	Fee
81A(13)	<i>Holder of P1 or P2 licence under the age of 25 years driving high powered vehicle</i>	\$441
81A(15)(a)	<i>Holder of P1 licence driving motor bike on road while no P plate affixed to bike in accordance with regulations</i>	\$441
81A(15)(b)	<i>Holder of P1 licence driving motor vehicle (other than motor bike) on road while P plates not affixed to vehicle in accordance with regulations—</i>	
	only 1 P plate affixed to vehicle in accordance with regulations	\$256
	no P plates affixed to vehicle in accordance with regulations	\$441
81A(16)	<i>Holder of P1 licence under the age of 25 years driving between midnight and 5.00 a.m. without being accompanied by a person acting as qualified supervising driver</i>	\$441
81A(18)	<i>Holder of P1 licence under the age of 25 years driving with 2 or more peer passengers in the vehicle without carrying person acting as qualified supervising driver</i>	\$441
81AB(5)	<i>Contravening condition of probationary licence</i>	\$452
81AC(3)	<i>Contravening condition of prescribed motor bike licence referred to in section 81AC(2) of Act</i>	\$875
81B(3)	<i>Failing to comply with requirement made by Registrar</i>	
	failure to attend lecture	\$144
96(1)	<i>Failing to produce licence or learner's permit on request of police officer</i>	\$241
97A(3)	<i>Failing to carry or produce licence while driving under section 97A of Act</i>	\$241
98AAA(1)	<i>Failing to carry or produce licence while driving heavy vehicle</i>	\$241
98AAB	<i>Failing to carry or produce probationary licence, provisional licence or learner's permit while driving</i>	\$241
102(1)	<i>Driving uninsured motor vehicle on road or causing uninsured motor vehicle to stand on road</i>	\$897
102(2)	<i>Being owner of uninsured motor vehicle driven or found standing on road</i>	\$897
136(1)	<i>Failing to notify Registrar of change of name or residence of natural person who is registered owner or registered operator of motor vehicle or holds licence or learner's permit</i>	\$238
136(2)	<i>Failing to notify Registrar of change of name or principal place of business of natural person who holds trade plates</i>	\$238
136(2a)	<i>Failing to notify Registrar of change of principal place of business of body corporate that is registered owner or registered operator of motor vehicle or holds trade plates</i>	\$238
136(2b)	<i>Failing to notify Registrar of change of garage address of motor vehicle</i>	\$238

Section	Description of offence against <i>Motor Vehicles Act 1959</i>	Fee
136(2c)	<i>Failing to notify Registrar of change of registered operator of motor vehicle</i>	\$238
136(2d)	<i>Failing to notify Registrar of change of postal address</i>	\$238
143(1)	<i>Causing or permitting another person to do or omit to do anything in contravention of Act or regulations</i>	
	causing or permitting commission of expiable offence	the expiation fee prescribed for the expiable offence

2—Offences against these regulations

Regulation	Description of offence against these regulations	Fee
44(1)	<i>Driving motor vehicle on road while number plate or trade plate obscured or distorted by device or substance</i>	\$587
44(4)	<i>Driving motor vehicle on road while number plate on bike rack obscured or distorted by device or substance</i>	\$587
75	<i>Failing to carry or produce certificate of exemption while driving a high powered vehicle</i>	\$263
97(7)	<i>Contravening or failing to comply with requirements of regulation concerning written-off vehicle notices or notification</i>	
	alleged offence not committed in the course of a trade or business	\$392
98(1)	<i>Driving written-off vehicle to or from place other than place specified in regulation</i>	
	alleged offence not committed in the course of a trade or business	\$392

Schedule 6—Repeal and transitional provisions

Part 1—Repeal of *Motor Vehicles Regulations 2010*

1—Repeal of regulations

The *Motor Vehicles Regulations 2010* are repealed.

Part 2—Transitional provisions

2—Transitional provisions relating to determinations, etc

- (1) A determination, declaration, approval, authorisation or instrument in writing, or a requirement, direction or notice, made, given or continued in force under or for the purposes of the repealed regulations that is in force immediately before the commencement of these regulations continues in force as a determination, declaration, approval, authorisation or instrument in writing, or requirement, direction or notice, given or made under or for the purposes of any corresponding provision of these regulations, subject to—
 - (a) the conditions (if any) of the determination, declaration, approval, authorisation instrument in writing, requirement, direction or notice; and

- (b) amendment or repeal under these regulations.
- (2) An exemption from a provision of the repealed regulations that is in force immediately before the commencement of these regulations continues in force as an exemption from the corresponding provision of these regulations, subject to—
 - (a) the conditions (if any) of the exemption; and
 - (b) amendment or repeal under these regulations.
- (3) In this clause—

repealed regulations means the *Motor Vehicles Regulations 2010*.

3—Transitional provision relating to *Motor Vehicles (Motor Bike Driver Licensing) Amendment Regulations 2024*

- (1) This clause applies to a person who successfully completed the basic motor bike training course before the commencement of the *Motor Vehicles (Motor Bike Driver Licensing) Amendment Regulations 2024* but who has not been issued with a learner's permit authorising the driving of a motor bike.
- (2) However, this clause ceases to apply to a person if, on the expiration of 12 months from the day on which the person completed the basic motor bike training course, the person has not applied for a learner's permit authorising the driving of a motor bike (and, to avoid doubt, in such circumstances these regulations will apply in relation to any subsequent application by the person for a learner's permit or licence authorising the driving of a motor bike).
- (3) Regulation 52 does not apply to a person to whom this clause applies and instead, for the purposes of section 75A(2)(a)(v) of the Act, the basic motor bike training course is prescribed.
- (4) To avoid doubt any learner's permit authorising the driving of a motor bike issued to a person in accordance with this clause will be taken to have satisfied the requirements of these regulations.
- (5) In this clause—

basic motor bike training course means the motor bike driver training that was conducted by the Transport Department relating to basic motor bike control skills that involves basic braking, cornering, gear shifting, bike control theory, traffic skills and a practical skills assessment immediately prior to the commencement of the *Motor Vehicles (Motor Bike Driver Licensing) Amendment Regulations 2024*.

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 14 August 2025

No 88 of 2025

South Australia

Mental Health Regulations 2025

under the *Mental Health Act 2009*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Statement of rights (sections 9, 12, 23, 27, 37 and 46 of Act)
- 5 Notification to Commissioner of Police of action taken under Act (section 57(10) of Act)
- 6 Arrangements between South Australia and other jurisdictions (Part 10 of Act)
- 7 Scale of legal practitioner fees (section 84(3) of Act)

Schedule 1—Repeal of *Mental Health Regulations 2010*

1—Short title

These regulations may be cited as the *Mental Health Regulations 2025*.

2—Commencement

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

3—Interpretation

In these regulations—

Act means the *Mental Health Act 2009*.

4—Statement of rights (sections 9, 12, 23, 27, 37 and 46 of Act)

- (1) A statement of rights given under section 9 of the Act to a voluntary patient must contain—
 - (a) an explanation of the circumstances in which a community treatment order or an inpatient treatment order may be made; and
 - (b) an explanation of the effect of Part 6 of the Act; and
 - (c) an explanation of the effect of section 106 of the Act; and
 - (d) any other information required to be included by the Minister.
- (2) A statement of rights given under section 12 of the Act to a patient as soon as practicable after the making of a level 1 community treatment order must contain—
 - (a) an explanation of the circumstances in which an inpatient treatment order may be made; and
 - (b) an explanation of the effect of section 106 of the Act; and
 - (c) any other information required to be included by the Minister.
- (3) A statement of rights given under section 23 of the Act to a patient as soon as practicable after the making of a level 1 inpatient treatment order must contain—
 - (a) an explanation of the powers that may be exercised in relation to the patient if the patient is absent without leave; and

- (b) an explanation of the effect of section 106 of the Act; and
 - (c) any other information required to be included by the Minister.
- (4) A statement of rights given under section 27 of the Act to a patient as soon as practicable after the making of a level 2 inpatient treatment order must contain—
 - (a) an explanation of the powers that may be exercised in relation to the patient if the patient is absent without leave; and
 - (b) an explanation of the effect of Part 6 of the Act; and
 - (c) an explanation of the effect of section 106 of the Act; and
 - (d) any other information required to be included by the Minister.
- (5) A statement of rights given under section 37 of the Act to an involuntary inpatient before commencing a leave of absence must contain—
 - (a) an explanation of the effect of section 38 of the Act; and
 - (b) an explanation of the powers that may be exercised in relation to the patient if the patient is absent without leave; and
 - (c) any other information required to be included by the Minister.
- (6) A statement of rights given under section 46 of the Act to a patient as soon as practicable after the making by the Tribunal of an order or decision under the Act in respect of the patient must contain information required to be included by the Minister.

5—Notification to Commissioner of Police of action taken under Act (section 57(10) of Act)

Notification under section 57(10) of the Act to the Commissioner of Police of action taken under the Act in relation to a person who has been arrested for an offence and released from police custody for the purpose of medical examination or treatment under the Act must be given as soon as practicable after the action is taken in accordance with the following requirements:

- (a) if a community treatment order is made in respect of the person as a result of the examination—the notification must include details of the type of order and its duration;
- (b) if an inpatient treatment order is made in respect of the person as a result of the examination or before the expiry of such an order made as a result of the examination—the notification must include details of the type of order and its duration and specify the treatment centre at which the person is an involuntary inpatient;
- (c) if the person is subsequently transferred to another treatment centre—the notification must specify the treatment centre to which the person is transferred.

6—Arrangements between South Australia and other jurisdictions (Part 10 of Act)

For the purposes of paragraph (b) of the definition of *corresponding law* in section 61 of the Act, the following are declared to be corresponding laws:

- (a) the *Mental Health and Related Services Act 1998* of the Northern Territory;
- (b) the *Mental Health Act 2007* of New South Wales;

- (c) the *Mental Health and Wellbeing Act 2022* of Victoria;
- (d) the *Mental Health Act 2015* of the Australian Capital Territory;
- (e) the *Mental Health Act 2016* of Queensland;
- (f) the *Mental Health Act 2013* of Tasmania;
- (g) the *Mental Health Act 2014* of Western Australia.

7—Scale of legal practitioner fees (section 84(3) of Act)

A legal practitioner (not being an employee of the Crown or a statutory authority) who represents a person under section 84 of the Act is entitled to receive fees for their services from the Minister in accordance with the scale prescribed by fee notice.

Schedule 1—Repeal of *Mental Health Regulations 2010*

The *Mental Health Regulations 2010* are repealed.

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 14 August 2025

No 89 of 2025

South Australia

Retirement Villages (Miscellaneous) Amendment Regulations 2025

under the *Retirement Villages Act 2016*

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 - 5 Amendment of regulation 6—Disclosure statement (section 21 of Act)
 - 6 Insertion of regulations 6A, 6B and 6C
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 - 6B Premises condition report
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 - 10 Amendment of regulation 10—Standards and principles for financial information (sections 33 and 40 of Act)
 - 11 Amendment of regulation 11—Meetings of residents (section 33 of Act)
 - 12 Amendment of regulation 12—Residents' committees (section 38 of Act)
 - 13 Amendment of regulation 15—Residence rules
 - 14 Substitution of regulation 16
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 - 15 Amendment of regulation 17—Remarketing policy
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 - 18 Insertion of regulations 19A, 19B, 19C, 19D and 19E
 - 19A Consent to lease of land in retirement village
 - 19B Termination of retirement village scheme on application to Supreme Court
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- Schedule 2—Form of disclosure statement
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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Retirement Villages (Miscellaneous) Amendment Regulations 2025*.

2—Commencement

These regulations come into operation on the day on which section 14 of the *Retirement Villages (Miscellaneous) Amendment Act 2024* comes into operation.

Part 2—Amendment of *Retirement Villages Regulations 2017*

3—Amendment of regulation 4—Payments excluded from definition of ingoing contribution

- (1) Regulation 4(e)—delete "*Aged Care Act 1997*" and substitute:

Aged Care Act 2024

- (2) Regulation 4(f)—after "section 57" insert:

or 57A

4—Amendment of regulation 5—Residence contracts (section 20 of Act)

- (1) Regulation 5(1)(b)(ii)—delete "not less than 12 point type face" and substitute:

a font size of not less than 12 points

- (2) Regulation 5(2)—delete "section 20(2)(e) of the Act, the residence contract must include the following information in addition to the information required by section 20(2) of the Act" and substitute:

section 20(1)(e) of the Act, the following information is prescribed

- (3) Regulation 5(2)(e)—after "the facilities" insert:

provided or arranged by the operator

- (4) Regulation 5(2)(f)—delete "details of services available" and substitute:

details of services provided or arranged by the operator available

- (5) Regulation 5(2)(g)(ii)—after "payable by the resident" insert:

to the operator

- (6) Regulation 5(2)(j)—delete paragraph (j)

5—Amendment of regulation 6—Disclosure statement (section 21 of Act)

Regulation 6—after "must" insert:

include the information and

6—Insertion of regulations 6A, 6B and 6C

After regulation 6 insert:

6A—Information to be provided before residence contract entered into

For the purposes of section 22(1)(g) of the Act, the written dispute resolution policy required to be kept by the operator under section 45 of the Act is prescribed.

6B—Premises condition report

- (1) For the purposes of section 23(1)(c) of the Act, a premises condition report for a residence must include the following information:
 - (a) who is responsible under the residence contract at the end of the contract for reinstating the residence to the same condition as when the resident first entered into occupation;
 - (b) who is responsible under the residence contract at the end of the contract for any work to improve the residence in excess of that required to reinstate the premises to the condition it was when the resident first entered into occupation;
 - (c) if, at the time of the provision of the report by the operator, the operator intends to undertake improvements or repairs to the residence, a description of the intended work to be undertaken and an estimated completion date;
 - (d) that a dispute in relation to the premises condition report must be resolved in accordance with the village dispute resolution policy unless the resident, at the time of the dispute, agrees to take steps to resolve the dispute otherwise than in accordance with the dispute resolution policy.
- (2) For the purposes of section 23(2) of the Act, a premises condition report must—
 - (a) clearly identify the residence that is the subject of the report; and
 - (b) use text printed in a font size of not less than 12 points (except where the text forms part of a graphic image such as a map or diagram); and
 - (c) display clearly the contents of any photographs, diagrams or other graphics that are included in the report; and
 - (d) be provided in hard copy or electronic format; and
 - (e) include in bold font at the front of the report the following statement:

A resident who fails to return a completed report to the operator within 10 business days of entering into occupation of the residence, in this case being *[insert deadline]*, is taken to have agreed to the premises condition report as provided to the resident by the operator (see section 23 of the Act).

(which must include the date that is the deadline for the return of the completed report by the resident); and

 - (f) include provision for the person entering into occupation of the residence to agree or disagree with the information completed by the operator; and
 - (g) make provision for the inclusion of any subsequent agreement signed by the operator and the person entering into occupation of the residence in the event that there is disagreement about the initial report; and

Example—

A subsequent agreement may be included within the premises condition report or as a separate document attached to the premises condition report.

- (h) state the date, or dates, on which the inspection was carried out by the operator and by the resident; and
- (i) be signed by, or on behalf of—
 - (i) the operator; and
 - (ii) the person who enters into occupation of the residence (unless it is not reasonably practicable to do so).
- (3) On receipt of a completed premises condition report from a resident pursuant to section 23(3) of the Act, the operator of a retirement village must—
 - (a) provide a copy of the completed report to the resident within 10 business days; and
 - (b) retain the completed report until payment of the resident's exit entitlement (if any) is paid in full.
- (4) The operator of a retirement village must, on the written request of a resident, provide a copy of the completed premises condition report to the resident within 10 business days of the request.

6C—Vacated premises report

- (1) The operator of a retirement village must, not more than 10 business days after a person ceases to reside in a residence in a retirement village, complete a vacated premises report providing detailed information about the condition of the fixtures, fittings and furnishings provided in the residence.
- (2) The operator of a retirement village must—
 - (a) provide a copy of the completed vacated premises report to the former resident; and
 - (b) allow a reasonable period for the former resident to indicate whether they disagree with the report.
- (3) The vacated premises report must—
 - (a) clearly identify the residence that is the subject of the report; and
 - (b) use text printed in a font size of not less than 12 points (except where the text forms part of a graphic image such as a map or diagram); and
 - (c) display clearly the contents of any photographs, diagrams or other graphics that are included in the report; and
 - (d) be provided in hard copy or electronic format; and
 - (e) include provision for the former resident to agree or disagree with the information completed by the operator; and

- (f) make provision for the inclusion of any subsequent agreement signed by the operator and the former resident in the event that there is disagreement about the initial report; and

Example—

A subsequent agreement may be included within the vacated premises report or as a separate document attached to the vacated premises report.

- (g) include a statement that disputes relating to the report must be resolved in accordance with the village dispute resolution policy unless the resident, at the time of the dispute, agrees to take steps to resolve the dispute otherwise than in accordance with the dispute resolution policy; and
 - (h) must be signed by, or on behalf of—
 - (i) the operator; and
 - (ii) if reasonably practicable, the former resident.
- (4) In the event of a dispute in relation to the content of a vacated premises report, the dispute is to be resolved in accordance with the dispute resolution policy for the retirement village unless the resident, at the time of the dispute, agrees to take steps to resolve the dispute otherwise than in accordance with the dispute resolution policy.
 - (5) A reference in this regulation to a **former resident** will be taken to include, as the case requires, the former resident's authorised representative or the executor or administrator of the former resident's estate.

7—Amendment of regulation 7—Exit entitlements (section 27 of Act)

Regulation 7(1) and (2)—delete subregulations (1) and (2) and substitute:

- (1) For the purposes of section 27(5)(d) of the Act, the prescribed period in relation to the payment of an exit entitlement for a vacated residence is the period—
 - (a) commencing on the first business day after vacant possession of the residence was delivered up; and
 - (b) ending 1 month before the exit entitlement becomes payable under section 27(2)(b) of the Act.

8—Amendment of regulation 8—Evidence required if resident leaves to enter residential aged care facility (section 30 of Act)

Regulation 8—delete "Secretary under the *Aged Care Act 1997*" and substitute:

System Governor under the *Aged Care Act 2024*

9—Repeal of regulation 9

Regulation 9—delete the regulation

10—Amendment of regulation 10—Standards and principles for financial information (sections 33 and 40 of Act)

Regulation 10(1)—delete "section 33(6)(a)" and substitute:

section 33(6)

11—Amendment of regulation 11—Meetings of residents (section 33 of Act)

Regulation 11(1)—delete "section 33(6)(a)(vi)" and substitute:

section 33(6)(c)

12—Amendment of regulation 12—Residents' committees (section 38 of Act)

(1) Regulation 12(4)(a)—delete "a residents' committee meeting" and substitute:

every meeting convened by the residents' committee

(2) Regulation 12(4)(b)—delete "residents' committee meeting" and substitute:

meeting convened by the residents' committee

(3) Regulation 12(5)—delete "residents' committee meeting" and substitute:

meeting convened by the residents' committee

13—Amendment of regulation 15—Residence rules

Regulation 15—after its present contents (now to be designated as subregulation (1)) insert:

(2) If the operator of a retirement village proposes to make an alteration to the residence rules for the village, the operator must undertake consultation with residents of the retirement village in accordance with subregulation (4) before making a decision to make the alteration.

(3) If an alteration to the residence rules for a retirement village is requested by notice in writing by—

- (a) the residents' committee for the village; or
- (b) at least 20% of residents in the village,

the operator of the village must—

- (c) before making a decision on the alteration, undertake consultation on the requested alteration with residents of the retirement village in accordance with subregulation (4); and
- (d) following that consultation, determine whether or not to make the alteration to the residence rules.

(4) For the purposes of undertaking consultation in relation to a proposed or requested alteration to residence rules, the operator must—

- (a) provide each residence with all relevant information about the proposed or requested alteration; and
- (b) allow a reasonable period for the residents to—
 - (i) consider the information provided; and
 - (ii) ask questions (and receive responses from the operator); and

- (iii) provide feedback; and
 - (c) consider all feedback provided by residents.
- (5) The operator must, following the consultation process in relation to a proposed or requested alteration to the residence rules, provide to the residents notice in writing of—
 - (a) a summary of the outcome of the consultation process; and
 - (b) the decision made by the operator, along with the reasons for the decision.

14—Substitution of regulation 16

Regulation 16—delete regulation 16 and substitute:

16—Safety information (section 43A of Act)

- (1) Pursuant to section 43A(4)(b) of the Act, the emergency plan for a retirement village must include—
 - (a) a list of the types of emergencies covered by the plan, including the following:
 - (i) fire;
 - (ii) floods and storms;
 - (iii) earthquakes;
 - (iv) significant power outages;
 - (v) natural disasters;
 - (b) the prescribed safety information for the village; and
 - (c) how residents are to be alerted in the event of an emergency; and
 - (d) the roles of the operator, staff and residents in relation to an emergency; and
 - (e) emergency contact information, including local emergency service organisations and key staff of the village; and
 - (f) consideration of any specific hazards relevant to the common areas of the village; and

Example—

Specific hazards may exist if a retirement village is in a bush-fire zone or on a flood plain, or where there are multi-level apartments that would require evacuation.

- (g) how communication will be maintained between the operator and residents in the village during and after an incident or emergency; and
 - (h) arrangements that are in place and available to assist residents who may have mobility, hearing or visual impairments; and

Example—

An evacuation point may be identified for residents who are unable to use stairs during an evacuation in an emergency.

- (i) processes to be followed after any incident or emergency, including—
 - (i) a review of the emergency plan and the prescribed safety information for the village; and
 - (ii) the communication to residents of the village of the outcomes of the review under subparagraph (i).
- (2) The operator of a retirement village must ensure that the emergency plan for the retirement village is reviewed—
 - (a) at least once in a calendar year; and
 - (b) following any significant change to the retirement village scheme or to premises or land at the retirement village; and
 - (c) following an emergency of a type covered by the plan.
- (3) Pursuant to section 43A(4)(c) of the Act, safety inspections of common areas under section 43A(2)(c) of the Act must be conducted—
 - (a) at least once in a calendar year; and
 - (b) following any significant change to the retirement village scheme or to premises or land at the retirement village; and
 - (c) following an emergency of a type covered by the emergency plan for the retirement village.
- (4) Pursuant to section 43A(4)(e) of the Act, prescribed safety information must be displayed in communal areas of a retirement village (if any) in such a location and manner that it may be readily accessed and viewed by residents and visitors to the village.
- (5) For the purposes of section 43A of the Act, prescribed safety information and the emergency plan for a retirement village must—
 - (a) be written in plain English format; and
 - (b) use text printed in a font size of not less than 12 points (except where the text forms part of a graphic image such as a map or diagram); and
 - (c) be provided to each residence of the village within 10 business days of being published (including on the publication of each subsequent update); and
 - (d) on request by a resident of the village, be provided free of charge to the resident within 10 business days of the request being made.

15—Amendment of regulation 17—Remarketing policy

- (1) Regulation 17(1)—delete "The operator's" and substitute:

Subject to this regulation, the operator's

- (2) Regulation 17(1)(a)—delete "under section 27(3) of the Act"
- (3) Regulation 17(1)(g)—delete ", and the extent to which the resident may or will assume responsibility for any aspect of the remarketing process in accordance with regulation 9"

- (4) Regulation 17(1)(h)—delete paragraph (h)
- (5) Regulation 17(1)(i)(ii)—delete "inquires about the sale of the residence received by the operator" and substitute:

inquiries received by the operator about the sale of the residence or sale of the right to reside in the residence (as the case requires)
- (6) Regulation 17(1)(i)(iv)—delete "for sale in the retirement village" and substitute:

in the retirement village for sale or for which the right to reside in the residence is for sale (as the case requires)
- (7) Regulation 17—after subregulation (2) insert:
 - (3) A remarketing policy applying in relation to a retirement village may make different provision according to the classes of residences in the village, or the matters or circumstances, to which it is expressed to apply.
 - (4) A remarketing policy may specify provisions of the policy (including a provision imposed under subregulation (1)) that will not apply in relation to a residence if—
 - (a) the residence contract for the residence provides that—
 - (i) no exit entitlement is payable to the resident; or
 - (ii) the exit entitlement, or any part of the exit entitlement, of the resident is not contingent on the sale of the right to reside in the residence; or
 - (iii) the sale of the right to reside in the residence will occur as specified in the contract and without going to market; or
 - (b) other circumstances of a kind determined by the Registrar exist in relation to the residence.

16—Insertion of regulation 17A

After regulation 17 insert:

17A—Provision of payee details

For the purposes of sections 24(5b) and 27(18) of the Act, payee details must be provided to the operator in writing and must include—

- (a) the resident's name, residential address and contact details; and
- (b) all necessary banking information for the operator to make the payment (such as, if payment is to be made by electronic funds transfer, the account name, account number and BSB number for the account into which payment will be made); and
- (c) any other information reasonably required by the operator to enable the payment to be made.

17—Amendment of regulation 18—Dispute resolution policy (section 45 of Act)

- (1) Regulation 18(a)—delete paragraph (a)

- (2) Regulation 18(b)—after "resident" insert:
 , including how and to whom (which may be a specified person or the person for the time being holding or acting in a specified position at the retirement village) the complaint must be submitted
- (3) Regulation 18(c)—delete "including that an operator will respond within a time that must be specified in the dispute resolution policy" and substitute:
 including the time within which—
 (i) an acknowledgement of the complaint will be given to the resident; and
 (ii) the operator will respond to substance of the complaint;
- (4) Regulation 18(d)—after "another resident" insert:
 and the circumstances and manner in which the operator may provide assistance in the resolution of the dispute
- (5) Regulation 18(j)—after "that variation" insert:
 (other than a variation that is necessary to comply with any Act or law, such as an update as to whom a complaint must be submitted)
- (6) Regulation 18—after its present contents as amended by this regulation (now to be designated as subregulation (1)) insert:
 (2) The operator of a retirement village must, on making a variation to the dispute resolution policy for the village and whether the variation required the agreement of a majority of residents or not, provide to each residence of the village notice in writing of the variation.

18—Insertion of regulations 19A, 19B, 19C, 19D and 19E

After regulation 19 insert:

19A—Consent to lease of land in retirement village

- (1) For the purposes of sections 57(2) and 57A(2) of the Act, the consent of a former resident must be—
 (a) provided in writing; and
 (b) informed consent.
- (2) In subregulation (1), consent is ***informed consent*** if it is provided after the operator has—
 (a) provided to the former resident (or their representative) detailed information in writing about the proposed lease or licence (as the case requires); and
 (b) allowed a reasonable period (which must be not less than 10 business days) within which the former resident (or their representative) may ask questions about the proposal; and
 (c) answered in writing any questions the former resident (or their representative) has asked the operator in response to the proposal.

19B—Termination of retirement village scheme on application to Supreme Court

For the purposes of section 58(2b), the following information is prescribed:

- (a) a map showing the land that is the subject of the proposed termination;
- (b) the reasons for the proposed termination and the proposed future use of the land that will be removed from the retirement village scheme;
- (c) the implementation plan and timing for the proposed termination (including the consultation process and the timing for providing questions and comments);
- (d) any reasonably foreseeable effects on the residences in the retirement village and village amenity (for individual residents and the village generally);
- (e) the process and manner in which a resident may submit questions, comments or requests for further information in relation to the notice.

19C—Termination of part of retirement village scheme on application to Minister

- (1) For the purposes of section 59A(3)(a), the following information is prescribed:

- (a) a map showing the land that is the subject of the proposed termination;
- (b) the reasons for the proposed termination and the proposed future use of the land that will be removed from the retirement village scheme;
- (c) the implementation plan and timing for the proposed termination (including the consultation process and the timing for providing questions and comments);
- (d) any reasonably foreseeable effects on the residences in the retirement village and village amenity (for individual residents and the village generally);
- (e) the process and manner in which a resident may submit questions, comments or requests for further information in relation to the notice.

- (2) For the purposes of section 59A(4)(d), the following information must be submitted with an application under section 59A(1) of the Act:

- (a) a map showing the land that is the subject of the proposed termination;
- (b) the reasons for the proposed termination and the proposed future use of the land that will be removed from the retirement village scheme;

- (c) a description of the consultation process that was undertaken under section 59A(3) of the Act and the outcomes of that consultation (including any reasons provided by any residents in opposing the proposed termination);
- (d) any reasonably foreseeable effects on the residences in the retirement village and village amenity (for individual residents and the village generally);
- (e) contact details of the applicant.

19D—Disqualified persons not to be involved in certain roles or functions at retirement village

- (1) For the purposes of section 60(2) and (3) of the Act, the following requirements apply for the purposes of an operator being satisfied that a person is not a disqualified person (within the meaning of section 60 of the Act):
 - (a) the person must provide to the operator—
 - (i) a criminal history report prepared by South Australia Police or the ACC (or an ACC accredited agency or broker) with respect to the person (being a report that is less than 6 months old); and
 - (ii) a statutory declaration from the person as to whether prescribed circumstances exist in relation to the person;
 - (b) the operator must have regard to the materials provided by the person under paragraph (a) in determining whether the person is a disqualified person under section 60 of the Act.
- (2) For the purposes of paragraph (d) in the definition of ***prescribed circumstances*** in section 60(6) of the Act, the following circumstances in relation to a person are prescribed:
 - (a) where a banning order under the *Aged Care Quality and Safety Act 2018* of the Commonwealth against the person is in force;
 - (b) where a banning order under the *National Disability Insurance Scheme Act 2013* of the Commonwealth against the person is in force.
- (3) In this regulation—

ACC means the Australian Crime Commission established under the *Australian Crime Commission Act 2002* of the Commonwealth.

19E—Unclaimed property

- (1) Subject to this regulation, if property is left at a residence in the village or elsewhere in the village after the resident has ceased to reside in the residence, the operator of the retirement village must—
 - (a) securely store the property and make it available for collection by the former resident; and

- (b) by notice in writing to the former resident request that the property be collected.
- (2) If an item of property (other than a personal document) has not been collected after 30 days following a request to collect the property made in accordance with subregulation (1)(b), the operator of the retirement village may—
 - (a) in relation to an item of property reasonably valued at less than \$100—give the item to a charitable organisation or otherwise dispose of it; or
 - (b) in any other case—sell the item.
- (3) If a personal document has not been collected after 30 days following a request to collect the document made in accordance with subregulation (1)(b), the operator of the retirement village must—
 - (a) forward the document to the former resident's forwarding address; or
 - (b) if the operator does not have a forwarding address, return the document to its place of origin (if any) or, if the document's place of origin cannot be found, dispose of it in a secure manner (unless disposal of the document is prohibited under another Act or law).
- (4) Despite any other provision of this regulation, an operator may, at any time after recovering vacant possession of a residence, remove from the premises and destroy or dispose of property left at the residence consisting of perishable goods or goods that would be unsafe or unhealthy to store.
- (5) An operator may charge a former resident the reasonable costs incurred by the operator in dealing with property in accordance with this regulation, and any other reasonable costs incurred by the operator as a result of the property being left at the residence, and those costs may be—
 - (a) deducted from any amount payable as the exit entitlement for the residence; or
 - (b) retained by the operator from any proceeds following the sale of the property.
- (6) An operator who sells property in accordance with this regulation must pay to the former resident the proceeds of the sale less any amount retained by the operator under subregulation (5)(b).
- (7) A notice for collection of property under subregulation (1)(b) must—
 - (a) identify the property; and
 - (b) specify where the property may be collected from; and
 - (c) specify the time period within which the property must be collected and that, if not collected, it may be sold or disposed of; and
 - (d) specify any costs applying in relation to the removal and storage of the property.

- (8) Nothing in this regulation prevents the operator and former resident from entering into an agreement in relation to dealing with unclaimed property of the former resident, in which case a provision of this regulation that is inconsistent with the agreement will not apply.
- (9) This regulation is in addition to, and does not derogate from, any other Act or law.

Example—

An operator may rely on the provisions of the *Unclaimed Goods Act 1987* to dispose of property left at a residence.

- (10) A reference in this regulation to a ***former resident*** will be taken to include, as the case requires, the former resident's authorised representative or the executor or administrator of the former resident's estate.
- (11) In this regulation—
personal documents means official documents, photographs, correspondence or other documents that it would be reasonable to expect a person might wish to keep.

19—Amendment of regulation 20—Offence

- (1) Regulation 20, expiation fee—delete "\$210" and substitute:
\$315
- (2) Section 20—after its present contents (now to be designated as subregulation (1)) insert:
 - (2) This regulation does not apply in relation to Schedule 1.

Note—

It is an offence under section 63 of the Act for an operator, village manager, senior manager or any other person employed or engaged to work at a retirement village to breach a code of conduct under Schedule 1.

20—Substitution of Schedule 2

Schedule 2—delete the Schedule and substitute:

Schedule 2—Form of disclosure statement

Form—*Retirement Villages Act 2016*

Note—

- (i) *the disclosure statement is not a replacement for the residence contract but is intended only as a summary of certain information contained in the contract; and*
- (ii) *the estimated exit entitlements and exit fees included in this statement are estimates only and are subject to change depending on circumstances prevailing at the relevant time in the future, such as the amount of a new ingoing contribution; and*
- (iii) *prospective residents must ensure that they understand the terms of the residence contract; and*
- (iv) *it is recommended that prospective residents seek legal and financial advice in relation to the residence contract.*

Name of operator:*[insert name]*

Name and address of retirement village:*[insert name and location of the retirement village]*

Name of prospective resident:*[insert name of prospective resident or residents]*

Note—

[An operator may omit this note from the disclosure statement if it is not applicable] If a resident who is the sole signatory to a residence contract dies, the right to occupy the residence cannot be passed onto any other person (including the person's relatives and anyone living with the resident at the time of their death).

Description of residence:*[insert description of the particular residence to be occupied by the resident]*

Residence completion date:*[if residence is to be constructed or is under construction, insert anticipated completion date of the construction]*

Village composition:*[insert information about residents and types of occupancy]*

Insurance arrangements in place for the retirement village:*[insert name of insurer and type of insurance]*

Fees and charges prior to occupation

Ingoing contribution:*[include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Other fees and charges:*[include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Due on:*[insert date or dates on which fees and charges are due]*

Fees and charges during occupation

Recurrent charges:*[include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Fees and charges for additional or personal services and facilities:*[include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Other fees and charges under the contract:*[include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Utilities, services or facilities provided or available to residents in which the operator has an interest or in relation to which the operator would obtain a fee or reward:*[eg. electricity, Internet or telephone]*

Limitations or requirements that apply or will apply in relation to a resident's choice of provider for utilities, services and facilities: *[include a description of the utility, service or facility and the limitation or requirement]*

Other fees and charges relating to occupation of the residence for which the resident is responsible:*[eg. electricity, council rates, water or gas for which the resident is responsible, in addition to recurrent charges]*

Special levy: *[insert information about any existing special levy in place and payable by residents of the retirement village, including the purpose of the special levy, the amount and frequency of payments and the proposed date of final payment]*

Note—

At a future time a resident may be required to pay a fee, charge or other amount to the operator to enable the operator to recover an unforeseen expense of the retirement village (a special levy).

Major capital expenditure: *[insert information about any major capital item expenditure project in place or planned for the next 2 years, including the cost of the project and how it will be funded]*

Note—

In determining whether a project is a major capital item expenditure project, regard is to be had to the size, nature and gross revenue of the retirement village.

Fees and charges on vacating the retirement village

Manner of calculation of exit entitlement

Manner of calculation of amount from which exit fees will be deducted:

[eg. whether the repayment is based on the ingoing contribution, the ingoing contribution of the next resident or on some other basis, and whether the resident will share in any capital gain or loss]

Estimated exit entitlement at 2, 5 and 10 years: *[insert estimated exit entitlements and exit fees payable under the residence contract in the event that the right to occupation of the residence under the contract is terminated at 2 years, 5 years and 10 years after the contract is entered into, include the manner of calculation used]*

Fees and charges

Termination during settling-in period

Amount of fair market rent determined under section 44(5)(a) of the Act:*[insert amount]*

Any other fees or charges:*[include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Note—

Section 44(5) of the Act limits the fees and charges that may be charged following termination during the settling-in period.

Termination after settling-in period

Exit fees:*[including, for example, any deferred management fees, refurbishment costs and remarketing costs. Include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Any other fees or charges:*[including, for example, fees for which a resident remains responsible until after the resident ceases to reside in the retirement village. Include a description of the fee, the amount or manner of calculation of the fee and what is to be done with the fee]*

Note—

Exit fee means the amount of money that is, under a residence contract, payable by a resident of a retirement village on the resident ceasing to reside in the retirement village or on the sale of the resident's right to reside in the retirement village.

Timing of payment of exit entitlement

Timing of payment under residence contract:*[when a resident will be entitled to payment of an exit entitlement, eg. on relicensing of the residence, sale of the resident's right to reside in a residence at the retirement village or some other event]*

Note—

Section 30 of the Act provides that if a resident leaves to enter residential aged care, the resident may apply to the operator for daily accommodation payments to be made to the relevant aged care facility (up to a limit determined under the section), if the resident meets the requirements set out in that section. If this occurs, the operator may recover the amounts paid by deducting them from the exit entitlement.

Section 27 of the Act provides for the circumstances in which a resident may recover the amount of an exit entitlement as a debt from the operator, including if a period of 12 months has elapsed (following the relevant period) since the resident has ceased to reside in the retirement village.

Acknowledgement of receipt of disclosure statement

Signature of operator:

Date:

Signature of resident:

Date:

Made by the Governor

with the advice and consent of the Executive Council
on 14 August 2025

No 90 of 2025

South Australia

Residential Tenancies Regulations 2025

under the *Residential Tenancies Act 1995*

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Schedule 1—Forms

Schedule 2—Transitional provision for *Residential Tenancies (Miscellaneous) Amendment Act 2013*

- 1 Repayment of bond—rooming houses

Schedule 3—Repeal and transitional provisions

Part 1—Repeal of *Residential Tenancies Regulations 2010*

- 1 Repeal of *Residential Tenancies Regulations 2010*

Part 2—Transitional provisions

- 2 Form A1
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Residential Tenancies Regulations 2025*.

2—Commencement

These regulations come into operation on 1 September 2025.

3—Interpretation

In these regulations—

Act means the *Residential Tenancies Act 1995*;

property manager has the same meaning as in the *Land Agents Act 1994*;

registered agent means a person registered as an agent under the *Land Agents Act 1994*;

sales agency agreement has the same meaning as in the *Land and Business (Sale and Conveyancing) Act 1994*.

Part 2—General provisions

4—Provision of inspection sheets by landlord

At the time a tenant commences occupation of premises under a residential tenancy agreement, the landlord (or the landlord's agent) must complete and provide to each tenant under the agreement 1 signed copy of an inspection sheet in a form determined by the Minister, or in a form that satisfies the requirements of the form determined by the Minister, and that in particular—

- (a) provides for the premises the subject of a residential tenancy agreement to be identified; and
- (b) provides comprehensive details of fixtures, furniture and other contents in the premises; and
- (c) provides for the condition of the premises and the fixtures, furniture and other contents of the premises to be described by both the landlord and tenant, both at the time of commencement and termination of the agreement; and

- (d) provides for the signature of the parties of the agreement both at the time of commencement and termination of the agreement; and
- (e) advises the tenant that if a dispute arises about the condition of the premises, the tenant may contact Consumer and Business Services about the matter.

Note—

The form should be used for a comparison check when the tenant vacates the premises.

Maximum penalty: \$5 000.

5—Drug related conduct (section 3 of Act)

- (1) For the purposes of the definition of *drug related conduct* in section 3(1) of the Act, conduct (not being exempt conduct) constituting the manufacture, or the smoking, consumption or administration, of a controlled drug is prescribed.
- (2) In this regulation—

exempt conduct means conduct that would constitute an offence set out in section 45A(8) of the *Controlled Substances Act 1984*;

manufacture has the same meaning as in the *Controlled Substances Act 1984*.

6—Short fixed term tenancies (section 4 of Act)

- (1) A notice given by a landlord to a tenant for the purposes of section 4(1)(b)(i) of the Act must be in the form set out in Part A of Form 1 in Schedule 1.
- (2) A statement signed by a tenant for the purposes of section 4(1)(b)(ii) of the Act must be in the form set out in Part B of Form 1 in Schedule 1.

7—Exempted agreements (section 5 of Act)

- (1) Pursuant to section 5(1)(h) of the Act, the Act does not apply to—
 - (a) an agreement genuinely entered into on a short-term, temporary basis, for the occupation of a serviced apartment if the serviced apartment will not, while so occupied, constitute the principal place of residence of the occupant; or
 - (b) an agreement that relates to residential premises that—
 - (i) form part of a building in which other premises are let by the landlord to the tenant for the purposes of a trade, profession or business carried on by the tenant; or
 - (ii) are situated on land which is let by the landlord to the tenant for the purposes of a trade, profession or business (including agriculture) carried on by the tenant; or
 - (iii) are situated in the township of Leigh Creek South and are the subject of a tenancy agreement to which an electricity entity (within the meaning of the *Electricity Act 1996*) is a party as landlord.
- (2) For the purposes of subregulation (1)(a), an agreement conferring a right to occupy a serviced apartment for a fixed term of 60 days or longer will be taken, in the absence of proof to the contrary, not to have been genuinely entered into on a short-term, temporary basis.

- (3) In this regulation—

serviced apartment means an apartment or unit in respect of which the person who grants the right of occupancy provides, on an on-going basis, various services associated with the occupation of the apartment or unit.

8—Prospective tenant—requirements relating to provision of information

- (1) For the purposes of section 47B(1) of the Act, the following information is prescribed:

- (a) information relating to whether or not the prospective tenant has previously taken legal action, has been a respondent to legal action, or has had a dispute relating to a residential tenancy with a landlord or an agent of a landlord;
- (b) information relating to whether or not the prospective tenant has previously been given a notice of termination by a landlord under section 80 of the Act, other than a notice under that section pursuant to which the prospective tenant's tenancy was terminated;
- (c) information relating to whether or not a bond to be paid by the prospective tenant (if relevant) is to be wholly or partly provided through a program for housing assistance (such as a South Australian Housing Trust bond guarantee);
- (d) information relating to the prospective tenant's bond history, including whether a claim has been made on a bond previously paid by the prospective tenant (whether the claim was made by a landlord or an agent of a landlord, or by the prospective tenant);
- (e) information relating to whether or not the prospective tenant has been a tenant under a residential tenancy agreement where the landlord is the South Australian Housing Trust or a subsidiary of the South Australian Housing Trust;
- (f) a bank or other financial statement of the prospective tenant if the outgoing transactions and bank account number on the statement are not redacted or omitted;
- (g) financial information relating to the prospective tenant, including—
 - (i) information relating to the discharge of the prospective tenant from bankruptcy; and
 - (ii) information relating to the prospective tenant's financial practices, unless the information directly relates to the prospective tenant's financial capacity;

Note—

A landlord, or an agent of a landlord, must not request a prospective tenant to disclose financial information primarily based on expenditure records of the prospective tenant.

- (h) information relating to the employment of the prospective tenant, other than a payslip or a document that confirms their employment;
- (i) information relating to a relevant attribute or circumstance of the prospective tenant;

Note—

See subregulation (8) for the definition of ***relevant attribute or circumstance***.

- (j) medical records of the prospective tenant;

- (k) information relating to the prospective tenant on a social media service (within the meaning of the *Online Safety Act 2021* of the Commonwealth);
 - (l) a registration number of a vehicle owned or used by the prospective tenant;
 - (m) a microchip number of a pet of the prospective tenant;
 - (n) information relating to—
 - (i) the level of education undertaken by the prospective tenant;
 - (ii) the reason the prospective tenant seeks to move to the premises the subject of the residential tenancy agreement.
- (2) Nothing in subregulation (1)(a) prevents a landlord, or an agent of a landlord, from accessing or being provided with information required to be made publicly available on a register maintained under an Act or law or records held by a court or tribunal that a member of the public may inspect or obtain a copy of.
- (3) Nothing in subregulation (1)(i) prevents—
 - (a) in all cases—a landlord, or an agent of a landlord, from requesting a prospective tenant to disclose whether the prospective tenant is at least 18 years of age and has legal capacity to enter into a lease; or
 - (b) in a case where the landlord, or an agent appointed by the landlord to manage the premises, resides in the premises to which the tenancy relates—the landlord or agent from requesting a prospective tenant to disclose whether it is intended that a child or a person for whom the prospective tenant has caring responsibilities will live in the premises with the prospective tenant.
- (4) For the purposes of section 47B(2) of the Act, the following classes of entities are prescribed:
 - (a) a participant of the National Rental Affordability Scheme under the *National Rental Affordability Scheme Act 2008* of the Commonwealth;
 - (b) a provider of specialist disability accommodation as defined under the *National Disability Insurance Scheme Act 2013* of the Commonwealth;
 - (c) a community housing provider registered under the *Community Housing Providers National Law*;
 - (d) a provider of housing registered under the *Australian Charities and Not-for-profits Commission Act 2012* of the Commonwealth.
- (5) Pursuant to section 47B(3) of the Act, in connection with a prospective tenant applying to enter into a residential tenancy agreement—
 - (a) an application form given to the prospective tenant by a landlord or an agent of a landlord must—
 - (i) include the information that is specified in Form A1 in Schedule 1 to be filled in by the landlord or the agent; and
 - (ii) be in the form set out in Form A1 in Schedule 1; and
 - (b) an application submitted by the prospective tenant to a landlord or an agent of a landlord must—
 - (i) include the information that is specified in Form A1 in Schedule 1 to be filled in by the prospective tenant; and

- (ii) be in the form set out in Form A1 in Schedule 1; and
- (c) the prospective tenant cannot be required to provide—
 - (i) more than 2 documents verifying their identity; or
 - (ii) more than 2 documents relating to their ability to pay rent; or
 - (iii) more than 2 documents relating to their suitability to enter into the residential tenancy agreement.
- (6) Subregulation (5) does not apply in relation to an application to enter into a residential tenancy agreement with an entity of a class prescribed under subregulation (4).
- (7) For the purposes of section 47B(3) of the Act, a landlord, or an agent of a landlord, must, in relation to information given to a prospective tenant in connection with their entry into a residential tenancy agreement, ensure that—
 - (a) if the landlord or agent is aware that the prospective tenant has a disability—
 - (i) the information is in a form that is accessible to the prospective tenant having regard to the disability; or
 - (ii) the landlord or agent informs the prospective tenant as to how they can access such information; and
 - (b) if the landlord or agent is aware that the prospective tenant's primary language is a language other than English—
 - (i) the information is in that other language; or
 - (ii) the landlord or agent informs the prospective tenant as to how they can access the information in that other language.
- (8) In this regulation—

relevant attribute or circumstance—an attribute or circumstance of a prospective tenant is a relevant attribute or circumstance if discrimination of a kind referred to in the *Equal Opportunity Act 1984* is unlawful on the ground of the attribute or circumstance.

9—Advertising premises—prescribed information and material facts (section 47C of Act)

- (1) For the purposes of section 47C(1) of the Act, if the landlord intends to sell the premises within 3 months after the date on which the residential tenancy agreement is to be entered into, that information is prescribed.
- (2) For the purposes of section 47C(2) of the Act, if the landlord intends to sell the premises within 3 months after the date on which the residential tenancy agreement is to be entered into, that fact is prescribed.

10—Information relating to supply of certain electricity (section 48(1)(ea) of Act)

For the purposes of section 48(1)(ea) of the Act, the following information is prescribed:

- (a) information about the nature, benefits and potential consequences of participating in an embedded network generally;
- (b) the details of the retailer for the embedded network, including electricity tariffs that apply and the retailer's contact information, ABN and website address;

- (c) information about metering arrangements in relation to, and potential costs of, participating in the embedded network;
- (d) the cost apportionments per kilowatt hour for any bundled utilities arising from participating in the embedded network.

11—Residential tenancy agreements—prescribed requirements (section 49 of Act)

For the purposes of section 49(1)(d) of the Act, a residential tenancy agreement must require the tenant to acknowledge receipt of the written guide contemplated by section 49(3) of the Act.

12—Other amounts recoverable by landlord (section 53 of Act)

Pursuant to section 53(2)(c) of the Act, a landlord is also authorised to require or receive payments for the provision of the following services at the premises, if the accounts for those services are in the name of the landlord:

- (a) electricity;
- (b) gas;
- (c) telephone;
- (d) Internet;
- (e) subscription television.

13—Limit of amount of bond—rent level (section 61 of Act)

For the purposes of section 61(3)(a) and (b) of the Act, the amount of \$800 per week is prescribed.

14—Transmission of bond to Commissioner etc (sections 62 and 105L of Act)

- (1) For the purposes of sections 62(2) and 105L(2) of the Act, the following period is allowed for the payment to the Commissioner of an amount paid by way of a bond:
 - (a) if the person who receives the amount is a registered agent—4 weeks after the receipt of the amount;
 - (b) in any other case—2 weeks after the receipt of the amount.
- (2) For the purposes of sections 62(3) and 105L(3) of the Act, the Commissioner must—
 - (a) notify—
 - (i) in the case of a notification made under section 62(3) of the Act—the landlord or the landlord's agent; or
 - (ii) in the case of a notification made under section 105L(3) of the Act—the proprietor or the proprietor's agent,of receipt of the amount; and
 - (b) include in such a notification the following information:
 - (i) the amount received;
 - (ii) the date on which the amount was received;
 - (iii) the name of the person from whom the amount was received;

- (iv) the address of the premises or rooming house (as the case requires) in respect of which the amount was received,
- so far as the information may be known by the Commissioner.
- (3) For the purposes of sections 62(4) and 105L(4) of the Act, if the Commissioner refunds an amount received apparently by way of a bond, the Commissioner must—
 - (a) refund the amount to the person from whom it was received; and
 - (b) —
 - (i) if the amount was paid apparently in respect of a particular premises—notify the landlord of the premises, or the landlord's agent, of the refund; or
 - (ii) if the amount was paid apparently in respect of a particular rooming house—notify the proprietor of the rooming house, or the proprietor's agent, of the refund.

15—Bond—prescribed periods, third party payments and guarantees (sections 63 and 105M of Act)

- (1) For the purposes of sections 63(4), (5), (7)(d)(ii)(A) and (9)(d)(i) and 105M(4), (5), (8)(d)(ii)(A) and (10)(d)(i) of the Act, the period of 14 days is prescribed.
- (2) For the purposes of sections 63(7) and 105M(8) of the Act, the South Australian Housing Trust is prescribed as a third party.
- (3) For the purposes of sections 63(7)(b) and 105M(8)(b) of the Act, a third party may give the Commissioner notice of the third party's interest by making an endorsement indicating the third party's interest on the form furnished to the Commissioner at the time that the relevant bond is paid to the Commissioner under section 62 or 105L of the Act, or in some other manner determined by the Minister for the purposes of this regulation.
- (4) For the purposes of sections 63(9) and 105M(10) of the Act—
 - (a) the South Australian Housing Trust is prescribed as a third party; and
 - (b) the prescribed circumstances are where the South Australian Housing Trust is acting as guarantor for a tenant or a rooming house resident.
- (5) For the purposes of sections 63(16)(a) and 105M(15)(a) of the Act, the period of 14 days is prescribed.

16—Altering locks for premises—relevant orders and protected persons (section 66A of Act)

- (1) For the purposes of section 66A(1)(a) of the Act, the following kinds of orders are prescribed:
 - (a) an intervention order under the *Intervention Orders (Prevention of Abuse) Act 2009*;
 - (b) a non-local DVO within the meaning of Part 3A of the *Intervention Orders (Prevention of Abuse) Act 2009*.
- (2) For the purposes of section 66A(1)(b) of the Act, a person for whose protection or benefit a relevant order is made is prescribed.

17—Testing and remediation in relation to drug contamination (section 67B of Act)

- (1) For the purposes of section 67B(2) of the Act, testing of premises for contamination must comply with the following requirements:
 - (a) testing must be conducted by a qualified assessor;
 - (b) testing must be conducted in accordance with the *Clandestine Drug Laboratory Remediation Guidelines* prepared by the Commonwealth Attorney General's Department and Australian Crime Commission and published on the Commonwealth Attorney General's Department website, in force from time to time.
- (2) A qualified assessor who conducts testing in accordance with subregulation (1) must provide a written report to the landlord that contains—
 - (a) the results of the testing; and
 - (b) recommendations for remediation of the contamination.
- (3) In this regulation—

qualified assessor means a person who—

 - (a) has experience in environmental engineering, environmental science, environmental health or occupational hygiene; and
 - (b) holds qualifications in a discipline specified in paragraph (a) from a university or other tertiary education provider registered in Australia or established under a law of the Commonwealth or a State or Territory.

18—Items for which community housing provider is not responsible (section 68 of Act)

Pursuant to section 68(2)(b) of the Act, if the landlord is a registered community housing provider, the landlord is not required to comply with section 68(1) of the Act in relation to the following items:

- (a) air conditioners;
- (b) antennas;
- (c) ceiling fans;
- (d) washing machines;
- (e) dishwashers;
- (f) external blinds;
- (g) floor coverings;
- (h) garden sheds;
- (i) internal blinds and curtains;
- (j) light fittings;
- (k) rain water tanks, other than where the tank is the only source of water for the premises;
- (l) refrigeration units;
- (m) room heaters;

- (n) spa bath motors;
- (o) swimming pools and associated plant or equipment;
- (p) waste disposal units;
- (q) water pumps, other than where the water pumped is the only water supplied to the premises;
- (r) window treatments.

19—Minimum efficiency standards—requirements (sections 68A and 105PA of Act)

For the purposes of sections 68A and 105PA of the Act, the following requirements are prescribed:

- (a) the following fixtures must not have a flow rate that is higher than 9 litres per minute:
 - (i) shower heads;
 - (ii) cold water taps and single mixer taps for kitchen, laundry or bathroom sinks or hand basins;
- (b) toilets must be dual flush and have a minimum 3-star rating in accordance with the WELS scheme within the meaning of the *Water Efficiency Labelling and Standards Act 2005* of the Commonwealth;
- (c) an electrical appliance that is a GEMS product within the meaning of the *Greenhouse and Energy Minimum Standards Act 2012* of the Commonwealth must have a minimum 3-star rating in accordance with the determination in force from time to time under that Act relating to the relevant appliance;
- (d) electric or gas water heaters must comply with the determination in force from time to time under the *Greenhouse and Energy Minimum Standards Act 2012* of the Commonwealth relating to electric or gas water heaters (respectively).

20—Alteration of premises for provision of infrastructure or a service (section 70 of Act)

For the purposes of section 70(1a)(a) of the Act, the following kinds of services and infrastructure are prescribed:

- (a) digital television;
- (b) a carriage service for accessing the Internet and any facility or customer equipment associated with provision of that service.

21—Right of entry—notice of proposed entry and requirements relating to records (section 72 of Act)

- (1) A notice given by a landlord to a tenant under section 72(1)(h) of the Act must be in the form set out in Form 2 in Schedule 1.
- (2) For the purposes of section 72(5a) of the Act, a record constituting a photograph or video recording of premises that is produced during entry onto the premises under section 72(1)(c), (ca), (f), (g) or (h) of the Act must not be distributed or published such that members of the public can view the record unless the landlord (or an agent of the landlord) provides, at least 7 days prior to the entry, notice in writing to the tenant that such a record will be so produced during the entry.

- (3) For the purposes of section 72(5a) of the Act, a record constituting a photograph or video recording that captures or contains the tenant's personal possessions must not be produced during entry onto the premises under section 72(1)(c), (ca), (f), (g) or (h) of the Act unless the landlord (or an agent of the landlord)—
 - (a) provides, at least 7 days prior to the entry, notice in writing to the tenant that such a record may be so produced; and
 - (b) obtains the written consent of the tenant for the production of the record.

22—Notice of termination—landlords (Part 5 Division 2 of Act)

- (1) A notice given by a landlord to the administrator of a tenant's estate or a tenant's next of kin under section 79B(4) of the Act must be in the form set out in Form 4 in Schedule 1.
- (2) A notice given by a landlord to a tenant under section 80 of the Act (including a notice that provides for the termination of the tenancy) must be in the form set out in Form 5 in Schedule 1.
- (3) A notice given by a landlord to a tenant under section 80A of the Act must be in the form set out in Form 6 in Schedule 1.
- (4) A notice given by a landlord to a tenant under section 81 or 82 of the Act must be in the form set out in Form 7 in Schedule 1.
- (5) A notice given by a landlord to a tenant under section 83 of the Act must be in the form set out in Form 8 in Schedule 1.
- (6) A notice given by a landlord to a tenant under section 83A of the Act must be in the form set out in Form 9 in Schedule 1.
- (7) A notice given by a landlord to a tenant under section 83B of the Act must be in the form set out in Form 10 in Schedule 1.

23—Grounds of termination (section 81 of Act)

- (1) For the purposes of section 81(1)(e) of the Act, the sale of the premises in accordance with a sales agency agreement entered into between the landlord and a registered agent in accordance with subregulation (2) is prescribed.
- (2) For the purposes of subregulation (1), a sales agency agreement must be entered into by the registered agent and must not be entered into by a property manager.

24—Grounds of termination (section 83 of Act)

- (1) For the purposes of section 83(1) of the Act, the following grounds of termination are prescribed:
 - (a) the tenant, or a person permitted to enter the premises by the tenant, gave rise to a serious risk to the life, health or safety of the landlord, the landlord's agent or a person who resides in the immediate vicinity of the premises;
 - (b) the tenant or a person residing at the premises threatened or intimidated (whether physically or psychologically) the landlord, the landlord's agent or a contractor or employee of the landlord or agent;
 - (c) the tenant kept a pet on the premises without authorisation under Part 4 Division 6A of the Act;

- (d) the tenant induced the landlord to enter into a residential tenancy agreement by a statement or representation in respect of the tenant's identity or place of occupation that the tenant knew to be false, misleading or deceptive, or by knowingly concealing a material fact in respect of the tenant's identity or place of occupation;
 - (e) if the landlord is a charitable organisation and it is a term of the residential tenancy agreement that the tenant meet the eligibility requirements of the organisation to reside at the premises—the tenant no longer meets the eligibility requirements of the organisation;
 - (f) if the landlord is an NRAS approved participant and the premises are a rental dwelling covered by an allocation under the National Rental Affordability Scheme—the tenant is no longer an eligible tenant under the *National Rental Affordability Scheme Regulations 2020* of the Commonwealth;
 - (g) if it is a term of the residential tenancy agreement that the tenant is a student of an educational institution or an employee of the landlord—the tenant is no longer a student of the institution or employee of the landlord (respectively).
- (2) In this regulation—

charitable organisation means an organisation, society, institution or body carried on for a religious, educational, benevolent or charitable purpose, provided that—

- (a) it is not also carried on for the purpose of securing pecuniary benefit for its members; and
- (b) it is not a registered community housing provider;

NRAS approved participant means an approved participant within the meaning of the *National Rental Affordability Scheme Regulations 2020* of the Commonwealth.

25—Grounds of termination (section 83A of Act)

- (1) For the purposes of section 83A(1) of the Act, the following grounds of termination are prescribed:
- (a) the landlord requires possession of the premises for demolition;
 - (b) the landlord requires possession of the premises for repairs or renovations that cannot be carried out conveniently while the tenant remains in possession of the premises;
 - (c) the landlord requires possession of the premises for—
 - (i) the landlord's own occupation; or
 - (ii) occupation by the landlord's spouse, child or parent; or
 - (iii) occupation by the spouse of the landlord's child or parent;
 - (d) the landlord has entered into a contract for the sale of the premises under which the landlord is required to give vacant possession of the premises;
 - (e) the landlord requires possession of the premises for the purposes of the sale of the premises in circumstances where a sales agency agreement for the sale of the premises has been entered into between the landlord and a registered agent in accordance with subregulation (3);

- (f) the tenant, or a person permitted to enter the premises by the tenant, intentionally or negligently caused serious damage to—
 - (i) the premises; or
 - (ii) an area adjacent to the premises; or
 - (iii) safety equipment located on the premises or an area adjacent to the premises;

Example—

Safety equipment includes a smoke detector, a fire extinguisher or hydrant, a house alarm or a defibrillator.

- (g) the tenant, or a person permitted to enter the premises by the tenant, gave rise to a serious risk to the life, health or safety of the landlord, the landlord's agent or a person who resides in the immediate vicinity of the premises;
- (h) the tenant caused or permitted the premises to be unfit for human habitation, destroyed totally or destroyed to the extent that they are unsafe;
- (i) the tenant or a person residing at the premises threatened or intimidated (whether physically or psychologically) the landlord, the landlord's agent or a contractor or employee of the landlord or agent;
- (j) the tenant—
 - (i) has been given 2 notices under section 80 of the Act which both specified the same or substantially similar breach by the tenant; and
 - (ii) has breached the residential tenancy agreement on a third occasion in the same or substantially similar manner as specified in the 2 notices;
- (k) the tenant has used the premises, or has caused the premises to be used, for an illegal purpose (including drug related conduct);
- (l) the tenant failed to pay the bond in respect of the premises in accordance with the residential tenancy agreement;
- (m) the tenant kept a pet on the premises without authorisation under Part 4 Division 6A of the Act;
- (n) the tenant induced the landlord to enter into a residential tenancy agreement by a statement or representation in respect of the tenant's identity or place of occupation that the tenant knew to be false, misleading or deceptive, or by knowingly concealing a material fact in respect of the tenant's identity or place of occupation;
- (o) if the landlord is a charitable organisation and it is a term of the residential tenancy agreement that the tenant meet the eligibility requirements of the organisation to reside at the premises—the tenant no longer meets the eligibility requirements of the organisation;
- (p) if the landlord is an NRAS approved participant and the premises are a rental dwelling covered by an allocation under the National Rental Affordability Scheme—the tenant is no longer an eligible tenant under the *National Rental Affordability Scheme Regulations 2020* of the Commonwealth;
- (q) if it is a term of the residential tenancy agreement that the tenant is a student of an educational institution or an employee of the landlord—the tenant is no longer a student of the institution or employee of the landlord (respectively);

- (r) if the landlord, being a purpose-built student accommodation provider, has made an offer to the tenant in writing to extend or renew the residential tenancy agreement—the tenant has failed to accept in writing the offer within 30 days of receiving the offer.
- (2) A purpose-built student accommodation provider who terminates a residential tenancy agreement on the ground referred to in subregulation (1)(r) must not impose a charge or a fee (however described) to the tenant due to the termination of the agreement or because the tenant failed to accept in writing the offer within the time required.

Maximum penalty: \$5 000.

Expiation fee: \$315.

Note—

Additionally, under section 53 of the Act, a purpose-built student accommodation provider must not receive payment, other than rent and bond, from a tenant for the residential tenancy or for the renewal or extension of the residential tenancy.

- (3) For the purposes of subregulation (1)(e), a sales agency agreement must be entered into by the registered agent and must not be entered into by a property manager.
- (4) In this regulation—

charitable organisation means an organisation, society, institution or body carried on for a religious, educational, benevolent or charitable purpose, provided that—

- (a) it is not also carried on for the purpose of securing pecuniary benefit for its members; and
- (b) it is not a registered community housing provider;

NRAS approved participant means an approved participant within the meaning of the *National Rental Affordability Scheme Regulations 2020* of the Commonwealth;

purpose-built student accommodation provider means a private provider of off-campus, fit-for-purpose accommodation with communal areas and facilities that is developed and managed exclusively for students enrolled to study at an educational institution.

26—Vacation of premises and liability to pay rent (section 83A(4) of Act)

For the purposes of section 83A(4) of the Act, if a notice of termination is given on a ground that also constitutes a breach of the residential tenancy agreement, that ground is prescribed.

27—Compensation for termination—prescribed circumstances (section 84A of Act)

For the purposes of section 84A(1) of the Act—

- (a) circumstances in which the tenant has breached the residential tenancy agreement; and
 - (b) circumstances specified in section 80A of the Act,
- are prescribed.

28—Notice of termination—tenants (Part 5 Division 3 of Act)

- (1) A notice given by an administrator of a tenant's estate or a tenant's next of kin to a landlord under section 79B(3) of the Act must be in the form set out in Form 3 in Schedule 1.

- (2) A notice given by a tenant to a landlord under section 85 of the Act (including a notice that provides for the termination of the tenancy) must be in the form set out in Form 11 in Schedule 1
- (3) A notice given by a tenant to a landlord under section 85AA of the Act must be in the form set out in Form 12 in Schedule 1.
- (4) A notice given by a tenant to a landlord under section 85A of the Act must be in the form set out in Form 13 in Schedule 1.
- (5) A notice given by a tenant to a landlord under section 85B or 85C of the Act must be in the form set out in Form 14 in Schedule 1.
- (6) A notice given by a tenant to a landlord under section 85D of the Act must be in the form set out in Form 15 in Schedule 1.
- (7) A notice given by a tenant to a landlord under section 86 of the Act must be in the form set out in Form 16 in Schedule 1.
- (8) A notice given by a tenant to a landlord under section 86A of the Act must be in the form set out in Form 17 in Schedule 1.
- (9) A notice given by a tenant to a landlord under section 86B of the Act must be in the form set out in Form 18 in Schedule 1.

29—Termination by tenant—prescribed circumstances (section 85C of Act)

- (1) For the purposes of section 85C(1)(a) of the Act, the following kinds of care are prescribed:
 - (a) aged care;
 - (b) palliative care;
 - (c) special care.
- (2) For the purposes of section 85C(1)(c) of the Act, accommodation that is provided—
 - (a) on a non-permanent basis; and
 - (b) on a non-profit basis; and
 - (c) —
 - (i) for persons who are experiencing homelessness or are at risk of experiencing homelessness; or
 - (ii) for persons who are experiencing domestic abuse; or
 - (iii) by a person or body in receipt of government funding for the purposes of providing accommodation for persons specified in a preceding subparagraph,is prescribed.
- (3) In this regulation—

special care means the care of a person that constitutes any of the following:

 - (a) assisting the person with 1 or more of the following:
 - (i) bathing, showering or personal hygiene;
 - (ii) toileting;

- (iii) dressing or undressing;
 - (iv) grocery shopping, or preparing or eating meals;
- (b) physically assisting or supervising the person to undertake daily activities;
- (c) assisting or supervising the person in dispensing or taking medicine or medication;
- (d) providing the person with substantial emotional support through a service provided in one of the following:
 - (i) a supported residential facility within the meaning of the *Supported Residential Facilities Act 1992*;
 - (ii) an authorised community mental health facility within the meaning of the *Mental Health Act 2009*;
 - (iii) a facility at which disability services (within the meaning of the *Disability Services Act 1993*) are provided;
 - (iv) a hospital or a health service both within the meaning of the *Health Care Act 2008*.

30—Termination by tenant on ground of domestic abuse (section 85D of Act)

- (1) For the purposes of section 85D(1)(a) of the Act, a person who is a domestic associate of a person who normally or regularly resides at the premises is prescribed.
- (2) For the purposes of section 85D(1)(b) of the Act, circumstances that are, in the opinion of an authorised professional, circumstances of domestic abuse are prescribed.
- (3) For the purposes of section 85D(2)(a) of the Act, the following kinds of evidence are prescribed:
 - (a) in the case of a notice given under section 85D(1)(a) of the Act—a copy of the intervention order;
 - (b) in the case of a notice given under section 85D(1)(b) of the Act—a report—
 - (i) prepared by an authorised professional in a manner and form approved by the Commissioner; and
 - (ii) setting out the reasons the authorised professional is of the opinion that the circumstances of the tenant or domestic associate of the tenant are circumstances of domestic abuse; and
 - (iii) signed by the authorised professional.
- (4) In this regulation—
authorised professional means—
 - (a) a legal practitioner within the meaning of the *Legal Practitioners Act 1981*; or
 - (b) a registered health practitioner; or
 - (c) a social worker; or
 - (d) a person employed or engaged by a domestic and family violence support service or a sexual abuse support service.

31—Tribunal orders in relation to circumstances of domestic abuse—prescribed grounds (section 90B of Act)

For the purposes of section 90B(1) of the Act, the following grounds are prescribed:

- (a) the ground of breach of the residential tenancy agreement;
- (b) a ground set out in a notice of termination given to the tenant under section 83 or 83A of the Act.

32—Form of notice of termination—prescribed grounds and required information (section 91 of Act)

- (1) For the purposes of section 91(1)(ea) of the Act—

- (a) the grounds set out in section 81(1)(a) to (e) (inclusive) of the Act; and
- (b) the grounds set out in regulation 25(1)(a) to (e) (inclusive) for the purposes of section 83A of the Act,

are prescribed.

- (2) For the purposes of section 91(2)(f) of the Act, if a notice of termination is given under section 85C(1)(c) of the Act on the ground prescribed by regulation 29(2) that the person requires temporary crisis accommodation that is provided for persons who are experiencing domestic abuse, or by a person or body in receipt of government funding for the purposes of providing accommodation to such persons, the notice must include the name of the provider of the crisis accommodation.

33—Prohibition on letting premises after notice of termination—prescribed grounds (section 91A of Act)

- (1) For the purposes of section 91A(1) of the Act, the following grounds set out in a notice of termination given under section 83A of the Act are prescribed:

- (a) the landlord requires possession of the premises for demolition;
- (b) the landlord requires possession of the premises for repairs or renovations that cannot be carried out conveniently while a tenant remains in possession of the premises;
- (c) the landlord requires possession of the premises for—
 - (i) the landlord's own occupation; or
 - (ii) occupation by the landlord's spouse, child or parent; or
 - (iii) occupation by the spouse of the landlord's child or parent;
- (d) the landlord has entered into a contract for the sale of the premises under which the landlord is required to give vacant possession of the premises;
- (e) the landlord requires possession of the premises for the purposes of the sale of the premises in circumstances where a sales agency agreement for the sale of the premises has been entered into between the landlord and a registered agent in accordance with subregulation (2).

- (2) For the purposes of subregulation (1)(e), a sales agency agreement must be entered into by the registered agent and must not be entered into by a property manager.

34—Abandoned property—prescribed period (section 97B of Act)

For the purposes of section 97B(4)(b) and (6) of the Act, the period of 7 days is prescribed.

35—Abandoned personal documents—prescribed period (section 97C of Act)

For the purposes of section 97C(2)(b) and (3) of the Act, the period of 7 days is prescribed.

36—Designated rooming house proprietors annual return—prescribed date (section 103D of Act)

For the purposes of section 103D(1) of the Act, a designated rooming house proprietor must pay the fee and provide the information or document to the Commissioner not later than—

- (a) the last day of the month in each year nominated in writing to the person by the Commissioner; or
- (b) if the Commissioner does not nominate a month—the last day of the month in each year that is the same month as the month in which the person's registration under section 103C of the Act was granted.

37—Termination of rooming house agreement—prescribed grounds (section 105U of Act)

- (1) For the purposes of section 105U(6) of the Act, the following grounds of termination are prescribed:

- (a) the proprietor requires possession of the rooming house for demolition;
- (b) the proprietor requires possession of the room or rooming house for repairs or renovations that cannot be carried out conveniently while the resident remains in possession of the room;
- (c) the proprietor requires possession of the room or rooming house for—
 - (i) the proprietor's own occupation; or
 - (ii) occupation by the proprietor's spouse, child or parent; or
 - (iii) occupation by the spouse of the proprietor's child or parent;
- (d) the proprietor has entered into a contract for the sale of the rooming house under which the proprietor is required to give vacant possession of the rooming house;
- (e) the proprietor requires possession of the rooming house for the purposes of the sale of the rooming house in circumstances where a sales agency agreement for the sale of the rooming house has been entered into between the proprietor and a registered agent in accordance with subregulation (2);
- (f) the resident threatened or intimidated (whether physically or psychologically) the proprietor, the proprietor's agent or a contractor or employee of the proprietor or agent;
- (g) the resident permitted another person to reside at the rooming house without the consent of the proprietor;
- (h) the resident induced the proprietor to enter into a rooming house agreement by a statement or representation in respect of the resident's identity or place of occupation that the resident knew to be false, misleading or deceptive, or by knowingly concealing a material fact in respect of the resident's identity or place of occupation;

- (i) if the proprietor is a charitable organisation and it is a term of the rooming house agreement that the resident meet the eligibility requirements of the organisation to reside at the rooming house—the resident no longer meets the eligibility requirements of the organisation;
 - (j) if the proprietor is an NRAS approved participant and the rooming house is a rental dwelling covered by an allocation under the National Rental Affordability Scheme—the resident is no longer an eligible tenant under the *National Rental Affordability Scheme Regulations 2020* of the Commonwealth;
 - (k) if it is a term of the rooming house agreement that the resident is a student of an educational institution or an employee of the proprietor—the resident is no longer a student of the institution or employee of the proprietor (respectively).
- (2) For the purposes of subregulation (1)(e), a sales agency agreement must be entered into by the registered agent and must not be entered into by a property manager.
- (3) In this regulation—

charitable organisation means an organisation, society, institution or body carried on for a religious, educational, benevolent or charitable purpose, provided that—

- (a) it is not also carried on for the purpose of securing pecuniary benefit for its members; and
- (b) it is not a registered community housing provider;

NRAS approved participant means an approved participant within the meaning of the *National Rental Affordability Scheme Regulations 2020* of the Commonwealth.

38—Abandoned property—prescribed period (section 105W of Act)

For the purposes of section 105W(1)(b)(ii) and (2)(b) of the Act, the period of 7 days is prescribed.

Schedule 1—Forms

Form A1—Residential Tenancies Act 1995 (section 47B(3))

Application for a prospective tenant to enter into a residential tenancy

Note—

This is an application to enter into a residential tenancy agreement ONLY. You will be notified on the outcome of your application by the landlord/agent.

A landlord, an agent of a landlord and a prospective tenant must use this form as the application form to enter into a residential tenancy agreement (see regulation 8(5) and section 47B(3) of the Residential Tenancies Act 1995).

See also information to be provided by landlords to tenants before or at the time of entering into a residential tenancy agreement pursuant to section 48 of the Residential Tenancies Act 1995 – information and template form available on Consumer and Business Services website.

A person, including a landlord that is a purpose-built student accommodation provider, must not require or receive a payment (other than rent or a bond) from a prospective tenant for a residential tenancy or the renewal or extension of a residential tenancy (see section 53 of the Residential Tenancies Act 1995).

1—Address of the rental premises available to rent

[To be filled in by Landlord/Agent]

Address line 1

Address line 2

Suburb

Postcode

2—Exclusions

[To be filled in by Landlord/Agent]

Parts of premises excluded from residential tenancy: *[specify any part/s of the rental premises which will be excluded from the residential tenancy]*

3—Duration of residential tenancy at the rental premises

[To be filled in by Landlord/Agent (the Prospective Tenant may indicate a preferred duration here)]

Duration of residential tenancy: *[tick 1 box]*

- ☐ Periodic
- ☐ 12-months
- ☐ Other fixed-term *[specify]*:

Prospective Tenant's preferred duration: *[Prospective Tenant may insert duration]*

Date rental premises available for occupation: *[insert date]*

The landlord has advertised, intends to advertise or has entered into an existing sales agency agreement for the sale of the premises: *[tick 1 box]*

- ☐ Yes
- ☐ No

Note—

A landlord must ensure that a prospective tenant is advised, before entering into a residential tenancy agreement, if the landlord has advertised, or intends to advertise, the residential premises for sale and of any existing sales agency agreement for the sale of the residential premises.

If a landlord intends to sell the premises within 3 months after the date on which the residential tenancy agreement is to be entered into, the landlord or the agent for the landlord—

- (a) *must display and distribute that information in accordance with the requirements of the Commissioner for Consumer Affairs; and*
- (b) *must not induce a tenant to enter into a residential tenancy agreement by knowingly concealing that information.*

4—Rent payable

[To be filled in by Landlord/Agent]

Rent payable for the residential tenancy (per week): *\$/[insert amount]*

Frequency of rent payable: *[tick 1 box]*

- ☐ Weekly
- ☐ Fortnightly
- ☐ Calendar Monthly

Note—

A landlord/agent cannot offer premises for rent under a residential tenancy agreement unless the rent is offered as a fixed amount, and cannot invite offers of an amount of rent higher than the advertised price.

A landlord/agent cannot require the payment of more than two weeks' rent under a residential tenancy agreement before the end of the first two weeks of the tenancy.

5—Bond

[To be filled in by Landlord/Agent]

A bond payment is required: *[tick 1 box]*

☐ Yes

☐ No

Bond amount payable: \$ *[insert amount]*

Note—

The maximum bond for a residential tenancy agreement is:

- *If the weekly rent is \$800 or less, up to 4 weeks rent*
- *If the weekly rent is more than \$800, up to 6 weeks rent*

Some government programs are available to assist with payments of bond monies, such as a South Australian Housing Trust bond guarantee. Prospective tenants cannot be required to divulge whether such assistance will be sought/provided.

6—Rates and charges

[To be filled in by Landlord/Agent]

Rates and charges for the following prescribed services will be paid by: *[tick 1 box in each case]*

- Water:
 - ☐ Tenant
 - ☐ Landlord
- Electricity:
 - ☐ Tenant
 - ☐ Landlord
- Gas:
 - ☐ Tenant
 - ☐ Landlord
 - ☐ Not applicable

Note—

Electricity, gas and water are to be paid as agreed between the landlord and tenant. In the absence of an agreement, rates and charges based on the level of consumption are to be paid by the tenant. However, if the consumption is not separately metered or the rates and charges are not based on the level of consumption, the landlords is responsible for the charges.

The tenant may be required to pay rates and charges as an apportionment of the cost of a service if the property is not separately metered (for example, in a unit complex).

In relation to statutory charges, tenants are not liable for water connection or sewerage services that run past the premises.

Specify any other charges or effects on charges (for example, telephone/internet/subscription television/solar): *[insert details]*

Note—

A tenant cannot be required to pay rates and charges for the supply of electricity, gas and water unless the landlord provides a copy of the invoice within 30 days of the authority issuing the invoice. All statutory charges, such as the availability of water or sewerage services that run past the rental premises, must be borne by the landlord.

A landlord should consider taking out insurance for the rental premises, and a tenant should consider taking out insurance for their contents in the premises.

7—Prospective tenant details

Note—

Each prospective tenant over the age of 18 years must complete a separate Application Form

[To be filled in by Prospective Tenant]

Full Name:

Current address:

Email:

Phone 1:

Phone 2:

Joint Application with:

Are all prospective tenants over the age of 18 and have legal capacity to enter into a residential tenancy agreement? *[tick 1 box]*

☐ Yes

☐ No

8—Landlord/Agent details

[To be filled in by Landlord/Agent]

Landlord (only required if no applicable Agent)

Individual or Company/Legal Entity Name:

ABN (if applicable):

Email:

Phone 1:

Phone 2:

Postal address/Address for service:

Agent (if applicable)

Agent Name/ Agent Company/Legal Entity Name:

ABN (if applicable):

Agent's Registered Land Agent (RLA) Number:

Contact person:

Email:

Phone 1:

Phone 2:

Postal address/Address for service:

9—Prospective Tenant Documentation

[To be filled in by Landlord/Agent]

The landlord/agent requests a copy of the following selected documents (please attach copies to this Application Form):

Category 1: Identification

Maximum of two documents from the following options (at least one should be photographic):

- ☐ Driver's Licence
- ☐ Passport
- ☐ Birth Certificate
- ☐ Proof of age card

Category 2: Ability to pay rent

Maximum of two of the following options:

- ☐ Bank statement with outgoing transactions and bank account numbers redacted or removed
- ☐ A payslip or document confirming employment
- ☐ Proof of pension/other income
- ☐ Other documents directly relating to financial capacity or primary source of income: *[specify details]*

Note—

Although not more than 2 documents from each of the above categories can be requested by a landlord/agent, prospective tenants may attach further documentation to this Application Form if it might assist their rental application.

A person who holds prospective tenant information must protect the information and must destroy it 30 days after the successful tenant signs the residential tenancy agreement specified on this Application Form (unless the prospective tenant has consented for the information to be kept for a longer period – but it must be destroyed as soon as practicable 6 months after the date of this Application Form).

10—Referees

[To be filled in by Prospective Tenant]

Please provide relevant referees regarding your suitability as a tenant and their contact details:

Prospective Tenant:

- Referee 1:
 - Full name:
 - Relationship to Prospective Tenant:
 - Contact details:
- Referee 2:
 - Full name:
 - Relationship to Prospective Tenant:
 - Contact details:

Other relevant referee information: *[specify]*

Note—

A landlord or an agent of a landlord must not request the provision of information relating to the employment of the prospective tenant, other than a payslip or a document that confirms their employment (see regulation 8(1)(h)).

11—Residential Tenancy Databases

[To be filled in by Landlord/Agent]

The landlord/agent can determine a prospective tenant's suitability and may check a prospective tenant's prior history as a tenant. Landlords/agents may use residential tenancy databases for this purpose. They must provide the name and contact details of the residential tenancy database/s used at the time of making this application, unless provided to the prospective tenant not more than 7 days before the date of this Application Form:

Residential Tenancy Database 1:

Contact details for Residential Tenancy Database 1:

Residential Tenancy Database 2:

Contact details for Residential Tenancy Database 2:

Residential Tenancy Database 3:

Contact details for Residential Tenancy Database 3:

Note—

There are further requirements for landlords/agents to follow when using Residential Tenancy Databases in the Residential Tenancies Act 1995. A landlord/agent/residential tenancy database operator must not charge a fee for giving a person listed personal information in a residential tenancy database.

12—Ways to submit your application

[To be filled in by Landlord/Agent]

Submit your application using one of the following methods:

Submission method 1:

Submission method 2:

Submission method 3:

13—Signature

[To be filled in by Prospective Tenant]

Signature of Prospective Tenant: *[insert signature]*

Date of application: *[insert date]*

Note—

A prospective tenant must not give a landlord/agent false information or a falsified document in connection with an application to enter a residential tenancy agreement (see section 47B(2a) of the Act). This offence carries a maximum penalty of \$20 000 and an expiation fee of \$1 200.

If you are successful in your application to enter into a residential tenancy, you can only keep a pet on the rental premises with the prior approval of the landlord. A separate Application For Approval To Keep A Pet On Rental Premises form is available on the Consumer and Business Services website.

Form 1—Residential Tenancies Act 1995 (section 4)**Short Fixed Term Tenancies****Note—**

The landlord must complete Part A of this form in duplicate and give both copies to the tenant to sign. The tenant should then complete Part B and return 1 copy to the landlord.

Part A—Notice to be given to tenant by landlord

To: *[insert name of tenant]*

1. I give you notice under section 4 of the *Residential Tenancies Act 1995* that the residential tenancy agreement you have entered into is a short fixed term tenancy of *[insert relevant number of days between 1 and 90]* days.

Note—

A short fixed term tenancy is a tenancy for a term of 90 days or less.

2. **You are warned that the term of your tenancy will come to an end at the completion of this period and that you should not expect to continue in possession of the premises after that time.**
3. Details of relevant residential tenancy agreement—
 - Name of landlord:
 - Address of rented premises:
 - Commencement date:
 - Last day of tenancy:

Signature of landlord/agent:

Date:

Address for service of landlord/agent:

Part B—Statement to be signed by tenant

Note—

The landlord should have completed Part A of this form and given you 2 copies. You should complete Part B and return 1 copy to the landlord.

1. I *[insert name of tenant]* understand that I have entered a short fixed term tenancy of 90 days or less—
 - starting on: *[insert commencement date]*
 - and finishing on: *[insert end date]*
2. **I acknowledge receipt of a notice (Part A of Form 1) from the landlord about this tenancy.**
3. In accordance with section 4 of the *Residential Tenancies Act 1995*, I acknowledge that I do not expect to continue possession of the premises at *[insert address of rented premises]* after the end of the term stated in the agreement.

Signature of tenant:

Date:

Form 2—Residential Tenancies Act 1995 (section 72(1)(h))**Notice to enter premises to determine whether breach has been remedied**

Note—

This notice can only be given after the tenant has been served with a notice of a breach of agreement under section 80 and must be given to the tenant no less than 7 and no more than 14 days before the date of entry (see below).

To: *[insert name of tenant]*

I give notice that I will enter the premises situated at: *[insert address of rented premises]*

To determine whether the following breach has been remedied: *[insert details of breach to be remedied]*

on: *[insert date of entry]*

at: *[insert time of entry]*

*Entry to the premises must be made within **normal hours** ie hours between 8am and 8pm on any day other than a Sunday or public holiday.*

Signature of landlord/agent:

Date:

Address for service of landlord/agent:

Service of notice

This notice was served on *[insert date]* by:
[Tick 1 box]

☐ personally handing it to the tenant

☐ mailing it to the tenant

The landlord/agent should ensure an appropriate postage delivery time frame is taken into consideration. The landlord should take all reasonable steps to ensure the dates provided on this notice are accurate and the service of this notice is valid. If serving this notice by mail, you may wish to confirm the postal delivery time frame with the service provider (ie Australia Post).

☐ placing it in the tenant's letterbox

☐ emailing it to the tenant

☐ other *[please specify below]*

Information for the landlord

(a) This notice may be served on the tenant (or on an agent of the tenant)—

(i) personally; or

(ii) by sending it by post addressed to the person at their last known place of residence, employment or business; or

(iii) by leaving it in a letterbox or other place where it is likely to come to the person's attention at their last known place of residence, employment or business; or

(iv) by email to an email address provided by the person for the purposes of service under the Act.

(b) You should retain a copy of this notice.

Form 3—*Residential Tenancies Act 1995* (section 79B(3))

Notice of termination by administrator of sole tenant's estate or sole tenant's next of kin following the tenant's death

Note—

There are a number of ways in which a tenancy may be terminated under the Residential Tenancies Act 1995, some of which include applying directly to the South Australian Civil and Administrative Tribunal.

To: *[insert name of landlord/agent]*

I, *[insert name]*,

[Tick 1 box]

- ☐ the administrator of the estate of *[insert name of deceased tenant]*
- ☐ the next of kin of *[insert name of deceased tenant]*

give notice of termination of a residential tenancy agreement between *[insert name of deceased tenant]* as tenant and you as landlord in respect of the premises at:

Address of premises: *[insert address of rented premises]*

on: *[insert date of termination]*

on the ground that *[insert name of deceased tenant]* has died.

Signature of administrator/next of kin:

Date:

Full name of administrator/next of kin:

Address of administrator/next of kin:

Service of notice

This notice was served on *[insert date]* by:

[Tick 1 box]

- ☐ personally handing it to the landlord/agent
- ☐ mailing it to the landlord/agent
The administrator/next of kin should ensure an appropriate postage delivery time frame is taken into consideration. The administrator/next of kin should take all reasonable steps to ensure the dates provided on this notice are accurate and the service of this notice is valid. If serving this notice by mail, you may wish to confirm the postal delivery time frame with the service provider (ie Australia Post).
- ☐ placing it in the landlord's/agent's letterbox
- ☐ emailing it to the landlord/agent
- ☐ other *[please specify below]*

Information for the administrator/next of kin

1. This notice may be served on the landlord, or on an agent of the landlord—
 - (a) personally; or
 - (b) by sending it by post addressed to the person at their last known place of residence, employment or business; or
 - (c) by leaving it in a letterbox or other place where it is likely to come to the landlord or agent's attention at their last known place of residence, employment or business; or

- (d) by email to an email address provided by the person for the purposes of service under the Act.

2. You should retain a copy of this notice.

Termination information

1. When the premises are vacated, they should be left in a reasonable condition and in a reasonably clean state. If they are not, the landlord may recover from the bond, or from the tenant's estate directly, the costs required to remediate the premises (with supporting evidence showing the condition of the premises compared to the start of the tenancy, which demonstrates more than wear and tear).
2. If possible, you should agree with the landlord on how the bond should be paid. Applications for bond payments are generally made online with Consumer and Business Services. If agreement cannot be reached with the landlord, you should contact Consumer and Business Services.
3. When the premises are vacated, you should ensure that all the keys, remote controls and security devices are left with the landlord or agent, and that the electricity entity, gas company, Australia Post, Telstra etc, are notified so that the new tenants do not use gas, electricity and the telephone on the deceased tenant's accounts, and so that mail can be forwarded.

Form 4—*Residential Tenancies Act 1995* (section 79B(4))

Notice of termination by landlord following death of sole tenant

Note—

There are a number of ways in which a tenancy may be terminated under the Residential Tenancies Act 1995, some of which include applying directly to the South Australian Civil and Administrative Tribunal.

To: *[insert name of the administrator of the deceased tenant's estate or the deceased tenant's next of kin]*

I, *[insert name of landlord/agent]*, give notice of termination of a residential tenancy agreement between *[insert name of deceased tenant]* as tenant and me as landlord in respect of the premises at:

Address of premises: *[insert address of rented premises]*

on: *[insert date of termination]*

on the ground that *[insert name of deceased tenant]* has died.

Signature of landlord/agent:

Date:

Full name of landlord/agent:

Address of landlord/agent:

Service of notice

This notice was served on *[insert date]* by:

[Tick 1 box]

- ☐ personally handing it to the administrator or next of kin
- ☐ mailing it to the administrator or next of kin

The landlord/agent should ensure an appropriate postage delivery time frame is taken into consideration. The landlord should take all reasonable steps to ensure the dates provided on this notice are accurate and the service of this notice is valid. If serving this notice by mail, you may wish to confirm the postal delivery time frame with the service provider (ie Australia Post).

- ☐ placing it in the administrator or next of kin's letterbox
- ☐ emailing it to the administrator or next of kin
- ☐ other [please specify below]

Information for the landlord

1. This notice may be served on the administrator or next of kin—
 - (a) personally; or
 - (b) by sending it by post addressed to the person at their last known place of residence, employment or business; or
 - (c) by leaving it in a letterbox or other place where it is likely to come to the person's attention at their last known place of residence, employment or business; or
 - (d) by email to an email address provided by the person for the purposes of service under the Act.
2. You should retain a copy of this notice.

Information for the administrator/next of kin

1. When the premises are vacated, they should be left in a reasonable condition and in a reasonably clean state. If they are not, the landlord may recover from the bond, or from the tenant's estate directly, the costs required to remediate the premises (with supporting evidence showing the condition of the premises compared to the start of the tenancy, which demonstrates more than wear and tear).
2. If possible, you should agree with the landlord on how the bond should be paid. Applications for bond payments are generally made online with Consumer and Business Services. If agreement cannot be reached with the landlord, you should contact Consumer and Business Services.
3. When the premises are vacated, you should ensure that all the keys, remote controls and security devices are left with the landlord or agent, and that the electricity entity, gas company, Australia Post, Telstra etc, are notified so that the new tenants do not use gas, electricity and the telephone on the deceased tenant's accounts, and so that mail can be forwarded.

Form 5—Residential Tenancies Act 1995 (section 80)

Landlord's notice of breach to tenant—termination of agreement

Part 1

Note—

There are a number of ways in which a tenancy may be terminated under the Residential Tenancies Act 1995, some of which include applying directly to the South Australian Civil and Administrative Tribunal.

Name of tenant/s:

Address of rented premises:

Type of breach: *[tick relevant box]*

☐ Unpaid rent **only**

Rent (or part of rent) has remained unpaid for at least 14 days (please refer to Information for the Landlord).

☐ Other breach of agreement

A breach other than (or in addition to) unpaid rent, such as unpaid water rates or property damage.

*There are 2 types of breaches: 'unpaid rent only' and 'other breach of agreement'. The type of breach will determine the period of time you must give the tenant to give up possession of the premises (see **Part 3**). You must choose 'other breach of agreement' if serving this notice for **both** unpaid rent and any other breach of agreement.*

The breach is:

You must remedy this breach by:

Include enough details so that the tenant knows exactly what the breach is and how to remedy the breach. If insufficient space, attach a separate sheet.

Part 2

You must remedy the breach on or before: *[insert date]*

*This must be at least 7 days after this notice is received (or taken to be received) by the tenant. Please refer to **Part 4** for further information about the service of this notice on the tenant.*

Part 3

If the breach is not remedied on or before the date outlined in **Part 2** above, then the tenancy is terminated by force of this notice and you must give up possession of the premises on or before:

(a) For a breach of unpaid rent **only**: *[insert date]*

*This may be **any day after** the date provided in **Part 2** on or before which the tenant was required to remedy the breach.*

(b) For any other breach of agreement (which may also include unpaid rent): *[insert date]*

*This must be **at least 7 days after** the date provided in **Part 2** on or before which the tenant was required to remedy the breach.*

*The landlord **only** needs to complete **A** or **B**. Please refer to type of breach (outlined in **Part 1**) and Important Information, Landlords for further information. The landlord is not entitled to possession of the premises **until the day after** the date specified in either **A** or **B**.*

Part 4

This notice was served on the tenant on: *[insert date]*

This notice was served by:

☐ personally handing it to the tenant

☐ mailing it to the tenant

The landlord/agent should ensure an appropriate postage delivery time frame is taken into consideration. The landlord should take all reasonable steps to ensure the dates provided on this notice are accurate and the service of this notice is valid. If serving this notice by mail, you may wish to confirm the postal delivery time frame with the service provider (ie Australia Post).

- ☐ placing it in the tenant's letterbox
- ☐ emailing it to the tenant: *[insert email address]*
This notice will be taken to be received by the tenant on the day it is emailed to the tenant. A notice served on the tenant by email should still be signed by the landlord/agent.
- ☐ other *[please specify]*

Part 5

Full name of landlord/agent:

Telephone:

Address for service of landlord/agent:

Signature:

Date:

IMPORTANT INFORMATION

TENANTS

You may apply to the South Australian Civil and Administrative Tribunal (SACAT) to reinstate the tenancy if you believe you are not in breach of your agreement or the breach has been remedied. If you do not remedy the breach (or apply to SACAT) the tenants and all occupants will need to move out of the premises with their possessions on or before the date specified in **Part 3**.

If you are a co-tenant under a residential tenancy agreement and your tenancy is terminated due to the actions of another tenant, you may wish to seek advice about negotiating a new tenancy with the landlord, or seek advice on whether options are available to make an application to SACAT.

LANDLORDS

Rent (or part of rent) must remain unpaid for at least 14 days before serving this notice on the tenant. For example, if rent is paid to 1 March (and rent is payable fortnightly), then this notice can first be served on 17 March for unpaid rent due on 2 March and 16 March. The 14 days do not include the day that rent is due.

If the tenant does not remedy the breach or give up possession of the premises on or before the date specified in **Part 3**, you **cannot** enter the premises unless the tenant has abandoned or voluntarily gives up possession of the premises, or you have applied to the South Australian Civil and Administrative Tribunal (SACAT) and received an order authorising you to take possession. You are not entitled to possession of the premises until the day after the date specified in **Part 3**—this is the earliest you can apply to SACAT for an order authorising you to take possession.

Form 6—Residential Tenancies Act 1995 (section 80A)

Notice of termination by landlord on ground of drug contamination

Note—

There are a number of ways in which a tenancy may be terminated under the Residential Tenancies Act 1995, some of which include applying directly to the South Australian Civil and Administrative Tribunal.

To: *[insert name of tenant]*

I give notice of termination of a residential tenancy agreement between me as landlord and you as tenant in respect of the premises at:

Address of premises: *[insert address of rented premises]*

on the ground that you have engaged in, or you have allowed another person to engage in, drug related conduct on the premises or ancillary property and testing for contamination indicates that the premises or ancillary property are contaminated as a result of that drug related conduct.

A landlord may terminate a tenancy on this ground immediately.

I give you notice to deliver up vacant possession of the premises on *[insert date on which tenant is required to vacate premises]*

Signature of landlord/agent:

Date:

Full name of landlord/agent:

Address for service of landlord/agent:

Service of notice

This notice was served on *[insert date]* by:

[Tick 1 box]

☐ personally handing it to the tenant

☐ mailing it to the tenant

The landlord/agent should ensure an appropriate postage delivery time frame is taken into consideration. The landlord should take all reasonable steps to ensure the dates provided on this notice are accurate and the service of this notice is valid. If serving this notice by mail, you may wish to confirm the postal delivery time frame with the service provider (ie Australia Post).

☐ placing it in the tenant's letterbox

☐ emailing it to the tenant

☐ other *[please specify below]*

Information for the landlord

1. This notice may be served on the tenant (or on an agent of the tenant)—

(a) personally; or

(b) by sending it by post addressed to the person at their last known place of residence, employment or business; or

(c) by leaving it in a letterbox or other place where it is likely to come to the tenant's attention at their last known place of residence, employment or business; or

(d) by email to an email address provided by the person for the purposes of service under the Act.

2. You should retain a copy of this notice.

Information for the tenant

1. Testing for drug contamination conducted in relation to the premises or ancillary property showed that the premises or ancillary property were contaminated. The cost of such remediation of the contamination may be recovered from the bond, and the landlord may be entitled to further compensation for the remediation.
2. You should, when you vacate the premises, leave them in a reasonable condition and in a reasonably clean state. If you do not, the landlord may recover from the bond, or from you directly, the costs required to remediate the premises (with supporting evidence showing the condition of the premises compared to the start of the tenancy, which demonstrates more than wear and tear).
3. If possible, you should agree with the landlord on how the bond should be paid. Applications for bond payments are generally made online with Consumer and Business Services. If agreement cannot be reached with the landlord, you should contact Consumer and Business Services.
4. When you vacate the premises, ensure that you leave all the keys, remote controls and security devices with the landlord or agent, and notify the electricity entity, gas company, Australia Post, Telstra etc, so that the new tenants do not use gas, electricity and the telephone on your accounts, and so that mail can be forwarded to you.
5. If you are a co-tenant under a residential tenancy agreement and your tenancy is terminated due to the actions of another tenant, you may wish to seek advice about negotiating a new tenancy with the landlord, or seek advice on whether options are available to make an application to SACAT.

Form 7—*Residential Tenancies Act 1995* (section 81 or 82)

Notice of termination of periodic tenancy by landlord because possession is required by landlord

Notice of termination by community housing provider (for fixed term or periodic tenancy)

Note—

There are a number of ways in which a tenancy may be terminated under the Residential Tenancies Act 1995, some of which include applying directly to the South Australian Civil and Administrative Tribunal.

A landlord who is not a registered community housing provider may use this form to terminate a periodic tenancy on a ground (or grounds) set out in this form, and cannot use this form to terminate a fixed term tenancy. If a landlord wishes to terminate a fixed term tenancy at the end of the fixed term, Form 9 must be used. In any other case, application must be made to the South Australian Civil and Administrative Tribunal.

A landlord who is a registered community housing provider can use this form to terminate a fixed term or a periodic tenancy.

To: *[insert name of tenant]*

I give notice of termination of a residential tenancy agreement between me as landlord and you as tenant and for you to deliver up vacant possession of the premises at:

Address of premises: *[insert address of rented premises]*

on *[insert date on which tenant is required to vacate premises]*, being a date that is—
[tick appropriate box and complete details as required]

- ☐ not less than *[insert number]* days, if this notice is being given on one (or more) of the following grounds:

The period of notice given on these grounds must be at least 60 days or if, under the terms of the periodic tenancy, rent is payable at intervals of greater than 60 days, that greater period.

TICK ONE OR MORE OF THE FOLLOWING BOXES TO INDICATE THE GROUND/S

- ☐ the landlord requires possession of the premises for demolition
- ☐ the landlord requires possession of the premises for repairs or renovations that cannot be carried out conveniently while the tenant remains in possession of the premises
- ☐ the landlord requires possession of the premises for the landlord's own occupation, or occupation by the landlord's spouse, child or parent, or occupation by the spouse of the landlord's child or parent
- ☐ the landlord requires possession for the landlord to give vacant possession to a purchaser of the premises as they have entered into a contract of sale dated: *[insert date of contract of sale]*
- ☐ the landlord requires possession of the premises for the purposes of the sale of the premises for which the landlord has entered into a sales agency agreement with a registered agent: *[insert date of sales agency agreement]*

If this notice is being given on one of the above grounds, the landlord must provide the tenant with written evidence, as approved by the Commissioner, to support the ground.

- ☐ not less than 28 days, if, this notice is being given on one (or both) of the following grounds:
TICK ONE OR MORE OF THE FOLLOWING BOXES TO INDICATE THE GROUND/S

- ☐ you have ceased to be a member of the community housing provider
- ☐ you no longer satisfy a condition or conditions specified by the tenancy agreement with the community housing provider as essential to the continuation of the tenancy, namely *[state condition(s) no longer satisfied by the tenant]*

Signature of landlord/agent:

Date:

Full name of landlord/agent:

Address for service of landlord/agent:

Service of notice

This notice was served on *[insert date]* by:
[Tick 1 box]

- ☐ personally handing it to the tenant
- ☐ mailing it to the tenant

The landlord/agent should ensure an appropriate postage delivery time frame is taken into consideration. The landlord should take all reasonable steps to ensure the dates provided on this notice are accurate and the service of this notice is valid. If serving this notice by mail, you may wish to confirm the postal delivery time frame with the service provider (ie Australia Post).

- ☐ placing it in the tenant's letterbox
- ☐ emailing it to the tenant
- ☐ other *[please specify below]*

Information for the landlord

1. If the landlord is a registered community housing provider and the tenant has ceased to be a member of the provider or no longer satisfies an essential requirement to remain as a tenant, the period of notice must be at least 28 days.
2. Except where the landlord is a registered community housing provider, this notice cannot be used if the tenancy has been entered into for a fixed term.
3. It is a criminal offence under section 81 of the *Residential Tenancies Act 1995* to state a false ground of termination in this notice.
4. A landlord who recovers possession of premises under section 81 of the *Residential Tenancies Act 1995* must not, without the consent of the Tribunal, grant a fresh tenancy over the premises before the end of the period specified in section 81(4).
5. Except where the termination is for a failure to pay rent, if the premises are subject to a housing improvement notice or are subject (or potentially subject) to rent control, the Tribunal must give its authorisation to this notice before it is effective.
6. This notice may be served on the tenant (or on an agent of the tenant)—
 - (a) personally; or
 - (b) by sending it by post addressed to the person at their last known place of residence, employment or business; or
 - (c) by leaving it in a letterbox or other place where it is likely to come to the person's attention at their last known place of residence, employment or business; or
 - (d) by email to an email address provided by the person for the purposes of service under the Act.
7. Landlords should determine whether the ground specified for termination chosen on this form requires this form to be accompanied by supporting written evidence (see regulation 32). It is also prudent for landlords to seek out the specific written evidence, as approved by the Commissioner for Consumer Affairs, which must support the ground for termination (as published on the CBS website), and retain copies of the written evidence provided to tenants that accompany this form.
8. You should retain a copy of this notice.

Information for the tenant

1. You may vacate the premises before the date specified in this notice. If you give the landlord or agent written notice of at least 7 days before you vacate the premises, you will not be liable to pay rent after the day on which you vacate. If you give the landlord or agent written notice of less than 7 days before you vacate the premises, you will not be liable to pay rent from the 7th day after you give notice to the landlord or agent.
2. When you vacate the premises, you should leave them in a reasonable condition and in a reasonably clean state. If you do not, the landlord may recover from the bond, or from you directly, the costs required to remediate the premises (with supporting evidence showing the condition of the premises compared to the start of the tenancy, which demonstrates more than wear and tear).
3. If possible, you should agree with the landlord on how the bond should be paid. Applications for bond payments are generally made online with Consumer and Business Services. If agreement cannot be reached with the landlord, you should contact Consumer and Business Services.
4. When you vacate the premises, ensure that you leave all the keys, remote controls and security devices with the landlord or agent, and notify the electricity entity, gas company, Australia Post, Telstra etc, so that the new tenants do not use gas, electricity and the telephone on your accounts, and so that mail can be forwarded to you.
5. If the landlord has specified 1 of the first 5 grounds for termination listed on this form, they are required to provide you with supporting written evidence as approved by the Commissioner for Consumer Affairs. Please check the CBS website for information on the specific written evidence that has been approved to accompany this form. If the approved written evidence does not accompany this form, the notice of termination may not be valid.
6. If you are a co-tenant under a residential tenancy agreement and your tenancy is terminated due to the actions of another tenant, you may wish to seek advice about negotiating a new tenancy with the landlord, or seek advice on whether options are available to make an application to SACAT.

Form 8—Residential Tenancies Act 1995 (section 83)**Notice of termination of periodic tenancy by landlord on specified ground****Note—**

There are a number of ways in which a tenancy may be terminated under the Residential Tenancies Act 1995, some of which include applying directly to the South Australian Civil and Administrative Tribunal.

The landlord cannot use this form to terminate a fixed term tenancy. If a landlord wishes to terminate a fixed term tenancy at the end of the fixed term, Form 9 must be used (or, if the landlord is a registered community housing provider, Form 7 may be used if it is applicable). In any other case, application must be made to the South Australian Civil and Administrative Tribunal.

To: *[insert name of tenant]*

I give notice of termination of a residential tenancy agreement between me as landlord and you as tenant and for you to deliver up vacant possession of the premises at:

Address of premises: *[insert address of rented premises]*

on the ground that—

TICK ONE OR MORE OF THE FOLLOWING BOXES TO INDICATE THE GROUND/S

- ☐ either you or a person you permitted to enter the premises gave rise to a serious risk to the life, health or safety of the landlord, the landlord's agent or a person who resides in the immediate vicinity of the premises
- ☐ either you or another person residing at the premises threatened or intimidated the landlord, the landlord's agent or a contractor or employee of the landlord or agent
- ☐ you kept a pet on the premises without the required authorisation
- ☐ you induced the landlord to enter into the tenancy by a statement or representation about your identity or place of occupation that you knew to be false, misleading or deceptive, or by knowingly concealing a material fact in respect of your identity or place of occupation
- ☐ it was a term of the residential tenancy agreement that you meet the eligibility requirements of the charity, being the landlord, to reside at the premises and you no longer meet the eligibility requirements
- ☐ it was a term of the residential tenancy agreement that you meet the eligibility requirements under the *National Rental Affordability Scheme Regulations 2020* of the Commonwealth to reside at the premises and you no longer meet the eligibility requirements
- ☐ it was a term of the residential tenancy agreement that you be a student of an educational institution and you are no longer a student of the institution
- ☐ it was a term of the residential tenancy agreement that you be an employee of the landlord and you are no longer the landlord's employee

[insert the particulars of the ground/s of the termination]

on *[insert date on which tenant is required to vacate premises]*

being a date that is at least 90 days after this notice is given.

Signature of landlord/agent:

Date:

Full name of landlord/agent:

Address for service of landlord/agent:

Service of notice

This notice was served on *[insert date]* by:

[Tick 1 box]

- ☐ personally handing it to the tenant
- ☐ mailing it to the tenant
The landlord/agent should ensure an appropriate postage delivery time frame is taken into consideration. The landlord should take all reasonable steps to ensure the dates provided on this notice are accurate and the service of this notice is valid. If serving this notice by mail, you may wish to confirm the postal delivery time frame with the service provider (ie Australia Post).
- ☐ placing it in the tenant's letterbox
- ☐ emailing it to the tenant
- ☐ other *[please specify below]*

Information for the landlord

1. This notice cannot be used if the tenancy has been entered into for a fixed term.
2. This notice may be served on the tenant (or on an agent of the tenant)—
 - (a) personally; or
 - (b) by sending it by post addressed to the person at their last known place of residence, employment or business; or
 - (c) by leaving it in a letterbox or other place where it is likely to come to the person's attention at their last known place of residence, employment or business; or
 - (d) by email to an email address provided by the person for the purposes of service under the Act.
3. You should retain a copy of this notice.

Information for the tenant

1. If your tenancy agreement is for a periodic tenancy and you wish to leave the rented premises before the date on which the landlord has indicated vacant possession of the premises is required, you may do so by serving a notice of termination (see Form 16) on the landlord at least 21 days before leaving, or a period equivalent to a single rental period of your tenancy (whichever is longer).

Example—

If you pay rent per calendar month, instead of giving written notice of 21 days, you would be required to give written notice of 1 calendar month.

2. When you vacate the premises, you should leave them in a reasonable condition and in a reasonably clean state. If you do not, the landlord may recover from the bond, or from you directly, the costs required to remediate the premises (with supporting evidence showing the condition of the premises compared to the start of the tenancy, which demonstrates more than wear and tear).
3. If possible, you should agree with the landlord on how the bond should be paid. Applications for bond payments are generally made online with Consumer and Business Services. If agreement cannot be reached with the landlord, you should contact Consumer and Business Services.
4. When you vacate the premises, ensure that you leave all the keys, remote controls and security devices with the landlord or agent, and notify the electricity entity, gas company, Australia Post, Telstra etc, so that the new tenants do not use gas, electricity and the telephone on your accounts, and so that mail can be forwarded to you.
5. If you are a co-tenant under a residential tenancy agreement and your tenancy is terminated due to the actions of another tenant, you may wish to seek advice about negotiating a new tenancy with the landlord, or seek advice on whether options are available to make an application to SACAT.

Form 9—Residential Tenancies Act 1995 (section 83A)**Notice of termination by landlord at end of fixed term tenancy (General Form)****Note—**

There are a number of ways in which a tenancy may be terminated under the Residential Tenancies Act 1995, some of which include applying directly to the South Australian Civil and Administrative Tribunal.

A landlord may end a fixed term residential tenancy agreement at the end of the fixed term on a ground of termination set out in this notice after giving notice of at least 60 days to the tenant. If notice is not given, the agreement continues for a periodic tenancy, with a tenancy period equivalent to the interval between rental payment times under the agreement and with terms of agreement that in other respects are the same as those applying under the agreement immediately before the end of the fixed term.

To: *[insert name of tenant]*

I give notice of termination of a residential tenancy agreement between me as landlord and you as tenant and for you to deliver up vacant possession of the premises at:

Address of premises: *[insert address of rented premises]*

on the ground that—

TICK ONE OR MORE OF THE FOLLOWING BOXES TO INDICATE THE GROUND/S

- ☐ the landlord requires possession of the premises for demolition
- ☐ the landlord requires possession of the premises for repairs or renovations that cannot be carried out conveniently while you remain in possession of the premises
- ☐ the landlord requires possession of the premises for the landlord's own occupation, or occupation by the landlord's spouse, child or parent, or occupation by the spouse of the landlord's child or parent
- ☐ the landlord requires possession for the landlord to give vacant possession to a purchaser of the premises as they have entered into a contract of sale dated: *[insert date of contract of sale]*
- ☐ the landlord requires possession of the premises for the purposes of the sale of the premises for which the landlord has entered into a sales agency agreement with a registered agent: *[insert date of sales agency agreement]*

If this notice is being given on one of the above grounds, the landlord must provide the tenant with written evidence, as approved by the Commissioner, to support the ground.

- ☐ either you or a person you permitted to enter the premises intentionally or negligently caused serious damage to the premises, an area near the premises or safety equipment located on the premises or an area near the premises
- ☐ either you or a person you permitted to enter the premises gave rise to a serious risk to the life, health or safety of the landlord, the landlord's agent or a person who resides in the immediate vicinity of the premises
- ☐ you caused or permitted the premises to be unfit for human habitation, destroyed totally or destroyed to the extent that they are unsafe
- ☐ either you or another person residing at the premises threatened or intimidated the landlord, the landlord's agent or a contractor or employee of the landlord or agent

- ☐ you have been given 2 notices for breaching the residential tenancy agreement for the same or substantially similar breach, and you have breached the agreement a third time in the same or substantially similar manner as set out in the first 2 notices
- ☐ you have used the premises, or caused the premises to be used, for an illegal purpose (including drug related conduct)
- ☐ you failed to pay the bond in accordance with the residential tenancy agreement
- ☐ you kept a pet on the premises without the required authorisation
- ☐ you induced the landlord to enter into the tenancy by a statement or representation about your identity or place of occupation that you knew to be false, misleading or deceptive, or by knowingly concealing a material fact in respect of your identity or place of occupation
- ☐ it was a term of the residential tenancy agreement that you meet the eligibility requirements of the charity, being the landlord, to reside at the premises and you no longer meet the eligibility requirements
- ☐ it was a term of the residential tenancy agreement that you meet the eligibility requirements under the *National Rental Affordability Scheme Regulations 2020* of the Commonwealth to reside at the premises and you no longer meet the eligibility requirements
- ☐ it was a term of the residential tenancy agreement that you be a student of an educational institution and you are no longer a student of the institution
- ☐ it was a term of the residential tenancy agreement that you be an employee of the landlord and you are no longer the landlord's employee
- ☐ you failed to accept an offer made by the landlord (who is a purpose-built student accommodation provider) to extend or renew the residential tenancy agreement within 30 days of receiving the offer

Note—

A purpose-built student accommodation provider who terminates a residential tenancy agreement on the above ground must not impose a charge or a fee to the tenant due to the termination of the agreement or because the tenant failed to accept in writing the offer within the time required (see regulation 25(2)).

See also section 53 of the Act under which a purpose-built student accommodation provider must not receive payment for the residential tenancy from the tenant other than rent and bond.

[insert the particulars of the ground/s of the termination]

on: *[insert date the fixed term ends]*, being a date that is at least 60 days after this notice is given.

Signature of landlord/agent:

Date:

Full name of landlord/agent:

Address of landlord/agent:

Service of notice

This notice was served on *[insert date]* by:

[Tick 1 box]

- ☐ personally handing it to the tenant
- ☐ mailing it to the tenant

The landlord/agent should ensure an appropriate postage delivery time frame is taken into consideration. The landlord should take all reasonable steps to ensure the dates provided on this notice are accurate and the service of this notice is valid. If serving this notice by mail, you may wish to confirm the postal delivery time frame with the service provider (ie Australia Post).

- ☐ placing it in the tenant's letterbox
- ☐ emailing it to the tenant
- ☐ other *[please specify below]*

Information for the landlord

1. A landlord who recovers possession of premises under section 83A of the *Residential Tenancies Act 1995* on 1 of the first 5 grounds specified in this notice must not, without the consent of the Tribunal, grant a fresh tenancy over the premises before the end of the period specified in section 91A.
2. This notice may be served on the tenant (or an agent of the tenant)—
 - (a) personally; or
 - (b) by sending it by post addressed to the person at their last known place of residence, employment or business; or
 - (c) by leaving it in a letterbox or other place where it is likely to come to the person's attention at their last known place of residence, employment or business; or
 - (d) by email to an email address provided by the person for the purposes of service under the Act.
3. Landlords should determine whether the ground specified for termination chosen on this form requires this form to be accompanied by supporting written evidence (see regulation 32). It is also prudent for landlords to seek out the specific written evidence, as approved by the Commissioner for Consumer Affairs, which must support the ground for termination (as published on the CBS website), and retain copies of the written evidence provided to tenants that accompany this form.
4. You should retain a copy of this notice.

Information for the tenant

1. When you vacate the premises, you should leave them in a reasonable condition and in a reasonably clean state. If you do not, the landlord may recover from the bond, or from you directly, the costs required to remediate the premises (with supporting evidence showing the condition of the premises compared to the start of the tenancy, which demonstrates more than wear and tear).
2. If possible, you should agree with the landlord on how the bond should be paid. Applications for bond payments are generally made online with Consumer and Business Services. If agreement cannot be reached with the landlord, you should contact Consumer and Business Services.
3. When you vacate the premises, ensure that you leave all the keys, remote controls and security devices with the landlord or agent, and notify the electricity entity, gas company, Australia Post, Telstra etc, so that the new tenants do not use gas, electricity and the telephone on your accounts, and so that mail can be forwarded to you.

4. If the landlord has specified 1 of the first 5 grounds for termination listed on this form, they are required to provide you with supporting written evidence as approved by the Commissioner for Consumer Affairs. Please check the CBS website for information on the specific written evidence that has been approved to accompany this form. If the approved written evidence does not accompany this form, the notice of termination may not be valid.
5. If you are a co-tenant under a residential tenancy agreement and your tenancy is terminated due to the actions of another tenant, you may wish to seek advice about negotiating a new tenancy with the landlord, or seek advice on whether options are available to make an application to SACAT.

Form 10—Residential Tenancies Act 1995 (section 83B)

Notice of termination by landlord where agreement frustrated

Note—

There are a number of ways in which a tenancy may be terminated under the Residential Tenancies Act 1995, some of which include applying directly to the South Australian Civil and Administrative Tribunal.

To: *[insert name of tenant]*

I give notice of termination of a residential tenancy agreement between me as landlord and you as tenant in respect of the premises at:

Address of premises: *[insert address of rented premises]*

on the ground that—

- ☐ the premises have been destroyed or rendered uninhabitable
A landlord may terminate a tenancy on this ground immediately.
- ☐ the premises have ceased to be lawfully usable for residential purposes
A landlord may terminate a tenancy on this ground immediately.
- ☐ the premises have been acquired by compulsory process
The period of notice given on these grounds must be at least 60 days.

I give you notice to deliver up vacant possession of the premises on *[insert date on which tenant is required to vacate premises]*

Signature of landlord/agent:

Date:

Full name of landlord/agent:

Address for service of landlord/agent:

Service of notice

This notice was served on *[insert date]* by:

[Tick 1 box]

- ☐ personally handing it to the tenant
- ☐ mailing it to the tenant

The landlord/agent should ensure an appropriate postage delivery time frame is taken into consideration. The landlord should take all reasonable steps to ensure the dates provided on this notice are accurate and the service of this notice is valid. If serving this notice by mail, you may wish to confirm the postal delivery time frame with the service provider (ie Australia Post).

- ☐ placing it in the tenant's letterbox
- ☐ emailing it to the tenant
- ☐ other [please specify below]

Information for the landlord

1. This notice may be served on the tenant (or on an agent of the tenant)—
 - (a) personally; or
 - (b) by sending it by post addressed to the person at their last known place of residence, employment or business; or
 - (c) by leaving it in a letterbox or other place where it is likely to come to the person's attention at their last known place of residence, employment or business; or
 - (d) by email to an email address provided by the person for the purposes of service under the Act.
2. You should retain a copy of this notice.

Information for the tenant

1. If your tenancy agreement is for a periodic tenancy and you wish to leave the rented premises before the date on which the landlord has indicated vacant possession of the premises is required, you may do so by serving a notice of termination (see Form 16) on the landlord at least 21 days before leaving, or a period equivalent to a single rental period of your tenancy (whichever is longer).

Example—

If you pay rent per calendar month, instead of giving written notice of 21 days, you would be required to give written notice of 1 calendar month.

2. You should, when you vacate the premises, leave them in a reasonable condition and in a reasonably clean state (however this obligation may not apply if the premises are rendered uninhabitable). If you do not, the landlord may recover from the bond, or from you directly, the costs required to remediate the premises (with supporting evidence showing the condition of the premises compared to the start of the tenancy, which demonstrates more than wear and tear).
3. If possible, you should agree with the landlord on how the bond should be paid. Applications for bond payments are generally made online with Consumer and Business Services. If agreement cannot be reached with the landlord, you should contact Consumer and Business Services.
4. When you vacate the premises, ensure that you leave all the keys, remote controls and security devices with the landlord or agent, and notify the electricity entity, gas company, Australia Post, Telstra etc, so that the new tenants do not use gas, electricity and the telephone on your accounts, and so that mail can be forwarded to you.

5. If you are a co-tenant under a residential tenancy agreement and your tenancy is terminated due to the actions of another tenant, you may wish to seek advice about negotiating a new tenancy with the landlord, or seek advice on whether options are available to make an application to SACAT.

Form 11—*Residential Tenancies Act 1995* (section 85)

Notice by tenant to landlord to remedy breach of agreement—Notice of termination

Note—

There are a number of ways in which a tenancy may be terminated under the Residential Tenancies Act 1995, some of which include applying directly to the South Australian Civil and Administrative Tribunal.

For periodic tenancies, Form 16 should be used for a notice of termination where no breach of agreement is alleged.

To: *[insert name of landlord/agent]*

- A I give notice that you are in breach of the residential tenancy agreement that relates to the following premises:

Address of rented premises:

This breach is as follows:

[include enough details so that the landlord receiving this notice will know exactly what the breach is]

You must remedy the breach as follows:

[include enough details so that the landlord receiving this notice will know exactly what has to be done to remedy the breach]

- B This breach must be remedied within *[insert number of days as per information below]* days from the date on which this notice is given to you.

- C If the breach is not remedied within this period, then the tenancy is terminated by force of this notice from the following date:

[insert date]

Signature of tenant:

Date:

Full name of tenant:

Address of tenant:

Service of notice

This notice was served on *[insert date]* by:

[Tick 1 box]

- ☐ personally handing it to the landlord/agent
- ☐ mailing it to the landlord/agent

The tenant should ensure an appropriate postage delivery time frame is taken into consideration. The tenant should take all reasonable steps to ensure the dates provided on this notice are accurate and the service of this notice is valid. If serving this notice by mail, you may wish to confirm the postal delivery time frame with the service provider (ie Australia Post).

- ☐ placing it in the landlord's/agent's letterbox

- ☐ emailing it to the landlord/agent
- ☐ other *[please specify]*

Information for the tenant

1. The period allowed under **Item B** to remedy the breach must be at least 7 clear days from the day on which this notice is received or is expected to be received by the landlord.
2. The date specified in **Item C** for the end of the tenancy must be at least 8 days after the end of the period specified in Item B above.
3. This notice may be served on the landlord, or on an agent of the landlord—
 - (a) personally; or
 - (b) by sending it by post addressed to the person at their last known place of residence, employment or business; or
 - (c) by leaving it in a letterbox or other place where it is likely to come to the person's attention at their last known place of residence, employment or business; or
 - (d) by email to an email address provided by the person for the purposes of service under the Act.
4. You should retain a copy of this notice.

Information for the landlord

You may, within the time period fixed under this notice for termination of the tenancy, or before the tenant gives up possession of the premises, apply to the South Australian Civil and Administrative Tribunal for an order:

- (a) declaring that you are not in breach of the residential tenancy agreement;
- (b) declaring that you have remedied the breach within the notice period;
- (c) reinstating the tenancy.

Termination information

1. When the tenant vacates the premises, they should leave them in a reasonable condition and in a reasonably clean state. If they are not, the landlord may recover from the bond, or from the tenant directly, the costs required to remediate the premises (with supporting evidence showing the condition of the premises compared to the start of the tenancy, which demonstrates more than wear and tear).
2. If possible, the tenant and the landlord should agree on how the bond should be paid. Applications for bond payments are generally made online with Consumer and Business Services. If agreement cannot be reached with the landlord, you should contact Consumer and Business Services.
3. When the tenant vacates the premises, the tenant should ensure that they leave all the keys, remote controls and security devices with the landlord or agent, and notify the electricity entity, gas company, Australia Post, Telstra etc, so that the new tenants do not use gas, electricity and the telephone on the tenant's accounts, and so that mail can be forwarded.

Form 12—*Residential Tenancies Act 1995* (section 85AA)

Notice of termination by tenant for successive breaches of agreement by landlord

Note—

There are a number of ways in which a tenancy may be terminated under the Residential Tenancies Act 1995, some of which include applying directly to the South Australian Civil and Administrative Tribunal.

To: *[insert name of landlord/agent]*

I give notice of termination of a residential tenancy agreement between me as tenant and you as landlord in respect of the premises at:

Address of premises: *[insert address of rented premises]*

because you are in breach of a provision of the agreement as follows:

[include enough details so that the landlord receiving this notice will know exactly what the breach is]

and you have, on 2 previous occasions in the period of 12 months before the giving of this notice, been in breach of the same provision of the agreement.

I give you notice that I will deliver up vacant possession of the premises on *[insert hand-over date]*, being a date that is at least 7 days after this notice is given.

Signature of tenant:

Date:

Full name of tenant:

Address of tenant:

Service of notice

This notice was served on *[insert date]* by:

[Tick 1 box]

☐ personally handing it to the landlord/agent

☐ mailing it to the landlord/agent

The tenant should ensure an appropriate postage delivery time frame is taken into consideration. The tenant should take all reasonable steps to ensure the dates provided on this notice are accurate and the service of this notice is valid. If serving this notice by mail, you may wish to confirm the postal delivery time frame with the service provider (ie Australia Post).

☐ placing it in the landlord's/agent's letterbox

☐ emailing it to the landlord/agent

☐ other *[please specify]*

Information for the tenant

1. This notice may be served on the landlord, or on an agent of the landlord—

(a) personally; or

(b) by sending it by post addressed to the person at their last known place of residence, employment or business; or

(c) by leaving it in a letterbox or other place where it is likely to come to the person's attention at their last known place of residence, employment or business; or

- (d) by email to an email address provided by the person for the purposes of service under the Act.

2. You should retain a copy of this notice.

Termination information

1. When the tenant vacates the premises, they should leave them in a reasonable condition and in a reasonably clean state. If they are not, the landlord may recover from the bond, or from the tenant directly, the costs required to remediate the premises (with supporting evidence showing the condition of the premises compared to the start of the tenancy, which demonstrates more than wear and tear).
2. If possible, the tenant and landlord should agree on how the bond should be paid. Applications for bond payments are generally made online with Consumer and Business Services. If agreement cannot be reached with the landlord, you should contact Consumer and Business Services.
3. When the tenant vacates the premises, the tenant should ensure that they leave all the keys, remote controls and security devices with the landlord or agent, and notify the electricity entity, gas company, Australia Post, Telstra etc, so that the new tenants do not use gas, electricity and the telephone on the tenant's accounts, and so that mail can be forwarded.

Form 13—*Residential Tenancies Act 1995* (section 85A)

Notice of termination by tenant where residential premises for sale

Note—

There are a number of ways in which a tenancy may be terminated under the Residential Tenancies Act 1995, some of which include applying directly to the South Australian Civil and Administrative Tribunal.

To: *[insert name of landlord/agent]*

I give notice of termination of a residential tenancy agreement between me as tenant and you as landlord in respect of the premises at:

Address of premises: *[insert address of rented premises]*

because you have entered into a contract for the sale of the premises and did not, before the agreement was entered into, advise me of the prospective sale in accordance with section 47A of the Act.

I give you notice that I will deliver up vacant possession of the premises on *[insert hand-over date]*.

Signature of tenant:

Date:

Full name of tenant:

Address of tenant:

Service of notice

This notice was served on *[insert date]* by:

[Tick 1 box]

- ☐ personally handing it to the landlord/agent
- ☐ mailing it to the landlord/agent

The tenant should ensure an appropriate postage delivery time frame is taken into consideration. The tenant should take all reasonable steps to ensure the dates provided on this notice are accurate and the service of this notice is valid. If serving this notice by mail, you may wish to confirm the postal delivery time frame with the service provider (ie Australia Post).

- ☐ placing it in the landlord's/agent's letterbox
- ☐ emailing it to the landlord/agent
- ☐ other *[please specify below]*

Information for the tenant

1. This notice may be served on the landlord, or on an agent of the landlord—
 - (a) personally; or
 - (b) by sending it by post addressed to the person at their last known place of residence, employment or business; or
 - (c) by leaving it in a letterbox or other place where it is likely to come to the person's attention at their last known place of residence, employment or business; or
 - (d) by email to an email address provided by the person for the purposes of service under the Act.
2. You should retain a copy of this notice.

Termination information

1. When the tenant vacates the premises, they should leave them in a reasonable condition and in a reasonably clean state. If they are not, the landlord may recover from the bond, or from the tenant directly, the costs required to remediate the premises (with supporting evidence showing the condition of the premises compared to the start of the tenancy, which demonstrates more than wear and tear).
2. If possible, the tenant and landlord should agree on how the bond should be paid. Applications for bond payments are generally made online with Consumer and Business Services. If agreement cannot be reached with the landlord, you should contact Consumer and Business Services.
3. When the tenant vacates the premises, the tenant should ensure that they leave all the keys, remote controls and security devices with the landlord or agent, and notify the electricity entity, gas company, Australia Post, Telstra etc, so that the new tenants do not use gas, electricity and the telephone on the tenant's accounts, and so that mail can be forwarded.

Form 14—*Residential Tenancies Act 1995* (sections 85B and 85C)

Notice of termination by tenant where certain circumstances apply

Note—

There are a number of ways in which a tenancy may be terminated under the Residential Tenancies Act 1995, some of which include applying directly to the South Australian Civil and Administrative Tribunal.

To: *[insert name of landlord/agent]*

I give notice of termination of a residential tenancy agreement between me as tenant and you as landlord in respect of the premises at:

Address of premises: *[insert address of rented premises]*

on the ground that—

TICK ONE OR MORE OF THE FOLLOWING BOXES TO INDICATE THE GROUND/S

- ☐ the premises do not comply with the prescribed minimum housing standards under the *Housing Improvement Act 2016*
- ☐ the premises are destroyed totally or to such an extent as to be rendered unsafe
- ☐ I have been offered and have accepted accommodation by the South Australian Housing Trust or a community housing provider registered under the *Community Housing Providers National Law*
- ☐ I require prescribed temporary crisis accommodation and need to vacate the premises in order to obtain that accommodation

If the prescribed temporary crisis accommodation is for persons who are experiencing domestic abuse, please state the accommodation provider here:

- ☐ I require prescribed care and need to vacate the premises in order to obtain that care

I give you notice that I will deliver up vacant possession of the premises on *[insert hand-over date]*, being a date that is at least 7 days after this notice is given.

Signature of tenant:

Date:

Full name of tenant:

Address of tenant:

Service of notice

This notice was served on *[insert date]* by:

[Tick 1 box]

- ☐ personally handing it to the landlord/agent
- ☐ mailing it to the landlord/agent
The tenant should ensure an appropriate postage delivery time frame is taken into consideration. The tenant should take all reasonable steps to ensure the dates provided on this notice are accurate and the service of this notice is valid. If serving this notice by mail, you may wish to confirm the postal delivery time frame with the service provider (ie Australia Post).
- ☐ placing it in the landlord's/agent's letterbox
- ☐ emailing it to the landlord/agent
- ☐ other *[please specify below]*

Information for the tenant

1. This notice may be served on the landlord, or on an agent of the landlord—
 - (a) personally; or
 - (b) by sending it by post addressed to the person at their last known place of residence, employment or business; or
 - (c) by leaving it in a letterbox or other place where it is likely to come to the person's attention at their last known place of residence, employment or business; or
 - (d) by email to an email address provided by the person for the purposes of service under the Act.
2. You should retain a copy of this notice.

Termination information

1. When the tenant vacates the premises, they should leave them in a reasonable condition and in a reasonably clean state. If they are not, the landlord may recover from the bond, or from the tenant directly, the costs required to remediate the premises (with supporting evidence showing the condition of the premises compared to the start of the tenancy, which demonstrates more than wear and tear).
2. If possible, the tenant and the landlord should agree on how the bond should be paid. Applications for bond payments are generally made online with Consumer and Business Services. If agreement cannot be reached with the landlord, you should contact Consumer and Business Services.
3. When the tenant vacates the premises, the tenant should ensure that they leave all the keys, remote controls and security devices with the landlord or agent, and notify the electricity entity, gas company, Australia Post, Telstra etc, so that the new tenants do not use gas, electricity and the telephone on the tenant's accounts, and so that mail can be forwarded.

Form 15—Residential Tenancies Act 1995 (section 85D)**Notice of termination by tenant on grounds of domestic abuse****Note—**

There are a number of ways in which a tenancy may be terminated under the Residential Tenancies Act 1995, some of which include applying directly to the South Australian Civil and Administrative Tribunal.

To: *[insert name of landlord/agent]*

I give notice of termination of a residential tenancy agreement between me as tenant and you as landlord in respect of the premises at:

Address of premises: *[insert address of rented premises]*

on the ground that—

TICK ONE OR MORE OF THE FOLLOWING BOXES TO INDICATE THE GROUND/S

- ☐ an intervention order is in force for my protection, or the protection of a domestic associate of mine who normally resides at the premises, against a person who is a domestic associate of someone who normally resides at the premises

- ☐ either I am, or a domestic associate of mine who normally resides at the premises is, in some other circumstance of domestic abuse

I give you notice that I will deliver up vacant possession of the premises on *[insert hand-over date]*.

Signature of tenant:

Date:

Full name of tenant:

Address of tenant:

Service of notice

This notice was served on *[insert date]* by:

[Tick 1 box]

- ☐ personally handing it to the landlord/agent
- ☐ mailing it to the landlord/agent
The tenant should ensure an appropriate postage delivery time frame is taken into consideration. The tenant should take all reasonable steps to ensure the dates provided on this notice are accurate and the service of this notice is valid. If serving this notice by mail, you may wish to confirm the postal delivery time frame with the service provider (ie Australia Post).
- ☐ placing it in the landlord's/agent's letterbox
- ☐ emailing it to the landlord/agent
- ☐ other *[please specify below]*

Information for the tenant

1. This notice must be accompanied by either of the following evidence as is relevant—
 - (a) if this notice is given on the ground of an intervention order being in force—a copy of the intervention order; or
 - (b) if this notice is given on the ground of other circumstances of domestic abuse—a prescribed report.
2. This notice may be served on the landlord, or on an agent of the landlord—
 - (a) personally; or
 - (b) by sending it by post addressed to the person at their last known place of residence, employment or business; or
 - (c) by leaving it in a letterbox or other place where it is likely to come to the person's attention at their last known place of residence, employment or business; or
 - (d) by email to an email address provided by the person for the purposes of service under the Act.
3. You should retain a copy of this notice.

Information for the landlord

You are required to deal with evidence and information that you receive with this notice in a confidential manner. Criminal penalties apply for contravention of these requirements. See section 85D of the *Residential Tenancies Act 1995*.

Termination information

1. When the tenant vacates the premises, they should leave them in a reasonable condition and in a reasonably clean state. If they are not, the landlord may recover from the bond, or from the tenant directly, the costs required to remediate the premises (with supporting evidence showing the condition of the premises compared to the start of the tenancy, which demonstrates more than wear and tear).
2. If possible, the tenant and the landlord should agree on how the bond should be paid. Applications for bond payments are generally made online with Consumer and Business Services. If agreement cannot be reached with the landlord, you should contact Consumer and Business Services.
3. When the tenant vacates the premises, the tenant should ensure that they leave all the keys, remote controls and security devices with the landlord or agent, and notify the electricity entity, gas company, Australia Post, Telstra etc, so that the new tenants do not use gas, electricity and the telephone on the tenant's accounts, and so that mail can be forwarded.

Form 16—*Residential Tenancies Act 1995* (section 86)**Notice of termination by tenant for a periodic tenancy (General Form)****Note—**

There are a number of ways in which a tenancy may be terminated under the Residential Tenancies Act 1995, some of which include applying directly to the South Australian Civil and Administrative Tribunal.

A tenant cannot use this form to terminate a fixed term tenancy. If a tenant wishes to terminate a fixed term tenancy at the end of the fixed term, Form 17 must be used. In any other case, application must be made to the South Australian Civil and Administrative Tribunal.

To: *[insert name of landlord/agent] of [insert address of landlord/agent]*

1. I give notice of termination of a residential tenancy agreement between me as tenant and you as landlord in respect of the premises at: *[insert address of rented premises]*
2. I will deliver up possession of the premises to you on *[insert hand-over date]*.

Note—

The hand-over date must be at least 21 days from the date of this notice, or a period equivalent to a single rental period of your tenancy (whichever is longer).

Example—

If you pay rent monthly, instead of giving notice of 21 days, you would be required to give notice of 1 calendar month.

Signature of tenant:

Date:

Full name of tenant:

Address of tenant:

Service of notice

This notice was served on *[insert date]* by:

[Tick 1 box]

- ☐ personally handing it to the landlord/agent
- ☐ mailing it to the landlord/agent

The tenant should ensure an appropriate postage delivery time frame is taken into consideration. The tenant should take all reasonable steps to ensure the dates provided on this notice are accurate and the service of this notice is valid. If serving this notice by mail, you may wish to confirm the postal delivery time frame with the service provider (ie Australia Post).

- ☐ placing it in the landlord's/agent's letterbox
- ☐ emailing it to the landlord/agent
- ☐ other *[please specify below]*

Information for the tenant

1. This notice may be served on the landlord, or on an agent of the landlord—
 - (a) personally; or
 - (b) by sending it by post addressed to the person at their last known place of residence, employment or business; or
 - (c) by leaving it in a letterbox or other place where it is likely to come to the person's attention at their last known place of residence, employment or business; or
 - (d) by email to an email address provided by the person for the purposes of service under the Act.
2. You should retain a copy of this notice.

Termination information

1. When the tenant vacates the premises, they should leave them in a reasonable condition and in a reasonably clean state. If they are not, the landlord may recover from the bond, or from the tenant directly, the costs required to remediate the premises (with supporting evidence showing the condition of the premises compared to the start of the tenancy, which demonstrates more than wear and tear).
2. If possible, the tenant and the landlord should agree on how the bond should be paid. Applications for bond payments are generally made online with Consumer and Business Services. If agreement cannot be reached with the landlord, you should contact Consumer and Business Services.
3. When the tenant vacates the premises, the tenant should ensure that they leave all the keys, remote controls and security devices with the landlord or agent, and notify the electricity entity, gas company, Australia Post, Telstra etc, so that the new tenants do not use gas, electricity and the telephone on the tenant's accounts, and so that mail can be forwarded.

Form 17—*Residential Tenancies Act 1995* (section 86A)

Notice of termination by tenant at end of fixed term tenancy (General Form)

Note—

There are a number of ways in which a tenancy may be terminated under the Residential Tenancies Act 1995, some of which include applying directly to the South Australian Civil and Administrative Tribunal.

A tenant may end a fixed term residential tenancy agreement at the end of the fixed term without specifying a ground of termination after giving notice of at least 28 days to the landlord/agent. If notice is not given, the agreement continues for a periodic tenancy, with a tenancy period equivalent to the interval between rental payment times under the agreement and with terms of agreement that in other respects are the same as those applying under the agreement immediately before the end of the fixed term.

To: *[insert name of landlord/agent]*

I give you notice that I will deliver up vacant possession of the premises at:

Address of premises: *[insert address of rented premises]*

on: *[insert date the fixed term ends]*

being a date that is not less than 28 days after this notice is given.

Signature of tenant:

Date:

Full name of tenant:

Address of tenant:

Service of notice

This notice was served on *[insert date]* by:

[Tick 1 box]

☐ personally handing it to the landlord/agent

☐ mailing it to the landlord/agent

The tenant should ensure an appropriate postage delivery time frame is taken into consideration. The tenant should take all reasonable steps to ensure the dates provided on this notice are accurate and the service of this notice is valid. If serving this notice by mail, you may wish to confirm the postal delivery time frame with the service provider (ie Australia Post).

☐ placing it in the landlord's/agent's letterbox

☐ emailing it to the landlord/agent

☐ other *[please specify below]*

Information for the tenant

1. This notice may be served on the landlord, or on an agent of the landlord—
 - (a) personally; or
 - (b) by sending it by post addressed to the person at their last known place of residence, employment or business; or
 - (c) by leaving it in a letterbox or other place where it is likely to come to the person's attention at their last known place of residence, employment or business; or
 - (d) by email to an email address provided by the person for the purposes of service under the Act.
2. You should retain a copy of this notice.

Termination information

1. When the tenant vacates the premises, they should leave them in a reasonable condition and in a reasonably clean state. If they are not, the landlord may recover from the bond, or from the tenant directly, the costs required to remediate the premises (with supporting evidence showing the condition of the premises compared to the start of the tenancy, which demonstrates more than wear and tear).
2. If possible, the tenant and the landlord should agree on how the bond should be paid. Applications for bond payments are generally made online with Consumer and Business Services. If agreement cannot be reached with the landlord, you should contact Consumer and Business Services.
3. When the tenant vacates the premises, the tenant should ensure that they leave all the keys, remote controls and security devices with the landlord or agent, and notify the electricity entity, gas company, Australia Post, Telstra etc, so that the new tenants do not use gas, electricity and the telephone on the tenant's accounts, and so that mail can be forwarded.

Form 18—*Residential Tenancies Act 1995* (section 86B)**Notice of termination by tenant where agreement frustrated**

Note—

There are a number of ways in which a tenancy may be terminated under the Residential Tenancies Act 1995, some of which include applying directly to the South Australian Civil and Administrative Tribunal.

To: *[insert name of landlord/agent]*

I give notice of termination of a residential tenancy agreement between me as tenant and you as landlord in respect of the premises at:

Address of premises: *[insert address of rented premises]*

on the ground that—

- ☐ the premises have been destroyed or rendered uninhabitable
 - ☐ the premises have ceased to be lawfully usable for residential purposes
 - ☐ the premises have been acquired by compulsory process
- A tenant may terminate a tenancy on any of these grounds immediately.*

I give you notice that I will deliver up vacant possession of the premises on *[insert hand-over date]*

Signature of tenant:

Date:

Full name of tenant:

Address for service of tenant:

Service of notice

This notice was served on *[insert date]* by:

[Tick 1 box]

- ☐ personally handing it to the landlord/agent
- ☐ mailing it to the landlord/agent

The tenant should ensure an appropriate postage delivery time frame is taken into consideration. The tenant should take all reasonable steps to ensure the dates provided on this notice are accurate and the service of this notice is valid. If serving this notice by mail, you may wish to confirm the postal delivery time frame with the service provider (ie Australia Post).

- ☐ placing it in the landlord's/agent's letterbox
- ☐ emailing it to the landlord/agent
- ☐ other *[please specify below]*

Information for the tenant

1. This notice may be served on the landlord, or on an agent of the landlord—
 - (a) personally; or
 - (b) by sending it by post addressed to the person at their last known place of residence, employment or business; or
 - (c) by leaving it in a letterbox or other place where it is likely to come to the person's attention at their last known place of residence, employment or business; or
 - (d) by email to an email address provided by the person for the purposes of service under the Act.
2. You should retain a copy of this notice.

Termination information

1. When the tenant vacates the premises, they should leave them in a reasonable condition and in a reasonably clean state (however this obligation may not apply if the premises are rendered uninhabitable). If they are not, the landlord may recover from the bond, or from the tenant directly, the costs required to remediate the premises (with supporting evidence showing the condition of the premises compared to the start of the tenancy, which demonstrates more than wear and tear).
2. If possible, the tenant and the landlord should agree on how the bond should be paid. Applications for bond payments are generally made online with Consumer and Business Services. If agreement cannot be reached with the landlord, you should contact Consumer and Business Services.
3. When the tenant vacates the premises, the tenant should ensure that they leave all the keys, remote controls and security devices with the landlord or agent, and notify the electricity entity, gas company, Australia Post, Telstra etc, so that the new tenants do not use gas, electricity and the telephone on the tenant's accounts, and so that mail can be forwarded.

Schedule 2—Transitional provision for *Residential Tenancies (Miscellaneous) Amendment Act 2013*

1—Repayment of bond—rooming houses

A rooming house proprietor must, on termination of a rooming house agreement, repay the full amount of any bond paid by the rooming house resident before the commencement of section 105L(2) of the Act less not more than—

- (a) an amount equal to any outstanding rent or payments for meals, facilities or other services due to the proprietor by the resident; and
- (b) if the resident's room or property provided by the rooming house proprietor for use by the resident is not returned in a reasonable condition (taking into account the condition of the room and property when the resident's period of accommodation began and the probable effect of reasonable wear and tear since that time)—reasonable costs incurred in repairing the room and property.

Maximum penalty: \$1 000.

Schedule 3—Repeal and transitional provisions

Part 1—Repeal of *Residential Tenancies Regulations 2010*

1—Repeal of *Residential Tenancies Regulations 2010*

The *Residential Tenancies Regulations 2010* are repealed.

Part 2—Transitional provisions

2—Form A1

- (1) Regulation 8(5)(a)(ii) applies only in relation to an application form given to a prospective tenant by a landlord or an agent of a landlord on or after 1 January 2026.
- (2) Regulation 8(5)(b)(ii) applies only in relation to an application to enter into a residential tenancy agreement submitted by a prospective tenant on or after 1 January 2026.

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 14 August 2025

No 91 of 2025

South Australia

Legislative Instruments (Postponement of Expiry) Regulations 2025

under the *Legislative Instruments Act 1978*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Postponement of expiry for 1 year—regulations made before 1 January 2015
- 5 Expiry of obsolete regulations

Schedule 1—Postponement of expiry

Schedule 2—Expiry of obsolete regulations

Schedule 3—Repeal of *Legislative Instruments (Postponement of Expiry)*
Regulations 2024

1—Short title

These regulations may be cited as the *Legislative Instruments (Postponement of Expiry) Regulations 2025*.

2—Commencement

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

3—Interpretation

In these regulations—

Act means the *Legislative Instruments Act 1978*.

4—Postponement of expiry for 1 year—regulations made before 1 January 2015

The expiry under Part 3A of the Act of the regulations listed in Schedule 1 is postponed for a period of 1 year commencing on 1 September 2025.

5—Expiry of obsolete regulations

The regulations listed in Schedule 2 will expire under the Act on 1 September 2025.

Schedule 1—Postponement of expiry

Aboriginal Lands Trust Regulations 2014

Advance Care Directives Regulations 2014

Air Transport (Route Licensing—Passenger Services) Regulations 2014

Animal Welfare Regulations 2012

ASER (Restructure) Regulations 2013

Births, Deaths and Marriages Registration Regulations 2011
Building and Construction Industry Security of Payment Regulations 2011
Building Work Contractors Regulations 2011
Burial and Cremation Regulations 2014
Carrick Hill Trust Regulations 2012
Casino Regulations 2013
Civil Liability Regulations 2013
Classification (Publications, Films and Computer Games) Regulations 2011
Commonwealth Places (Mirror Taxes Administration) (Modification of State Taxing Laws) Regulations 2014
Community Housing Providers (National Law) (South Australia) Regulations 2014
Community Titles Regulations 2011
Consent to Medical Treatment and Palliative Care Regulations 2014
Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2014
Controlled Substances (Poisons) Regulations 2011
Criminal Investigation (Covert Operations) Regulations 2014
Director of Public Prosecutions Regulations 2014
Disability Services (Community Visitor Scheme) Regulations 2013
Education and Early Childhood Services (Registration and Standards) Regulations 2011
Electricity (General) Regulations 2012
Electricity Corporations (Restructuring and Disposal) Regulations 2014
Emergency Services Funding (Remissions—Land) Regulations 2014
Emergency Services Funding (Remissions—Motor Vehicles and Vessels) Regulations 2014
Energy Products (Safety and Efficiency) Regulations 2012
Energy Resources Regulations 2013
Expiation of Offences Regulations 2011
Explosives Regulations 2011
Fair Trading (Farming Industry Dispute Resolution Code) Regulations 2013
Fair Trading (Fuel Industry Code) Regulations 2013
Fair Trading (Motor Vehicle Industry Dispute Resolution Code) Regulations 2014
Fair Trading (Newsagency Industry Dispute Resolution Code) Regulations 2014
Fair Trading (Pre-paid Funerals Industry Code) Regulations 2011
Fisheries Management (Blue Crab Fishery) Regulations 2013
Fisheries Management (Miscellaneous Broodstock and Seedstock Fishery) Regulations 2013
Fisheries Management (Miscellaneous Developmental Fishery) Regulations 2013

Fisheries Management (Miscellaneous Research Fishery) Regulations 2013
Forest Property Regulations 2014
Forestry Regulations 2013
Gas Regulations 2012
Graffiti Control Regulations 2013
Heavy Vehicle National Law (South Australia) (Savings, Transitional and Declaratory) Regulations 2013
Independent Commission Against Corruption Regulations 2013
Intervention Orders (Prevention of Abuse) Regulations 2011
Juries (General) Regulations 2013
Late Payment of Government Debts (Interest) Regulations 2014
Legal Practitioners Regulations 2014
Libraries Regulations 2013
Liquor Licensing (General) Regulations 2012
Livestock Regulations 2013
Local Government (Financial Management) Regulations 2011
Local Government (General) Regulations 2013
Local Government (Procedures at Meetings) Regulations 2013
Marine Parks (Zoning) Regulations 2012
Marine Safety (Domestic Commercial Vessel) National Law (Application) Regulations 2013
Metropolitan Adelaide Road Widening Plan Regulations 2014
Mines and Works Inspection Regulations 2013
Motor Vehicle Accidents (Lifetime Support Scheme) Regulations 2014
Motor Vehicles (Third Party Insurance) Regulations 2013
National Parks and Wildlife (Hunting) Regulations 2011
National Parks and Wildlife (Kanku-Breakaways Conservation Park) Regulations 2013
National Parks and Wildlife (Parking) Regulations 2012
Opal Mining Regulations 2012
Parliament (Joint Services) (Retention Entitlement) Regulations 2012
Police Regulations 2014
Prices Regulations 2014
Primary Industry Funding Schemes (Sheep Industry Fund) Regulations 2014
Primary Produce (Food Safety Schemes) (Egg) Regulations 2012
Private Parking Areas Regulations 2014
Protection of Marine Waters (Prevention of Pollution from Ships) Regulations 2013

Public Corporations (Adelaide Festival Centre Trust) Regulations 2013
Public Corporations (Adelaide Venue Management Corporation) Regulations 2013
Public Corporations (Lifetime Support Authority) Regulations 2013
Public Corporations (Lotteries Commission—Tax and Other Liabilities) Regulations 2012
Public Corporations (Southern Select Super Corporation) Regulations 2012
Public Finance and Audit Regulations 2014
Rail Safety National Law (South Australia) (Drug and Alcohol Testing) Regulations 2012
Rail Safety National Law (South Australia) (Transitional Arrangements) Regulations 2012
Recreation Grounds Regulations 2011
Road Traffic (Light Vehicle Mass and Loading Requirements) Regulations 2013
Road Traffic (Miscellaneous) Regulations 2014
Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014
Roxby Downs (Local Government Arrangement) Regulations 2012
Safe Drinking Water Regulations 2012
Second-hand Dealers and Pawnbrokers Regulations 2013
Security and Investigation Industry Regulations 2011
Small Business Commissioner Regulations 2012
South Australian Motor Sport Regulations 2014
South Australian Ports (Disposal of Maritime Assets) Regulations 2012
South Australian Public Health (General) Regulations 2013
South Australian Public Health (Legionella) Regulations 2013
South Australian Public Health (Wastewater) Regulations 2013
Spent Convictions Regulations 2011
Stamp Duties Regulations 2013
State Records Regulations 2013
Summary Procedure (Restraining Orders) Regulations 2011
TAFE SA Regulations 2012
Trustee Regulations 2011
Unclaimed Goods Regulations 2013
Urban Renewal Regulations 2014
Water Industry Regulations 2012
Witness Protection Regulations 2012
Work Health and Safety Regulations 2012
Worker's Liens Regulations 2014

Schedule 2—Expiry of obsolete regulations

Disability Services (Assessment of Relevant History) Regulations 2014

Family Relationships Regulations 2010

Schedule 3—Repeal of *Legislative Instruments (Postponement of Expiry) Regulations 2024*

The *Legislative Instruments (Postponement of Expiry) Regulations 2024* are repealed.

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 14 August 2025

No 92 of 2025

STATE GOVERNMENT INSTRUMENTS

ASSOCIATIONS INCORPORATION ACT 1985

SECTION 43A

Deregistration of Associations

Notice is hereby given that the Corporate Affairs Commission approves the applications for deregistration received from the associations named below pursuant to Section 43A of the *Associations Incorporation Act 1985* (SA). Deregistration takes effect on the date of publication of this notice:

AUSTRALIAN STUNTS ORGANISATION A.S.O INCORPORATED (A44447)
CRYSTAL BROOK AND DISTRICT COMMUNITY ROAD SAFETY GROUP INCORPORATED (A36322)
GREEK PENSIONERS AND AGED SOCIETY OF SOUTH AUSTRALIA INCORPORATED (A8522)
COWELL SKATE PARK FUNDRAISING GROUP INCORPORATED (A41865)
CBMC INTERNATIONAL—SOUTH AUSTRALIA INCORPORATED (A38591)
SOCIETY OF THE SOUTH AUSTRALIAN FRIENDS OF THE AUSTRALIAN ARCHAEOLOGICAL INSTITUTE AT ATHENS INCORPORATED (A24489)
FLEURIEU ANTIQUE RURAL MACHINERY SOCIETY INCORPORATED (A11437)
NEPALESE ORPHANAGE COMMITTEE INCORPORATED (A43878)
THE SPORTS HUB INCORPORATED (A37759)

Given under the seal of the Commission at Adelaide.

Dated: 14 August 2025

KIRSTY LAWRENCE
Team Leader, Gambling and Associations
Delegate of the Corporate Affairs Commission

DISABILITY INCLUSION ACT 2018

State Disability Inclusion Plan

I, Natalie Fleur Cook MP, Minister for Human Services, to whom the *Disability Inclusion Act 2018* (SA) (the Act) has been committed, hereby publish the State Disability Inclusion Plan pursuant to subsection 13(6) of the Act:

Dated: 14 August 2025

NATALIE FLEUR COOK MP
Minister for Human Services

STATE DISABILITY INCLUSION PLAN 2025-2029

Government of South Australia

Acknowledgement of Country

The Department of Human Services (DHS) acknowledges and respects Aboriginal peoples as the state's first people and recognises Aboriginal peoples as traditional owners and occupants of lands and waters in South Australia.

We acknowledge that the spiritual, social, cultural and economic practices of Aboriginal peoples come from their traditional lands and waters, and that the cultural and heritage beliefs, languages and laws are still of importance today.

We are committed to ensuring that the needs and aspirations of Aboriginal peoples with disability are incorporated in the design, development and implementation of the State Disability Inclusion Plan.

The term Aboriginal has been used throughout this document to reference all Aboriginal and Torres Strait Islander peoples. DHS acknowledges and respects this preference of the South Australian Aboriginal community in written and spoken language.

Language and Terminology

Every person with disability is different, with unique qualities, strengths, weaknesses and support needs.

Every disability is different, and some may not be visible.

We all play an important role in shifting the narrative on and about disability. From the conversations we have to the documents we write, it is our collective responsibility to make important choices that support long lasting change.

There are many misconceptions and misunderstandings in the community about what it means to have a disability. This is why the use of accurate and respectful language is so important.

We acknowledge that language is a personal preference, and that different language and terminology preferences exist within the disability and neurodivergent community.

Based on feedback during consultations, and for the purposes of this State Plan, we have adopted 'person-first language (i.e. person with disability), rather than identity-first language (i.e. disabled person).

Creating a more inclusive South Australia begins with listening, learning and reflecting on assumptions we may hold about disability. While many people with disability generously share their experiences, fostering broader understanding is a responsibility we must all share.

The most important thing is to ask the person with disability how they would like to be referred to and represented, and to respect their wishes.

Our Vision for a South Australia Where No One is Left Behind

It is with great pride that we present South Australia's new State Disability Inclusion Plan 2025–2029: A South Australia where no one is left behind (the State Plan). This refreshed and ambitious roadmap sets out our whole-of-government commitment for the next four years to advance access and inclusion, ensuring South Australia is an equitable state for everyone.

This plan builds on the strong foundations of Inclusive SA (the first State Plan) and the lessons we've learned so far. More than just improving services and programs, it is a powerful opportunity to reset how we think, design and lead.

This State Plan reflects the South Australia we aspire to be, where inclusion is embedded in the decisions we make, the infrastructure we build and the culture we foster.

We do this by:

- aligning with international, national and state frameworks to ensure a consistent and integrated approach to disability inclusion, incorporating key reforms such as the recommendations made by the Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability (the Disability Royal Commission)
- involving more than 100 state authorities, who will each embed the State Plan's priorities within their own Disability Access and Inclusion Plan (DAIP)
- ensuring that the actions within each state authority's DAIP target the areas where change is needed most, and that they align with the priorities shaped by the lived experiences of people with disability
- tracking progress using clear measures through annual reporting and ongoing implementation that will reinforce accountability, transparency and shared responsibility for meaningful and lasting improvements
- ensuring a live and responsive State Plan that evolves as new data and evidence emerges and community needs shift, thereby allowing for updated targets and actions which reflect engagement with mainstream systems and services
- viewing every outcome through the lens of key priority groups, ensuring that the unique challenges faced by people with intersecting forms of disadvantage are recognised and addressed.

Inclusion touches every part of our society and is a fundamental responsibility of leadership. This applies in government, business and in our communities. We are committed at every level of government and understand we have a role to play in ensuring that people with disability are not just supported, but genuinely valued and included in education, employment, healthcare, transport and community life. By setting clear priorities and working together across all sectors, we will build a state where opportunity and participation are truly available to everyone, and no one is left behind.

At the same time, we remain committed to progressing the ambitious national disability reform agenda, including implementation of our initial response to the Disability Royal Commission, continued reform of the National Disability Insurance Scheme (NDIS), and progress to deliver Australia's Disability Strategy 2021-2031 (ADS).

At the heart of the State Plan is the disability community. The State Plan has been shaped through extensive consultation with people with disability, their families, carers, advocates and service providers. Their lived experiences, insights and priorities have informed every aspect, ensuring the plan is responsive and focused on delivering real change. We are committed to maintaining ongoing engagement with the disability community, including through the Disability Minister's Advisory Council (DMAC) and Disability Engagement Group (DEG), drawing on lived experience expertise to guide the delivery of this plan. This commitment also extends to meaningful engagement and genuine partnerships with Aboriginal communities.

The five domains outlined in this State Plan guide and shape our engagement, ensuring that policy changes are informed by, and responsive to the perspectives and needs of South Australians with disability.

Through strong leadership, inclusive policies, better everyday services and collaboration across the whole community, we are not just responding to challenges, we are setting a clear direction for lasting change.

This is how we will build a fairer, more inclusive *South Australia where no one is left behind*. That is what real inclusion looks like.

HON PETER MALINAUSKAS MP
Premier of South Australia

HON NAT COOK MP
Minister for Human Services
Minister for Seniors and Ageing Well

Defining Disability

Disability is diverse and experienced by people of all ages, backgrounds and cultures. It can include physical, sensory, cognitive, intellectual, psychosocial and invisible disabilities.

The State Plan is underpinned by both the social and human rights models of disability, which recognise that disability is not caused by an individual's impairment, but by the physical, attitudinal and systemic barriers created by society.

These models emphasise the importance of removing those barriers to create a more inclusive and equitable community—one where people with disability have the same opportunity to participate, contribute and thrive as everyone else.

The human rights model further reinforces this by affirming the inherent dignity, autonomy and equal rights of people with disability, as outlined in the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD). It places responsibility on society to uphold and protect these rights across all areas of life.

Over the years, society has viewed and responded to disability in other ways, with negative outcomes for people with disability. For example, the medical model of disability, which views disability as an individual condition to be treated or managed, has historically influenced many systems and services. The legacy of this approach still impacts people with disability to this day.

That is why the State Plan focuses on inclusion, accessibility and the removal of barriers in society, with social and human rights models providing the foundation for the State Plan and shaping our vision for a more inclusive South Australia.

It is important to note that disability may be understood differently across cultures. In some Aboriginal communities, difference is viewed through cultural roles, relationships and individual strengths, with a focus on community, identity and wellbeing. This can lead to underreporting of disability and, in turn, lower use of services. Similarly, in culturally and linguistically diverse (CALD) communities, cultural beliefs, language and experiences of stigma can shape how disability is perceived and supported, highlighting the importance of respectful, inclusive and tailored approaches.

Recognising these diverse perspectives helps us understand that disability is defined and experienced in many different ways. Under the *Disability Inclusion Act 2018* (SA) (the Act), and for the purposes of the State Plan, disability is defined as:

In relation to a person, includes long-term physical, psycho-social, intellectual, cognitive, neurological or sensory impairment, or a combination of any of these impairments, which in interaction with various barriers may hinder the person's full and effective participation in society on an equal basis with others.

About the State Disability Inclusion Plan

“Full acceptance is freedom”—Consultation participant

Through the Act, all state government agencies and local councils (state authorities) affirmed their commitment to making significant and meaningful progress towards achieving an accessible and inclusive South Australia, where people with disability can actively participate in the world around them, without barriers or exclusion.

To support this commitment, the Act requires South Australia to develop and maintain a State Plan. The State Plan sets out a whole-of-government strategy to promote inclusion, improve access to services and support the rights and participation of people with disability.

South Australia’s first State Plan in 2019 was an important step forward for people with disability and recognition by the South Australian Government that access and inclusion for people with disability is a priority.

The first State Plan brought local and state government authorities together to foster inclusion and accessibility in new and innovative ways. This included enhancing the accessibility of public infrastructure and services, the implementation of consistent DAIPs across government and workforce training to build awareness and improve service delivery. The implementation of the first State Plan also reaffirmed the importance of collaborative planning and authentic engagement with people with disability, which we have continued and built on during the development of this State Plan.

The State Plan is also South Australia’s vehicle to respond to the principles enshrined in the UNCRPD and the outcomes of the ADS.

Although meaningful progress has been made in advancing access and inclusion, there is still important work ahead to ensure that every South Australian can participate fully and equally in all areas of life. The State Plan continues to lead this effort, providing a clear framework of priorities and coordinated government action to drive long-term change and foster a more inclusive and equitable community for everyone. The way we will do this is set out further in this document.

The State Plan has been developed with and by the voices, inputs and perspectives of people with disability and is grounded in broader international and national disability frameworks to ensure that efforts in advancing disability inclusion in our community align.

The Act dictates what the State Plan needs to be responsible for and therefore not all aspects of disability reform are included in the State Plan. This includes operational and policy matters relating to the NDIS, My Aged Care or other programs that fall within the Australian Government’s responsibility.

This does not mean the South Australian Government isn’t working on reform in this area; it means it is outside the core responsibility of the State Plan.

Guided by Lived Experience

The South Australian Government is committed to ensuring the voices of South Australians with lived experience are embedded in all aspects of policy design.

The voices of people with lived experience of disability have been central to the development of the State Plan and we thank all those who have engaged with this process to share their experiences, ideas and reflections.

During the first public round of consultation on the new State Plan in 2023, more than 500 people provided their insights and views. Feedback was received from people with disability, their friends, family, carers, advocates, peak disability bodies and non-government organisations (NGOs), including Aboriginal Community Controlled Organisations. Engagement took place through YourSAY surveys, written submissions, a dedicated forum for NGOs, targeted focus groups and one-on-one interviews. This ensured a broad and inclusive process that engaged as many people as possible.

Feedback from the community played a key role in shaping the priorities of the new State Plan. It clearly articulated the areas requiring focused attention, including inclusive education, equitable access to employment, accessible and responsive healthcare, enhanced opportunities for community participation, and the imperative to recognise and address intersectionality within the disability community.

This consultation activity is captured in the [State Disability Inclusion Plan Consultation Report 2024](#) and provided the framework on which the new State Plan was drafted.

In early 2025 the draft of the new State Plan was released for further public consultation.

In total, 94 contributions were received via the YourSAY platform, along with 50 written submissions from people with disability, families, carers, friends, advocates, people within the disability sector, non-government organisations and state authorities.

Further consultation occurred with lived experience groups including the South Australian Council on Intellectual Disability, Our Voice SA and Enabled Youth Disability Network (EYDN—previously known as Julia Farr Youth), to ensure that the specific needs and overlapping barriers experienced by priority groups identified in the Act are appropriately addressed in the State Plan.

Members of the Disability Minister’s Advisory Council (DMAC) were actively engaged in the review of community feedback and provided strategic advice to help refine the final State Plan.

The State Plan also reflects recommendations from the independent review of the Act conducted in 2022. Extensive consultation was undertaken during the review to inform the final report and its recommendations. These recommendations led to amendments to the Act that strengthen South Australia’s commitment to disability inclusion.

The amendments enhance the quality and scope of the State Plan by explicitly recognising that all people with disability—regardless of age—have the right to be safe and to feel safe. This includes access to appropriate safeguards, information, services and support. The amendments also define and describe barriers to inclusion and identify people with significant intellectual disability, or those who experience high levels of vulnerability due to disability, as a priority group.

The State Plan also captures new requirements under the Act relating to reporting and timeframes and as the priorities of people with disability shift, so too must our response. For this reason, we will continue to be led by, listen to, consult with and respond to the needs of people with disability through the implementation of our State Plan and each state authority’s DAIP.

The United Nations Convention on the Rights of Persons with Disabilities

The United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) is an international convention which sets out the fundamental human rights of all people with disability.

The principles enshrined in the UNCRPD provide a clear framework to ensure that people with disability are treated fairly and equitably, are safe and enjoy the same human rights and fundamental freedoms as all people within society.

In 2007, Australia became one of the first signatories to the UNCRPD. Following extensive consultation and official approval through Australia’s national legislative process, the UNCRPD was officially ratified on 17 July 2008.

In Australia, the UNCRPD is incorporated through legislation, policy and programs at federal, state and territory levels. The Human Rights Branch and the Office of International Law within the Commonwealth Attorney-General's Department are responsible for leading Australia's work under the UNCRPD. This means they are responsible for regular reporting and appearing before the Committee on the Rights of Persons with Disabilities, which is facilitated by the Human Rights Branch. This branch also administers other important Commonwealth anti-discrimination and human rights legislations, including:

Australia's Disability Discrimination Act 1992

Australian Human Rights Commission Act 1986

In South Australia, the *Disability Inclusion Act 2018* (SA) is our vehicle to ensuring the principles outlined in the UNCRPD underpin the development and delivery of policy relating to people with disability, including the State Plan.

National Disability Policy and Reform

In addition to the UNCRPD, the State Plan is informed by national disability frameworks, reform programs, and complementary state legislation and policies to ensure a coordinated approach to advancing disability inclusion in our community.

Australia's Disability Strategy

[Australia's Disability Strategy 2021-2031](#) (the ADS) outlines a vision for a more inclusive and accessible Australian society where people with disability can fulfil their potential as equal members of the community.

Its purpose is to provide national leadership towards greater inclusion and guide activity across all areas of public policy.

The ADS recognises that all levels of government share responsibility for supporting people with disability and outlines key priorities for collaboration with the community, businesses and people with disability through defined outcome areas and supporting Targeted Action Plans (TAPs).

There are seven outcome areas associated with the ADS:

- Employment and Financial Security
- Inclusive Homes and Communities
- Safety, Rights and Justice
- Personal and Community Support
- Education and Training
- Health and Wellbeing
- Community Attitudes.

In addition to obligations set out within the ADS, TAPs provide for targeted deliverables against areas where additional focus or attention is required.

South Australia's response to the ADS is led through the State Plan together with the actions and commitments embedded in each state authority's DAIP. This ensures a coordinated approach to disability access and inclusion, while addressing the specific needs and aspirations of South Australians with disability.

National Disability Reform

The South Australian Government is committed to collaborating with other states and territories as well as the Australian Government to progress national disability reforms that respond to systemic issues, as well as the findings of recent landmark inquiries, including the Disability Royal Commission and the Independent Review into the National Disability Insurance Scheme (NDIS Review).

This work is guided by South Australia's representation and participation in the Disability Reform Ministerial Council (DRMC), in partnership with the Australian Government Department of Health, Disability and Ageing, the National Disability Insurance Agency, the NDIS Quality and Safeguards Commission and other jurisdictions.

Key reform priorities include:

- implementation of the joint response to the Disability Royal Commission
- improvements to NDIS sustainability and participant experience
- national negotiations on the design and delivery of foundational supports
- implementation of Australia's Disability Strategy 2021–2031.

People with disability remain at the centre of the national reform agenda and South Australia will continue to advocate to ensure their voices are heard and included in Australian Government-led consultation processes relating to services and supports that impact them.

State government agencies involved in national reform efforts may report progress through their own DAIP, as well as contribute to joint public reporting on the implementation of the Disability Royal Commission recommendations, the ADS and TAPs.

The Disability Inclusion Act 2018 (SA)

The *Disability Inclusion Act 2018* (SA) (the Act) commenced on 1 July 2018. It aims to protect and promote the human rights of people with disability of all ages, and to help them reach their full potential by improving social connection and inclusion.

Since coming into effect, the Act has helped to:

- embed the principles of the UNCRPD into South Australian policy align disability inclusion efforts with national and state frameworks, such as the ADS and the SA Autism Strategy
- 2024–2029 support a coordinated and consistent approach to disability inclusion across government through the requirement for state authorities to prepare and implement a DAIP.

By having dedicated legislation focused on disability inclusion, South Australia sends a clear message about the importance of building a more inclusive community for people with disability.

Following a comprehensive independent review of the Act in 2022, significant amendments were passed by the South Australian Parliament in 2024 to strengthen the state's commitment to access and inclusion. These changes introduced clearer legislative requirements, including:

- improving language to affirm that all people with disability, regardless of age, have the right to be and feel safe
- expanding priority groups to include people with disability who live in regional communities, people with disability who identify as LGBTIQ+, and people with significant intellectual disability or who have high levels of vulnerability due to disability
- establishing a dedicated lived experience committee to guide the development and review of the State Plan

- strengthening requirements for co-design, consultation and engagement with people with disability, their families and representatives in developing policies and programs
- increasing the focus on measurable and meaningful outcomes in the State Plan
- clarifying expectations for DAIPs to align with the State Plan and address the needs of priority groups.

This State Plan is the first to be developed under the updated legislation, marking a significant shift towards more inclusive, accountable and lived experience-driven policy in South Australia.

The SA Autism Strategy 2024-2029

The Autistic and autism communities have long advocated for improved community knowledge, understanding, support and acceptance for Autistic people.

NDIS data indicates that autism remains the largest disability group in South Australia, followed by intellectual disability. South Australia is also consistently above the national average for NDIS participants with autism as a primary diagnosis.

There is a significant gap between the life outcomes experienced by Autistic people and the rest of the population. In addition, the gap between Autistic people and people with other disability(ies) continues to increase. With the rates of autism diagnosis increasing each year, the gap will only continue to grow unless meaningful change is created, and a dedicated focus is prioritised.

In response to the growing call for inclusion from the Autistic and autism communities, the South Australian Government committed to the development and implementation of the [SA Autism Strategy](#) (the Strategy), which was officially launched in June 2024.

The Strategy is the first of its kind to be delivered and implemented in South Australia. It sets out a five-year roadmap for the government to help improve the lives of Autistic people of all ages and their families. The State Plan and the Strategy will work alongside and interact effectively with each other to align efforts, reduce unnecessary duplication and ensure the needs of diverse disability and neurodivergent communities are addressed.

Facts at a Glance

In addition to community consultation, the following facts also highlight the importance of focusing our efforts on the domains that have been developed and outlined in the State Plan. These facts illustrate current challenges and opportunities, reinforcing the importance of targeted action to drive meaningful and lasting change where it is needed most. In 2022, 5.5 million Australians (21.4%) had a disability.

¹ Indigenous Australians are 1.9 times more likely to have a disability than non-Indigenous Australians.² Each year, the Australian Human Rights Commission receives more complaints about disability discrimination than about any other form of discrimination. In 2022-23, 46% of all complaints received were about disability discrimination.³ In 2022, 12.1% of children and young people aged 0-24 years (946,300 people) had disability, up from 8.3% in 2018.⁴ In 2022, 37.5% of children aged 0-14 years with disability had a parent with disability.⁵ In 2022, 52.3% of people aged 65 years and over had a disability, compared with just 15% of people aged 0-64.⁶ In 2022, the proportion of South Australian people aged 20-64 with disability who had completed year 12 or equivalent was 46%, compared with 58% of people with disability nationally.⁷ In 2022, 6.3% of South Australian people with disability were unemployed in comparison to 3.8% of people without disability.⁸ The Disability Royal Commission reported that 43% of women with disability have experienced physical violence after age 15, compared with 25% of women without disability. Women with disability are also twice as likely to experience sexual violence as women without disabilities.⁹ People with disability have higher health risk factors than those without disability. In 2022, 64% of adults with disability in South Australia said their health was excellent or very good, compared with 94% of adults without disability in South Australia.¹⁰ In 2025, there are an estimated 35,000 South Australians living with dementia, including 2,100 people under the age of 65 living with younger onset dementia.¹¹ Almost two in five carers (38.6%) have a disability themselves.¹²

¹ Australian Bureau of Statistics. Disability, Ageing and Carers Australia: Summary of Findings. Released 4 Jul 2024, <https://www.abs.gov.au/statistics/health/disability/disability-ageing-and-carers-australia-summary-findings/2022>

² AIHW & National Indigenous Australians Agency (2023). Measure 1.14 Disability, Aboriginal and Torres Strait Islander Health Performance Framework, accessed 13 June 2025, <https://www.indigenoushpf.gov.au/measures/1-14-disability#datafindings>

³ AIHW. People with disability in Australia 2024 Report. Last updated 23 Apr 2024, <https://www.aihw.gov.au/reports/disability/people-with-disability-in-australia/contents/summary>

⁴ Australian Bureau of Statistic, Children and young people with disability, 2022. Released 30 Apr 2025, <https://www.abs.gov.au/articles/children-and-young-people-disability-2022>

⁵ Australian Bureau of Statistic, Children and young people with disability, 2022. Released 30 Apr 2025, <https://www.abs.gov.au/articles/children-and-young-people-disability-2022>

⁶ Australian Bureau of Statistics. Disability, Ageing and Carers Australia: Summary of Findings. Released 4 Jul 2024, <https://www.abs.gov.au/statistics/health/disability/disability-ageing-and-carers-australia-summary-findings/latest-release>

⁷ AIHW. Australia's Disability Strategy 2021-2031 Outcomes Framework, Education and learning. Last updated 24 Oct 2024, <https://www.aihw.gov.au/australias-disability-strategy/outcomes/education-and-learning/year-12-completion>

⁸ AIHW. Australia's Disability Strategy 2021-2031 Outcomes Framework, Unemployment gap. Last updated 24 Oct 2024, <https://www.aihw.gov.au/australias-disability-strategy/outcomes/employment-and-financial-security/unemployment-gap>

⁹ Royal Commission into Violence, Abuse, Neglect and Exploitation of People with Disability. Final Report—Volume 3, Nature and extent of violence, abuse, neglect and exploitation (2023). <https://disability.royalcommission.gov.au/publications/final-report-volume-3-nature-and-extent-violence-abuse-neglect-and-exploitation>

¹⁰ AIHW. Australia's Disability Strategy 2021-2031 Outcomes Framework, Self-reported health. Last updated 9 Jul 2024, <https://www.aihw.gov.au/australias-disability-strategy/outcomes/health-and-wellbeing/self-reported-health>

¹¹ Dementia Australia, Facts and figures (2025) <https://www.dementia.org.au/about-dementia/dementia-facts-and-figures>

¹² Australian Bureau of Statistics. Disability, Ageing and Carers Australia: Summary of Findings. Released 4 Jul 2024, <https://www.abs.gov.au/statistics/health/disability/disability-ageing-and-carers-australia-summary-findings/latest-release#carers>

A Spotlight on Our Priority Groups

Since the commencement of the first State Plan in 2019, the intersection between a person's disability and other forms of structural and systemic discrimination has become increasingly clear.

Intersectionality is about recognising that people with disability are diverse, have different needs, and may belong to different population groups. This can result in overlapping disadvantage. Understanding intersectionality is essential to addressing the unique barriers faced by people with intersecting identities.

The Act highlights seven priority groups to address the needs of people who may face additional or compounded barriers to inclusion. These groups include Aboriginal peoples with disability, people from culturally and linguistically diverse backgrounds with disability, women with disability, children with disability, people with disability who identify as LGBTIQ+, people with significant intellectual disability or who have high levels of vulnerability due to disability and people with disability who live in regional communities. To support genuine access and inclusion, the Act requires that state authorities must tailor policies, programs and services to meet the diverse and intersecting needs of these groups.

In addition to the priority groups identified in the Act, we acknowledge the importance of including older people with disability and carers as priority groups. Both groups often face compounding barriers that affect their ability to participate fully in society.

Older people with disability may experience challenges such as ageism, digital exclusion, and barriers to access appropriate services. Carers face unique pressures including physical, emotional and financial strain, as well as difficulty in finding adequate support.

Applying an ageing and carer-inclusive lens across all population groups ensures that their experiences are recognised and their needs addressed. It also reflects the understanding that disability is not fixed or static and can be acquired at any stage of life, particularly in later years.

The State Plan will ensure that priority groups, including older people with disability and carers, are actively considered and meaningfully embedded across all measures and within each state authority's DAIP.

Aboriginal peoples with disability

Aboriginal peoples with disability may have a distinct understanding of disability shaped by their culture, history and kinship. As the First Peoples of Australia, they have the right to respect and to celebrate their history, culture and community identity.

Aboriginal peoples experience disability at significantly higher rates. This is often linked to social factors such as poverty, trauma, discrimination and limited access to culturally appropriate services. Addressing these factors is essential to achieving inclusive and equitable outcomes throughout the State Plan.

People with disability from culturally and linguistically diverse (CALD) backgrounds

People with disability from CALD backgrounds may face unique challenges, including language barriers, differing cultural perceptions of disability, and difficulties navigating service systems. These factors can limit access to appropriate supports and lead to further marginalisation.

The deaf community has a distinct language and culture. Auslan, the natural language of many deaf people in Australia, is often not recognised or understood by the broader community. This lack of recognition contributes to barriers in accessing services and achieving equitable inclusion.

Women with disability

Women and girls with disability may experience disability differently and are more likely to be underdiagnosed or misdiagnosed. They also face higher rates of abuse, exploitation and economic disadvantage.

Policies and programs must respond to these gender-specific challenges to support the empowerment and protection of women and girls with disability.

Children with disability

Children and young people with disability have the right to a full life in conditions that uphold their dignity, promote self-reliance and enable active participation in family, cultural and social life.

Efforts must focus on supporting their growth, development and inclusion.

Additional consideration is needed for vulnerable children with disability and their carers, including those in out-of-home care or youth detention who face compounded disadvantage, to ensure they receive the necessary protections and support.

People with disability who identify as LGBTIQ+

People with disability who identify as LGBTIQ+ can experience exclusion from supports and services and their specific needs are often overlooked in policy and program development, leading to further marginalisation.

Inclusive approaches must recognise and address the unique barriers faced by LGBTIQ+ people with disability to promote their full participation and wellbeing.

People with significant intellectual disability or who have high levels of vulnerability due to disability

People with significant intellectual disability or who experience high levels of vulnerability due to their disability have the right to feel safe, be treated with dignity and be supported to participate meaningfully in their communities.

Inclusive policies and services must empower each person to live a fulfilling life, based on their strengths, choices, and needs.

People with disability who live in regional communities

People with disability living in regional and remote areas often face reduced access to supports and services, along with greater barriers to participation due to distance, limited transport options, and resource shortages.

Improving equity of access in regional and remote areas is critical to ensuring all people with disability can fully participate in their communities, regardless of location.

Our Approach: Inclusion Domains

The benefits of a more accessible and inclusive South Australia extend beyond the disability community to all South Australians. It is in everyone's best interests for the State Plan to be ambitious and groundbreaking, so that South Australia can lead the way in access and inclusion.

In the five years since the launch of the first State Plan, significant and meaningful progress has been made to improve access and inclusion for people with disability, reflecting a strong and ongoing commitment to change.

However, feedback from consultation participants highlighted that people with disability continue to face significant barriers across five identified areas that we call domains. Addressing these challenges remains a priority, and we are committed to taking meaningful action to drive lasting change.

The domains have been designed to respond to and complement the many inclusion-related initiatives underway across various areas and levels of government. They also serve as a foundation for new work aimed at strengthening inclusion and driving more coordinated, impactful outcomes for people with disability.

Importantly, the domains promote a holistic approach by recognising that progress in one area can positively influence others, while also reflecting the unique perspectives and needs of South Australians with disability as expressed throughout the consultation process.

Domain 1: Inclusive Environments and Communities

All people with disability can participate as equal citizens and feel connected to their communities.

Domain 2: Education and Employment

All people with disability benefit from inclusive educational experiences, equitable employment opportunities and financial security.

Domain 3: Personal and Community Support

All people with disability can access quality, tailored, personal and community supports addressing their individual needs.

Domain 4: Health and Wellbeing

All people with disability can attain the highest possible health and wellbeing outcomes throughout their lives.

Domain 5: Safety, Rights and Justice

All people with disability feel safe, have their rights upheld and have full and equal protection before the law.

Domains at a glance

Each domain represents an area of priority and focus for state and local government during the four years of the State Plan. While some aspects of each domain will need to be prioritised as they require immediate action, other aspects will be undertaken in a staged effort as existing work continues, new initiatives emerge and other reforms, both state and national, progress.

Domain 1: Inclusive Environments and Communities

People with disability have a fundamental right to take part in all aspects of social, cultural and economic life and enjoy the benefits of an accessible and inclusive community.

Actions and outcomes within this domain will concentrate on breaking down the barriers to accessibility and providing opportunities for people with disability to actively participate in environments and communities.

Domain 2: Education and Employment

People with disability have a fundamental right to achieve their full potential through education and lifelong learning, and the economic security that comes from equal opportunities within the workforce.

Actions and outcomes within this domain will put in place targeted measures to support transitions through educational settings and into the workforce, and ensure equal opportunity is afforded to people with disability across all stages of the education and employment experience.

Domain 3: Personal and Community Support

People with disability have a fundamental right to access a range of in-home, residential and other community support services. This includes personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community.

Actions and outcomes within this domain will address the accessibility and availability of community services and supports that are responsive to their specific needs, and the needs of people that care for them.

Domain 4: Health and Wellbeing

People with disability have a fundamental right to enjoy the highest attainable standard of health without discrimination on the basis of disability, and to be confident that measures are in place to ensure equitable access to health and mental health services and supports.

Actions and outcomes within this domain will aim to build knowledge and awareness of the diversity and intersectionality of disability. They will also seek to prioritise the accessibility and availability of health and mental health services to ensure quality care is provided at all stages of life.

Domain 5: Safety, Rights and Justice

People with disability have a fundamental right to recognition before the law and to live free from all forms of exploitation, violence, abuse and neglect. This includes the right to safety and to legislative, administrative, social and educational support, and other measures that protect and uphold their dignity and wellbeing.

Actions and outcomes within this domain will promote, uphold and protect the safety and rights of people with disability through improved interactions with the justice system, whether as victims, witnesses, suspects or defendants.

All domains are underpinned by the wider process of building knowledge, understanding and acceptance of disability across the South Australian community.

Driving change: Accountability, performance and reporting

This State Plan sets out whole-of-government policies and measures for achieving an accessible and inclusive South Australia.

The Act makes it clear that the State Plan must specify measurable outcomes for each domain. These outcomes provide a clear direction and framework for progress.

Achieving the outcomes of the State Plan requires a shared commitment across all levels of government. While each state authority operates within its unique context, we must work together on common priorities to create a truly inclusive South Australia.

Every state authority has a vital role to play and will contribute through their individual DAIP. These plans reflect the specific responsibilities and actions of each authority. However, real and lasting change will only be achieved when these efforts are aligned and coordinated.

The Department of Human Services (DHS) will lead the implementation of the State Plan and provide strategic guidance and support to state authorities. DHS will also ensure alignment with the activities of other state and national disability-related reforms to create a cohesive, whole-of-government response to access and inclusion.

To achieve our vision, state authorities must set clear targets, be ambitious, prioritise and lead by example. It is incumbent on those who can effect positive change to do so and support the broader community along this journey.

To maintain accountability, state authorities are required to report annually on the actions taken through their DAIP. This regular reporting helps track progress, identify what's working, and highlight areas that need more attention.

The State Plan explains *what* we want to achieve and *why* we want to do it.

Each DAIP outlines *how* we will achieve it and *when* we will do it.

Annual reporting will *show* how we are progressing.

Data methodology and limitations

In the first year of reporting, data collected will serve as a baseline. This foundational data is critical as it provides the starting point from which we can measure progress over time. Once the baseline is established, we will be in a stronger position to consider meaningful and evidence-based targets, likely to coincide with the first review of the State Plan in two years' time.

At each reporting stage, we will collect and analyse both quantitative data (numbers) and qualitative data (experiences and stories). This mixed-method approach ensures we capture what is happening, as well as how people are experiencing it. Listening to people with lived experience of disability is central to this process, helping to make sense of the data and understand the real-world impact of actions.

There are, however, several limitations to be aware of when interpreting the data.

Disability disclosure is not mandatory, which means some data may not fully represent the number or diversity of people with disability.

Measuring outcomes for people with disability is complex, particularly when trying to capture personal, social and systemic change. Changes, such as policy reform or increased feelings of inclusion, are often qualitative and may take time to emerge. Multiple factors, including social attitudes and intersectionality, can also make it difficult to link progress to specific programs. To address this, we will use both quantitative and qualitative data to ensure outcomes are measured in meaningful and accurate ways.

Disaggregated data such as age, gender, Aboriginal status or cultural background may not always be available. However, we will work to include this where possible through state authority DAIP actions and reporting, with a focus on capturing data related to priority groups.

We are committed to culturally safe and respectful data practices, especially in relation to Aboriginal peoples. This includes upholding principles of data sovereignty and ensuring that data is used in ways that empower and support communities.

We also recognise that population-level change takes time. However, through consistent measurement and focus on the State Plan's outcomes, we aim to influence long-term improvements and help create a new normal—one where inclusion and accessibility are the standard, not the exception.

Outcomes Framework

Insights gathered through the statewide consultation process have informed the development of the State Plan and key components within the outcomes framework.

The outcomes framework supports the implementation of the State Plan by setting clear outcomes and associated measures to drive meaningful change for people with disability in South Australia. It will be used to track progress across the five domains.

The outcomes framework outlines 27 priority areas that have been identified by the disability community. Each priority area includes an outcome, this is the desired condition or positive change that we aim to achieve. Progress is tracked through specific measures that help us understand whether things are improving over time.

State authorities are assigned to lead efforts on specific measures, although all state authorities are encouraged to contribute by developing their own initiatives that support the goals of the State Plan.

By applying the outcomes framework, we take a long-term, sustainable approach that promotes transparency, tracks change over time, and helps assess the impact on access to supports, services and overall inclusion for people with disability in our state.

Outcome Measures

Proportion and **total number** are used to measure outcomes.

Proportion refers to a part of a whole. It tells you what share, or percentage of a group has a certain characteristic. For example, three out of 10 (or 30%) of committee members disclosed a disability.

Total number refers to the count of how many there are. Using the same example, the number of committee members who disclosed a disability was three.

The measures assigned to state authorities will be reflected in full or in part within their own DAIP. All measures referencing the ADS are being captured by the ADS reporting processes unless state authorities are also providing data to those same measures.

When measures require further interpretation, state authorities are encouraged to proactively engage with DHS, the State Plan Community of Practice (CoP) and the disability community. This collaboration is critical to clarify expectations, access practical examples and apply best practices.

Engaging early and often supports accurate reporting and ensures services and events meet accessibility and inclusion standards. A coordinated approach helps maintain consistency and effectiveness, keeping people with disability central to planning and evaluation of the measures captured within domains. This shared effort will help to ensure alignment across state authorities, reduce duplication and strengthen the overall impact of the State Plan.

Domain 1: Inclusive environments and communities

What We Want: a South Australia Where All People with Disability can Participate as Equal Citizens and Feel Connected to Their Communities.

People with disability are ever present in our community but most do not enjoy full participation in it. Inaccessibility continues to limit the rights and freedoms of many people with disability, with some relying fully on carers whose support is essential to access and participation in everyday life. This can be compounded by widespread misconceptions and stereotypes which influence how the community thinks about and treats people with disability. In turn, these misconceptions can be even stronger when disability overlaps with other factors like gender, age or cultural background.

We want to influence community attitudes to remove discrimination and build a South Australian community that values difference and respects the contributions people with disability make to our communities. This includes ensuring the community itself is fully accessible.

The following outcomes are designed to drive inclusive environments and communities and will guide state authorities' actions within their Disability Access and Inclusion Plans (DAIP). Visit inclusive.sa.gov.au to download each state authority's DAIP.

Priority area 1: Active participation*Outcome 1*

People with disability are active participants in accessible and inclusive communities.

Measure 1.1.1

Proportion of people with disability participating in cultural, recreational and sporting activities (source: ADS).

Measure 1.1.2

Total number of inclusive and accessible events, both internal and external, with 50+ people following best practice event management principles. For example, the Accessible and Inclusive Community Events Toolkit.

State authority: All state authorities

Measure 1.1.3

Total number of facilities managed by Office for Recreation, Sport and Racing (ORSR) that have improved accessibility and inclusive opportunities, and the number of people with disability participating in ORSR programs, such as Para-Hub, Sports Vouchers Plus and VACSWIM.

State authority: Office for Recreation, Sport and Racing

Priority area 2: Inclusive communities and attitudes*Outcome 2*

People with disability are respected and included in their communities, where inclusive attitudes and behaviours are widely demonstrated.

Measure 1.2.1

Total number of initiatives undertaken to promote disability inclusion and improve community attitudes towards people with disability in the community.

State authority: All state authorities

Measure 1.2.2

Proportion of people with disability who report feeling valued and respected in their community (source: ADS).

Measure 1.2.3

Total number of actions embedded in state authorities' DAIP working towards Closing the Gap targets.

State authority: All state authorities

Priority area 3: Universal Design ¹³*Outcome 3*

Everyone in South Australia can access and enjoy inclusive and accessible natural and built environments.

Measure 1.3.1

Proportion of people with disability who have difficulty accessing government buildings (source: ADS).

Measure 1.3.2

Total number of public-facing government buildings, spaces, play spaces and infrastructure that are modified to improve accessibility. For example, by adding signage or widening doors, and the total number of new developments that incorporate Universal Design.

State authority: All state authorities

Measure 1.3.3

Proportion of national parks, conservation parks, recreation parks, beaches and playgrounds (within these areas) that are built or modified to improve accessibility.

State authority: Department for Environment and Water and local councils

Measure 1.3.4

Proportion of public transport infrastructure built or modified to include enhanced accessibility features.

State authority: Department for Infrastructure and Transport

Priority area 4: Accessible facilities*Outcome 4*

People with disability can access public toilet facilities that meet their needs when out in the community.

¹³ Defined by the [Australian Human Rights Commission](https://www.humanrights.gov.au) as the design and composition of an environment so that it can be accessed, understood and used to the greatest extent possible by all people regardless of their age, size, ability or disability.

Measure 1.4.1

Proportion of public toilet facilities across South Australia that meet accessibility standards and/or a designated Changing Places facility.

State authority: Department for Environment and Water and local councils

Priority area 5: Communications and information

Outcome 5

People with disability can find information they need in the format they need.

Measure 1.5.1

Total number of resources or materials that have been developed in accessible formats. For example, websites that meet Web Content Accessibility Guidelines (WCAG) 2.2 level AA accessibility standard or above, Auslan translations and Easy Read documents.

State authority: All state authorities

Measure 1.5.2

Total number of Auslan, assistive listening devices, and augmentative and alternative communication services provided to meet support needs, including at emergency presentations. For example, during hospital emergencies, crisis services, bushfires or floods, where timely communication support is essential.

State authority: All state government agencies

Priority area 6: Transportation

Outcome 6

People with disability can get to where they need to go safely.

Measure 1.6.1

Proportion of people with disability who can use all forms of public transport with no difficulty (source: ADS).

Measure 1.6.2

Proportion of government-owned public transport fleet (buses, trains and trams) adhering to accessibility standards.

State authority: Department for Infrastructure and Transport

Measure 1.6.3

The number of Access Taxis available in South Australia adhering to accessibility standards.

Note: Accessibility standards for Access Taxis in South Australia are defined and enforced through a combination of state and national regulations.

State authority: Department for Infrastructure and Transport

Measure 1.6.4

Total number of initiatives undertaken to promote enhanced access and safety for people with disability while using public transport

State authority: Department for Infrastructure and Transport

Priority area 7: Collaboration, consultation and innovation

Outcome 7

People with disability are actively involved in government decisions that affect their lives.

Measure 1.7.1

Total number of public consultations that included and sought input from people with disability, including engagement with Aboriginal Community Controlled Organisations (ACCOs).

State authority: All state authorities

Measure 1.7.2

Total number of people with disability, including parents and carers, serving on committees and working groups.

State authority: All state authorities

Priority area 8: Housing

Outcome 8

People with disability have access to appropriate housing.

Measure 1.8.1

Proportion of public housing and all housing built to National Construction Code Livable Housing Design Standards.

State authority: Department of Housing and Urban Development and SA Housing Trust

Domain 2: Education and employment

What We Want: A South Australia Where All People with Disability Benefit from Inclusive Educational Experiences, Equitable Employment Opportunities and Financial Security

Education determines more than just a child's economic future. Education is also critical to a child's social and emotional development, and to establishing a sense of identity and a sense of place in the world. For children and students with disability, the educational experience represents an important opportunity to imagine and create an alternative future. In turn, the opportunity for meaningful employment is essential to a person's economic security as well as their physical and mental health, personal wellbeing and sense of identity.

All people with disability have the right to access inclusive education and meaningful employment. However, too many continue to face barriers and are not yet experiencing the full benefits these opportunities can provide.

We want to ensure equal opportunity to learning and earning is achieved by addressing the barriers and obstacles people with disability of all ages continue to face at all levels of the education and employment experience.

The following outcomes are designed to drive education and employment and will guide state authorities' actions within their Disability Access and Inclusion Plans (DAIP). Visit inclusive.sa.gov.au to download each state authority's DAIP.

Priority area 1: Targeted knowledge, understanding and support

Outcome 1

People with disability are supported by a South Australian education workforce that has the knowledge and skills to meet their needs and help them succeed.

Measure 2.1.1

Proportion of teachers and educators that have completed training for supporting students with disability, including Disability Standards for Education training.

State authority: Department for Education, Department for State Development and TAFE SA

Priority area 2: Supports and resources for children and young people

Outcome 2

Children with disability feel valued, welcomed and have access to inclusive education, starting in the early years.

Measure 2.2.1

Total number of children with disability accessing early intervention services, including children in out-of-home care.

State authority: Local Health Networks

Measure 2.2.2

Proportion of government school students receiving an adjustment to access education.

State authority: Department for Education

Priority area 3: Targeted transitional supports

Outcome 3

People with disability have supportive environments to learn, grow, and transition throughout their life.

Measure 2.3.1

Total number of initiatives taken to improve transition support from secondary school to tertiary education and/or employment for people with disability.

State authority: Department for Education, Department for State Development and TAFE SA

Measure 2.3.2

Proportion of students with disability who complete a higher education qualification (source: ADS).

Measure 2.3.3

Proportion of people with disability undertaking apprenticeships (including school-based), vocational education and training (VET) and Adult Community Education (ACE).

State authority: Department for Education, Department of State Development and TAFE SA

Measure 2.3.4

Proportion of VET graduates with disability gaining employment post training (source: ADS).

Measure 2.3.5

Total number of initiatives taken to encourage people with disability to volunteer.

State authority: All state authorities

Priority area 4: Access to employment opportunities

Outcome 4

People with disability have opportunities to achieve, develop and succeed in their chosen fields.

Measure 2.4.1

Proportion of public sector staff with disability, including those in executive roles.

State authority: Office of the Commissioner for Public Sector Employment

Measure 2.4.2

Proportion of public sector staff who self-reported that they have caring responsibilities, including those in executive roles.

State authority: Office of the Commissioner for Public Sector Employment

Measure 2.4.3

Total number of organisational changes adopted to improve inclusive recruitment for people with disability. For example, tailoring roles to fit individuals and employer incentives.

State authority: All state authorities

Priority area 5: Inclusive working environments

Outcome 5

People with disability have access to supportive places to earn.

Measure 2.5.1

Total number of workplace practices implemented to support people with disability to have equal opportunities for growth and success, including support to remain in employment. For example, outcome-based employment, flexible work arrangements, workplace adjustments and mentoring programs.

State authority: All state authorities

Priority area 6: Data and reporting

Outcome 6

People with disability benefit from state authorities working to improve disability data at both state and national levels.

Measure 2.6.1

Proportion of measures within the State Plan and state authorities' DAIP that are collected and reported on to ensure accountability.

State authority: Department of Human Services

Measure 2.6.2

Proportion of state government agencies enhancing data collection and reporting systems.

State authority: All state authorities

Domain 3: Personal and community support

What We Want: A South Australia Where People with Disability Can Access Quality, Tailored Personal and Community Supports Addressing Their Individual Needs

Services and supports play a vital role in enabling people with disability to participate fully in daily life and in their communities. While some individuals may require minimal support, others rely on more intensive and targeted assistance to manage daily living. Regardless of the level of support needed, all people with disability, whether they are NDIS participants or not, should be able to access and benefit from mainstream supports and services without facing unnecessary barriers.

Many people with disability, along with their families and carers, often encounter barriers when trying to access support due to fragmented and overly complex systems. It is the responsibility of those systems to provide coordinated, inclusive and person-centred support where possible. This ensures people with disability can exercise genuine choice and control, and are empowered to live full, self-directed lives.

Additionally, access and inclusion within our systems and services cannot be separated from cultural safety. Programs and services must be culturally safe, responsive and grounded in the lived experiences, strengths and aspirations of South Australia's Aboriginal communities.

We want to build a service system in South Australia that takes a person-centred approach and recognises the contributions and potential of all people with disability.

The following outcomes are designed to drive personal and community support and will guide state authorities' actions within their Disability Access and Inclusion Plans (DAIP). Visit inclusive.sa.gov.au to download each state authority's DAIP.

Priority area 1: Accessibility

Outcome 1

People with disability can easily access community supports and services.

Measure 3.1.1

Total number of initiatives and improvements made to connect people with disability to community supports and services wherever they present. For example, referral hubs, mobile outreach, online information platforms, frontline worker training, and partnerships with community organisations.

State authority: All state authorities

Priority area 2: Advocacy and supports

Outcome 2

People with disability are supported to make their own choices and use advocacy when needed to protect and promote their rights.

Measure 3.2.1

Total number of people with disability accessing advocacy services and number of matters resolved.

State authority: Department of Human Services

Measure 3.2.2

Total number of policies and practices to promote and encourage choice and control for people with disability.

State authority: Attorney-General's Department

Priority area 3: Information sharing

Outcome 3

People with disability receive more coordinated and effective support when services work together and share information.

Measure 3.3.1

Total number of inter-agency meetings and initiatives to support the implementation of the State Plan and DAIP.

State authority: All state authorities

Priority area 4: Family and carer support

Outcome 4

Carers and families, including siblings, of people with disability are provided with dedicated supports and services.

Measure 3.4.1

Proportion of carers of people with disability who report no unmet need for respite care (source: ADS).

Measure 3.4.2

Total number of resources available to help carers to access support.

State authority: Department of Human Services and Department for Child Protection

Priority area 5: Programs

Outcome 5

Government-funded programs and services include disability-specific provisions to enable full and equal participation.

Measure 3.5.1

Total number of grants and funding amount distributed to enhance disability inclusion.

State authority: All state authorities

Domain 4: Health and Wellbeing

What We Want: A South Australia Where All People with Disability Can Attain the Highest Possible Health and Wellbeing Outcomes Throughout Their Lives

Health and wellbeing are critical determinants of a person's quality of life. People with disability require the same access to health care as all other South Australians yet experience considerable difficulties receiving appropriate care and supports. As a result, people with disability continue to experience poorer quality of life.

Limited awareness or understanding of disability among some health professionals may contribute to challenges such as people with disability experiencing underdiagnosis, misdiagnosis, treatment delays or emergency mental health interventions. Access to appropriate and timely health and mental health services is crucial to ensure people with disability of all ages and diversities receive the right supports for them.

We want a well-connected health and mental health sector that is easy to access, navigate and interact with for all people with disability.

The following outcomes are designed to drive health and wellbeing and will guide state authorities' actions within their Disability Access and Inclusion Plans (DAIP). Visit inclusive.sa.gov.au to download each state authority's DAIP.

Priority Area 1: Inclusive infrastructure

Outcome 1

People with disability have full access to, and inclusion within health infrastructure.

Measure 4.1.1

Total number of healthcare settings audited and the proportion that are compliant.

State authority: Department for Health and Wellbeing and Local Health Networks

Priority area 2: Targeted knowledge, understanding and support

Outcome 2

People with disability can access healthcare that is inclusive and responsive to the intersectionality and diversity of disability, recognising the important role of carers.

Measure 4.2.1

Proportion of healthcare workers equipped with the knowledge, skills and trauma informed principles to confidently support people with diversity of disability within the healthcare setting. For example, training and self-reporting surveys.

State authority: Local Health Networks

Measure 4.2.2

Total number of culturally responsive support services and programs available for people with disability, including Aboriginal health workers and supports for regional communities.

Note: Culturally responsive services are defined by Aboriginal communities, guided by policies like Closing the Gap and include trained staff.

State authority: Department for Health and Wellbeing and Local Health Networks

Priority area 3: Supports and interventions

Outcome 3

People with disability receive coordinated health supports that meet their needs, with stronger connections between mental health and disability services.

Measure 4.3.1

Total number of pathways in place for people with disability that provide an option of tailored coordination and navigation to meet their needs.

State authority: Department for Health and Wellbeing and Local Health Networks

Measure 4.3.2

Total number of procedures and guidelines that uphold the rights of people with disability.

State authority: Department for Health and Wellbeing and Local Health Networks

Measure 4.3.3

Total number of information sharing agreements established between mental health and disability service providers, including any with Aboriginal Community Controlled Organisations (ACCOs).

State authority: Department for Health and Wellbeing

Domain 5: Safety, rights and justice

What we want: A South Australia where all people with disability feel safe, have their rights upheld and have full and equal protection before the law

People with disability are more likely to experience violence, abuse, neglect and exploitation. These risks may increase depending on a person's gender, age or cultural background. Additional sentence following on after 'background': Women with disability in particular, face a heightened risk of violence, abuse, neglect and exploitation, particularly in domestic and family settings or in sexual contexts.

People with disability should receive the right supports and services when interacting with emergency services, criminal justice and civil law systems, whether they be victims, suspects, witnesses, defendants or offenders. These systems must be designed to ensure equality, safety and support for everyone.

We want to improve the safety and overall experience of people with disability coming into contact with our emergency services, criminal justice and civil law systems.

The following outcomes are designed to drive safety, rights and justice and will guide state authorities' actions within their Disability Access and Inclusion Plans (DAIP). Visit inclusive.sa.gov.au to download each state authority's DAIP.

Priority Area 1: Targeted knowledge, understanding and support

Outcome 1

People with disability are understood, supported, and have their rights upheld, including within the justice system.

Measure 5.1.1

Proportion of emergency responders and staff in out-of-home care, youth detention and correctional settings equipped with the knowledge, skills and trauma informed principles to confidently support people with all types of disability. For example, training and self-reporting surveys.

State authority: Department for Child Protection, Department for Correctional Services, Department for Health and Wellbeing, Department of Human Services and South Australia Police

Measure 5.1.2

Justice and legal workers are disability confident and respond positively to people with disability (source: ADS).

State authority: Attorney-General's Department and Courts Administration Authority

Measure 5.1.3

Proportion of people with disability who have not experienced discrimination due to disability (source: ADS).

Priority area 2: Responding to emergencies

Outcome 2

People with disability are kept safe during emergencies, with their needs planned for and prioritised.

Measure 5.2.1

Total number of emergency response resources and systems developed for people with disability.

State authority: All state authorities

Priority area 3: Support and navigating the justice system

Outcome 3

People with disability receive the right supports for them when navigating the justice system.

Measure 5.3.1

Total number of trauma informed services to identify and support people with disability in the justice system, including access to legal representation.

State authority: Attorney-General's Department, Courts Administration Authority, Department for Correctional Services, Department of Human Services and South Australia Police

Priority area 4: Consultation and collaboration

Outcome 4

People with disability are involved in the design and delivery of policies, programs and laws.

Measure 5.4.1

Total number of policies, programs and laws that have been informed by people with disability with lived experience of the justice system.

State authority: Attorney-General's Department, Courts Administration Authority, Department for Correctional Services, Department of Human Services and South Australia Police

Priority area 5: Safeguarding

Outcome 5

People with disability can access effective, inclusive and responsive safeguarding supports and services.

Measure 5.5.1

Proportion of recommendations being addressed within the Disability Royal Commission that are South Australia's responsibility.

State authority: Department of Human Services

Measure 5.5.2

Proportion of Closing the Gap Disability Sector Strengthening Plan implemented.

State authority: Department of Human Services

Measure 5.5.3

Total number and type of authorised restrictive practices.

State authority: Department for Child Protection, Department for Correctional Services, Department for Health and Wellbeing, Department of Human Services, Local Health Networks and South Australia Police

Keeping the Community Informed

We are committed to ensuring the disability community stays updated on the progress we're making towards our vision. We also want to highlight the positive work state authorities are undertaking to achieve the outcomes of the State Plan and their individual DAIP.

A copy of the State Plan is available at inclusive.sa.gov.au in various accessible formats.

All state authorities are required to publish their DAIP in accessible formats and in an accessible location on the authority's website. A link to the DAIP will also be published on inclusive.sa.gov.au.

For each calendar year, DHS will produce an annual report on both the State Plan and DAIP. This report will be provided to the Minister for Human Services by June the following year for tabling in both Houses of Parliament and then made public. The annual report will be published on the website in accessible formats.

We will also highlight our activities on the website so the disability community can stay updated on work occurring, further consultation activities underway and other opportunities for engagement.

Glossary

Advocacy

Support that helps people with disability speak up, understand their rights, and make decisions. This includes independent advocacy (support from someone not connected to a service) and also microboards (a small group that supports one person to take control of their life).

Augmentative and Alternative Communication (AAC)

Ways to communicate other than speech. These might be body movements or gestures, sign language, technology such as computers or tablets, communication books or printed materials.

Best practice

A method or technique that has been generally accepted as superior to any alternatives because it produces results that are better than those achieved by other means, or because it has become a standard way of doing things.

Built environment

Man-made structures, features and facilities viewed collectively as an environment in which people live and work.

Choice and control

The ability of people with disability to make decisions about their own lives, including where and how they live, the supports they receive, and how those supports are delivered. This includes meaningful involvement in the design and governance of services and systems.

Civil law

A branch of law that deals with disputes between individuals, groups, or organisations. It covers areas such as contracts, property, family matters and personal injury.

Closing the Gap

A government strategy and a national agreement focused on improving life outcomes for Aboriginal peoples.

Commonwealth

The Commonwealth of Australia – commonly referred to as the Australian Government or the Federal Government.

Criminal justice system

The set of government institutions and processes responsible for responding to crime. It includes the police, courts, legal representatives and correctional services.

Cultural safety

Creating environments where Aboriginal peoples feel respected, valued and safe to be themselves. It involves recognising and addressing power imbalances, and making sure services and interactions support their identity and needs. Only the person receiving the service can say whether it feels culturally safe.

Data sovereignty

The right of Aboriginal peoples to control the collection, ownership and use of data about their communities. It ensures data is managed in line with cultural values and supports self-determination.

Disability Access and Inclusion Plan

A Disability Access and Inclusion Plan (DAIP) is a plan developed by state government agencies and local councils to improve access and inclusion for people with disability. Each DAIP is tailored to the specific context of the organisation and their community, outlining practical actions to remove barriers, promote participation and support the goals of the State Plan.

Department of Human Services

The Department of Human Services (DHS) is the South Australian Government agency responsible for delivering strategies, programs and services that improve the wellbeing, safety and inclusion of South Australians, particularly those who are vulnerable or disadvantaged.

Disability Inclusion Act 2018 (SA) (The Act)

A South Australian law that guides efforts to improve access and inclusion for people with disability. It requires the development of the State Disability Inclusion Plan (State Plan) and local Disability Access and Inclusion Plans and promotes choice, control, and the removal of barriers.

Disaggregated data

Information that has been broken down into smaller groups to show differences between them. This can include categories like age, gender, cultural background or location.

Diversity

Any dimension that can be used to differentiate groups and people from one another. It empowers people by respecting and appreciating what makes them different.

Domains

The key priority areas of the State Plan, shaped by emerging themes identified during statewide consultation. Domains guide the focus of actions to improve access and inclusion for people with disability.

Inclusion

The intentional, ongoing effort to ensure that all people can fully participate in all aspects of life.

Initiatives

Activities or efforts aimed at creating change, improving outcomes, or meeting specific needs. This can include actions, responses, systems and services designed to support individuals or communities.

Intersectionality

How different aspects of a person's identity, such as their gender, race, class, sexuality and disability can interact to create experiences of discrimination and marginalisation. Intersectionality helps us to understand how these experiences can overlap and intersect, and how they can be challenged and addressed.

Justice system

The laws, services and processes that address legal issues and disputes. This includes the criminal justice system (for people accused of breaking the law), the civil justice system (for resolving problems like housing, family or discrimination), and the youth justice system, which responds to children and young people who come into contact with the law

LGBTIQA+

An inclusive term for people whose sexual orientation, gender identity or sex characteristics differ from the majority. It stands for lesbian, gay, bisexual, transgender, intersex, queer/questioning, asexual and other diverse identities. The + acknowledges that there are many other ways people may describe their identity and experiences.

Lived experience

The personal knowledge and understanding a person gains through direct, first-hand experience of disability.

Local councils

A system of government in South Australia under which elected local government bodies (councils) are constituted under the *Local Government Act 1999* (SA).

Mainstream supports

Services provided by government or community organisations that are available to all Australians, regardless of disability status. These include essential services such as healthcare, education, transport, housing and employment.

My Aged Care

My Aged Care is the Australian Government's central access point for aged care services, providing information, assessment and referrals to support older people who need help at home, in the community or in residential care facilities.

National Disability Insurance Scheme

The National Disability Insurance Scheme (NDIS) is an Australian Government initiative that provides funding for reasonable and necessary supports to people under 65 who have a significant and permanent disability.

Neurodivergence and neurodivergent

A non-medical term describing various neurological variations from the dominant societal norm, and people with these variations in their neurological development. Neurodivergent, in contrast to neurotypical, is used to describe people who may have one or more ways in which their brain functions differently to the 'typical' way. Some Autistic people also refer to themselves as neurodivergent.

Out-of-home care

Overnight care for children under 18 who cannot live with their families due to safety concerns. It includes placements arranged and supported by child protection services, such as foster care, kinship care and residential care. These placements may be voluntary or court-ordered and are designed to provide a safe and stable environment.

Measures

A way to track progress and understand if things are improving over time. Measures use numbers and data and are supported by stories or feedback (qualitative data) in reporting.

Priority areas

Specific areas of focus within each domain that were identified as most important by people with disability during consultation.

Priority groups

The Act highlights seven priority groups of people that may experience overlapping disadvantage. Their needs will be considered and embedded across all State Plan measures and within DAIPs. The seven priority groups are: Aboriginal peoples with disability, culturally and linguistically diverse (CALD) people with disability, women with disability, children with disability, LGBTIQA+ people with disability, people with significant intellectual disability or who have high levels of vulnerability due to disability and people with disability who live in regional communities.

State authority

As defined in the *Disability Inclusion Act 2018* (SA) to include a government department, an agency or instrumentality of the Crown, a local council constituted under the *Local Government Act 1999* (SA) or any other person or body declared by regulations to be included.

United Nations Convention on the Rights of Persons with Disabilities

United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) is a human rights treaty that aims to change attitudes and approaches to people with disability. It reaffirms that all people with disability must enjoy human rights and fundamental freedoms.

Universal Design

Universal Design (UD) involves creating facilities, built environments, products and services that can be used by people of all abilities, to the greatest extent possible, without adaptations.

Youth detention

A form of secure care where young people (usually aged 10–17) are held when they are charged with, or found guilty of breaking the law. It is used as a last resort and is intended to be safe, rehabilitative and respectful of young people's rights.

Qualitative data

Information or data that describes qualities or experiences, often collected through words, stories or observations rather than numbers.

Quantitative data

Information or data that can be counted or measured using numbers. Examples include statistics, percentages and totals.

Appendix A: Description of Figure 1

The relationship between international, national and state disability legislation and policy instruments

The diagram shows three circles titled state, national and international. There is an additional circle at the centre of the three circles titled People with disability. All circles overlap, indicating there is a relationship between every element and people with disability are at the centre of the relationship.

The following documents are listed:

State

- *Disability Inclusion Act 2018* (SA)
- State Disability Inclusion Plan 2025–2029
- SA Autism Strategy 2024–2029
- Disability Access and Inclusion Plans (DAIP)
- *Equal Opportunity Act 1984*

National

- Australia’s Disability Strategy 2021–2031
- National Autism Strategy 2025–2031
- Disability Royal Commission (DRC)
- National Disability Insurance Scheme (NDIS)
- NDIS Review
- *Disability Discrimination Act 1992*

International

- United Nations Convention on the Rights of Persons with Disabilities (UNCRPD).

Dated: 14 August 2025

NATALIE FLEUR COOK MP
Minister for Human Services

FISHERIES MANAGEMENT ACT 2007**SECTION 115***Ministerial Exemption: ME9903384*

Take notice that pursuant to Section 115 of the *Fisheries Management Act 2007*, Port Lincoln Salmon Pty Ltd of PO Box 1635, Port Lincoln, SA, 5606, holder of Marine Scalefish Fishery licence number M210 (the ‘exemption holder’), the registered master or replacement master, is exempt from Section 70 of the *Fisheries Management Act 2007*, and Regulation 5(b)(i) and Part 1 of Schedule 7 of the *Fisheries Management (General) Regulations 2017* but only insofar as the exemption holder may use a purse seine net for the purposes of taking Western Australian Salmon for trade or business in the waters described in Schedule 1 (the “exempted activity”), subject to the conditions set out in Schedule 2, from 18 August 2025 until 17 August 2026, unless this notice is varied or revoked earlier.

SCHEDULE 1

The waters of Spencer Gulf near Wedge Island as described in Schedule 7 of the *Fisheries Management (General) Regulations 2017* as follows:

The waters near Wedge Island contained within and bounded by a line commencing at Mean High Water Springs closest to 35°07'02.05" South, 136°27'49.94" East (North Island), then beginning southerly following the line of Mean High Water Springs (North Island) to the location closest to 35°07'15.64" South, 136°28'43.72" East, then south-easterly to the location on Mean High Water Springs (Wedge Island) closest to 35°09'40.22" South, 136°29'38.71" East, then beginning north-westerly following the line of Mean High Water Springs (Wedge Island) to the location closest to 35°08'04.19" South, 136°27'05.22" East, then north-easterly to the point of commencement (GDA2020).

SCHEDULE 2

1. The exemption holder will be deemed responsible for the conduct of all persons conducting the exempted activities under this notice. Any person conducting activities under this exemption must be provided with a copy of this notice, which they must have signed as an indication that they have read and understand the conditions under it.
2. The exemption holder may only undertake the activity pursuant to this exemption when fishing from a boat that is registered on Marine Scalefish Fishery licence M210.
3. The exempted activity may only be undertaken using a purse seine net, registered on Marine Scalefish Fishery licence M210 and with dimensions of not more than 900 metres in length, not more than a 13 metres net depth and mesh size not less than 50 millimetres.
4. The exemption holder may fish pursuant to this exemption for a maximum of twenty (20) days during the term of this notice.
5. Any aquatic resources other than Western Australian Salmon captured during the exempted activity must be returned to the water immediately.
6. The exemption holder must notify the Department of Primary Industries and Regions (PIRSA) Fishwatch on 1800 065 522 prior to conducting the exempted activity and provide the following information:
 - The place and time of departure;
 - The place and time of landing; and
 - Exemption number.
7. Whilst engaged in the exempted activity, the exemption holder must be in possession of a copy of this notice and this notice must be produced to a Fisheries Officer if requested.

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

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

Dated: 11 August 2025

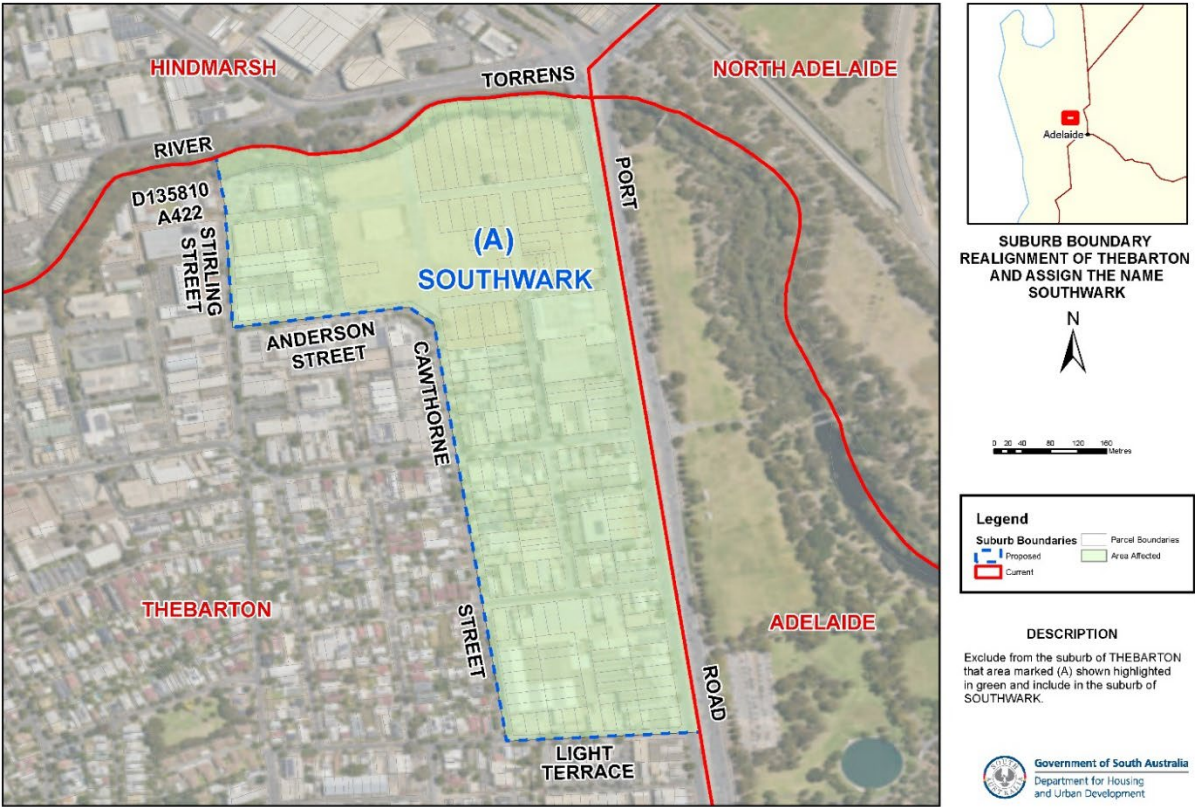
PROFESSOR GAVIN BEGG
Executive Director
Fisheries and Aquaculture
Delegate of the Minister for Primary Industries and Regional Development

GEOGRAPHICAL NAMES ACT 1991

Notice of Intention to Alter the Boundaries of a Place and Assign a Name to a Place

Notice is hereby given that, pursuant to Section 11B(2)(d) of the *Geographical Names Act 1991*, I, the Honourable Nick Champion MP, Minister for Planning, Minister of the Crown to whom the administration of the *Geographical Names Act 1991* is committed, seeks public comment on a proposal to:

- 1. Alter the suburb boundary to exclude from the suburb of **THEBARTON** that area marked (A) shown highlighted in green, as shown on the location map.
- 2. Assign the name **SOUTHWARK** to that area marked (A).



This proposal can also be viewed at www.sa.gov.au/placenameproposals.
Submissions in writing regarding this proposal may be lodged with the Surveyor-General, GPO Box 1815, Adelaide SA 5001, or DHUD.PlaceNames@sa.gov.au within one month of the publication of this notice.
Dated: 14 August 2025
2024/03736/01
HON NICK CHAMPION MP
Minister for Planning

HOUSING IMPROVEMENT ACT 2016

Rent Control

In the exercise of the powers conferred by the *Housing Improvement Act 2016*, the Delegate of the Minister for Housing and Urban Development hereby fixes the maximum rental amount per week that shall be payable subject to Section 55 of the *Residential Tenancies Act 1995*, in respect of each premises described in the following table. The amount shown in the said table shall come into force on the date of this publication in the Gazette.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio	Maximum Rental per week payable
6 Cairns Street, Norwood SA 5067	Allotment 84 Filed Plan 139164 Hundred of Adelaide	CT 6056/880	\$0.00

Dated: 14 August 2025
CRAIG THOMPSON
Housing Regulator and Registrar
Housing Safety Authority
Delegate of the Minister for Housing and Urban Development

HOUSING IMPROVEMENT ACT 2016

Rent Control Revocations

In the exercise of the powers conferred by the *Housing Improvement Act 2016*, the Delegate of the Minister for Housing and Urban Development hereby revokes the maximum rental amount per week that shall be payable subject to Section 55 of the *Residential Tenancies Act 1995*, in respect of each premises described in the following table.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio
15 North Terrace, Littlehampton SA 5250 (PKA 15 Main Street)	Allotment 7 Filed Plan 4616 Hundred of Macclesfield	CT5494/700
149 Military Road, Semaphore SA 5019	Allotment 17 Filed Plan 2671 Hundred of Port Adelaide	CT5200/430
14-16 Sarah Street, Marleston SA 5033	Allotment 52 & 53 Deposited Plan 865 Hundred of Adelaide	CT5769/369, CT5837/193

Dated: 14 August 2025

CRAIG THOMPSON
Housing Regulator and Registrar
Housing Safety Authority
Delegate of the Minister for Housing and Urban Development

HOUSING IMPROVEMENT ACT 2016

Rent Control Variations

In the exercise of the powers conferred by the *Housing Improvement Act 2016*, the Delegate of the Minister for Housing and Urban Development hereby varies the maximum rental amount per week that shall be payable subject to Section 55 of the *Residential Tenancies Act 1995*, in respect of each premises described in the following table. The amount shown in the said table shall come into force on the date of this publication in the Gazette.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio	Reason for Variation	Maximum Rental per week payable
59 Currawong Crescent, Modbury Heights SA 5092	Allotment 123 Deposited Plan 10231 Hundred Yatala	CT 5522/635		\$540.00

Dated: 14 August 2025

CRAIG THOMPSON
Housing Regulator and Registrar
Housing Safety Authority
Delegate of the Minister for Housing and Urban Development

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

For a period of ten years for a term commencing on 24 September 2025 and expiring on 23 September 2035:

Peter James WRIGHT
Kirsty Racquel VAN LOON
Malcolm Alwin THIELE
Anna-Teresa SZAFRANSKI-GOLDYN
Karen Maree SMITH
Merridee Ann SEIBOTH
Janette Anne RAEDEL
Fevronia PLOMARITIS
Zyta Irene PIOCHAUD
Christopher George PERKINS
Leonie Catherine PAUL
Rory John MCEWEN
Patricia Alison KELLETT
Clynton Allan JOHANSEN
John Theodore HEIDT
Rosalind FRAZER
Kam Leung CHIU
Timothy Paul BURFIELD
Leslie Allan BELL
Joseph Marcus BALDINO
Meredith Fiona Jane BAKER
Gayle Joanne ASHBY
Panagiotis ANTONIOU

Dated: 12 August 2025

BRETT HUMPHREY
Commissioner for Consumer Affairs
Delegate of the Attorney-General

LAND ACQUISITION ACT 1969

SECTION 26F

*Form 6B—Notice of Acquisition of Underground Land***1. Notice of acquisition**

The Commissioner of Highways (the Authority), of 83 Pirie Street, Adelaide SA 5000 acquires the following interests in the following land:

An unencumbered estate in fee simple in the whole of Allotment 116 in D138134 lodged in the Lands Titles Office, being portion of the land comprised in Certificate of Title Volume 6109 Folio 182, expressly excluding the Party Wall right(s) over the land marked “B” in D138134

This notice is given under Section 26F of the *Land Acquisition Act 1969*.

2. Compensation not payable unless certain water infrastructure or rights are affected

You are not entitled to compensation in relation to the acquisition of the underground land to which this notice relates, unless the following conditions are satisfied:

- you held at least one of the following interests in relation to the underground land immediately before the notice of acquisition was published in relation to the land—
 - ownership of a lawful well that provides access to underground water in the underground land, and any underground infrastructure associated with the well; or
 - a right to take underground water from the underground land by means of such a well;
- you notified the Authority of your interest in response to a notice given under Section 26G of the *Land Acquisition Act 1969*;
- the acquisition of the underground land either—
 - involved the acquisition of your interest; or
 - resulted in the discharge of your interest; or
 - resulted in you being unable to take water by means of, or pursuant to, your interest;
- you make an application for compensation to the Authority under Section 26H of the *Land Acquisition Act 1969*.

3. Application for compensation under Section 26H

If you believe you are entitled to compensation, you must apply to the Authority for compensation within 6 months after the publication of the notice of acquisition in relation to the underground land to which this notice relates.

The application must be in the following manner and form:

“Application for Compensation for Acquisition of Underground Land” (enclosed) to be submitted by email to DIT.ULApplications@sa.gov.au or by mail marked attention: Property Acquisition c/- GPO Box 1533, Adelaide SA 5001.

The application must be accompanied by the following information or documents:

Any relevant supporting documentation including, but not limited to water licences, bore licences etc.

After receiving your application, the Authority may (but is not required to) make you a written offer of compensation not exceeding \$50,000.

See Section 26H(4) of the *Land Acquisition Act 1969* for further details on the payment of compensation.

4. Inquiries

Inquiries should be directed to: T2D Project Team
GPO Box 1533
Adelaide SA 5001
Telephone: 1800 572 414

Dated: 11 August 2025

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO
Director, Property Acquisition
(Authorised Officer)

Department for Infrastructure and Transport

DIT: 2024/07228/01

LAND ACQUISITION ACT 1969

SECTION 26F

*Form 6B—Notice of Acquisition of Underground Land***1. Notice of acquisition**

The Commissioner of Highways (the Authority), of 83 Pirie Street, Adelaide SA 5000 acquires the following interests in the following land:

An unencumbered estate in fee simple in the whole of Allotment 120 in D138136 lodged in the Lands Titles Office, being portion of the land comprised in Certificate of Title Volume 5264 Folio 548.

This notice is given under Section 26F of the *Land Acquisition Act 1969*.

2. Compensation not payable unless certain water infrastructure or rights are affected

You are not entitled to compensation in relation to the acquisition of the underground land to which this notice relates, unless the following conditions are satisfied:

- you held at least one of the following interests in relation to the underground land immediately before the notice of acquisition was published in relation to the land—
 - ownership of a lawful well that provides access to underground water in the underground land, and any underground infrastructure associated with the well; or
 - a right to take underground water from the underground land by means of such a well;
- you notified the Authority of your interest in response to a notice given under Section 26G of the *Land Acquisition Act 1969*;

- the acquisition of the underground land either—
 - involved the acquisition of your interest; or
 - resulted in the discharge of your interest; or
 - resulted in you being unable to take water by means of, or pursuant to, your interest;
- you make an application for compensation to the Authority under Section 26H of the *Land Acquisition Act 1969*.

3. Application for compensation under Section 26H

If you believe you are entitled to compensation, you must apply to the Authority for compensation within 6 months after the publication of the notice of acquisition in relation to the underground land to which this notice relates.

The application must be in the following manner and form:

“Application for Compensation for Acquisition of Underground Land” (enclosed) to be submitted by email to DIT.ULAapplications@sa.gov.au or by mail marked attention: Property Acquisition c/- GPO Box 1533, Adelaide SA 5001.

The application must be accompanied by the following information or documents:

Any relevant supporting documentation including, but not limited to water licences, bore licences etc.

After receiving your application, the Authority may (but is not required to) make you a written offer of compensation not exceeding \$50,000.

See Section 26H(4) of the *Land Acquisition Act 1969* for further details on the payment of compensation.

4. Inquiries

Inquiries should be directed to: T2D Project Team
GPO Box 1533
Adelaide SA 5001
Telephone: 1800 572 414

Dated: 11 August 2025

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO
Director, Property Acquisition
(Authorised Officer)

Department for Infrastructure and Transport

DIT: 2024/07224/01

LANDSCAPE SOUTH AUSTRALIA ACT 2019

Declaration of Penalty in Relation to the Unauthorised or Unlawful Taking of Water from the River Murray Prescribed Watercourse

Pursuant to Section 88(1) of the *Landscape South Australia Act 2019* (the Act), I, Sue Hutchings, delegate of the Minister for Climate, Environment and Water and Minister to whom the Act is committed, hereby declare that the following penalties are payable in relation to the unauthorised or unlawful taking or use of water during the consumption period that corresponds to the accounting period defined in Column 1 of Schedule 1:

1. Where a person who is the holder of a water allocation takes water from the River Murray Prescribed Watercourse in excess of the amount available under the allocation, the penalty declared pursuant to Section 88(1)(a) is:
 - (a) the corresponding rate in Column 2 of Schedule 1 to this notice for all water taken in excess of the amount available under the allocation endorsed on the relevant instrument under the terms of the water licence to which the allocation is attributable, up to and including 500,000 kilolitres; and
 - (b) the corresponding rate in Column 3 of Schedule 1 to this notice for all water taken in excess of the quantity of water referred to in paragraph (a) above 500,000 kilolitres.
2. Where a person who is authorised under Section 105 of the Act takes water from the River Murray Prescribed Watercourse that exceeds the amount authorised under the terms of that authorisation the penalty declared pursuant to Section 88(1)(e) is:
 - (a) the corresponding rate in Column 2 of Schedule 1 to this notice for all water taken in excess of the amount authorised by a notice under Section 105 of the Act, up to and including 500,000 kilolitres; and
 - (b) the corresponding rate in Column 3 of Schedule 1 to this notice for all water taken in excess of the quantity referred to in paragraph (a) above 500,000 kilolitres.
3. Where water is taken from the River Murray Prescribed Watercourse by a person who is not the holder of a water management authorisation or who is not authorised under Section 105 of the Act to take the water, the penalty declared under Section 88(1)(e) is the corresponding rate in Column 4 of Schedule 1 to this notice per kilolitre of water determined or assessed to have been taken in accordance with Section 79 of the Act.
4. Where a person takes water from the River Murray Prescribed Watercourse in excess of the amount authorised for use under Section 109 of the Act the penalty declared pursuant to Section 88(1)(f) is:
 - (a) the corresponding rate in Column 2 of Schedule 1 to this notice for all water taken in excess of the amount authorised for use by a notice under Section 109 of the Act, up to and including 500,000 kilolitres; and
 - (b) the corresponding rate in Column 3 of Schedule 1 to this notice for all water taken in excess of the quantity referred to in paragraph (a) above 500,000 kilolitres.
5. Where water is taken from the River Murray Prescribed Watercourse subject to a notice under Section 109 of the Act by a person who is not authorised to use the water the penalty declared under Section 88(1)(f) is the corresponding rate in Column 4 of Schedule 1 to this notice per kilolitre of water determined or assessed to have been taken in accordance with Section 79 of the Act.
6. Where a person may be subject to more than one penalty under Section 88, the penalty that is the greater shall be imposed.

SCHEDULE 1

Penalties for overuse from the River Murray Prescribed Watercourse between 1 July 2025 and 30 September 2025 inclusive:

Column 1	Column 2	Column 3	Column 4
Accounting Period	Penalty for overuse up to and including 500,000 kL (per kL)	Penalty for overuse above 500,000 kL (per kL)	Penalty for unlawful taking or use of water (per kL)
1 July 2025 to 30 September 2025	\$1.05	\$1.40	\$1.40

Unit of measure kL is the abbreviation of kilolitre.

For the purposes of this notice:

‘the River Murray Prescribed Watercourse’ means the watercourses and lakes declared to be the River Murray Proclaimed Watercourse by proclamation under Section 25 of the *Water Resources Act 1976* (see Gazette 10 August 1978, p. 467)

‘accounting period’ means the period determined by the Minister from time to time by notice in the Gazette (with the period not necessarily being the same period as the accounting period under Division 2).

‘consumption period’ in relation to an accounting period means a period of approximately the same length as the accounting period that commences or terminates during the accounting period and during which water is taken or used.

Words used in this notice that are defined in the Act shall have the meanings as set out in the Act.

Dated: 8 August 2025

SUE HUTCHINGS
Executive Director, Water and River Murray
Department for Environment and Water
Delegate of the Minister for Climate, Environment and Water

MENTAL HEALTH ACT 2009

Authorised Medical Practitioner

Notice is hereby given in accordance with Section 93(1) of the *Mental Health Act 2009* that the Chief Psychiatrist has determined the following person as an Authorised Medical Practitioner:

Wei Lam Winifred Woo

A determination will be automatically revoked upon the person being registered as a specialist psychiatrist with the Australian Health Practitioner Regulation Agency and as a fellow of the Royal Australian and New Zealand College of Psychiatrists.

The Chief Psychiatrist may vary or revoke this determination at any time.

Dated: 14 August 2025

DR JOHN BRAYLEY
Chief Psychiatrist

MINING ACT 1971

Application for a Change in Operations

Notice is hereby given in accordance with Section 56H of the *Mining Act 1971*, that an application for a change in operations of the undermentioned mineral tenement(s) has been received:

Applicant: G.W Piggott and W.T Piggott
Operation: MO6230.017
Mining Lease: 6526
Area: 4.7 hectares approximately
Location: CT5159/20, Miltalie area, approximately 12km northwest of Cowell
Purpose: Change in Operations
Reference: 2020/000294

To arrange an inspection of the proposal at the Department for Energy and Mining, please call the Department on (08) 8463 3103.

An electronic copy of the proposal can be found on the Department for Energy and Mining website:

<https://www.energymining.sa.gov.au/industry/minerals-and-mining/mining/community-engagement-opportunities>

Written submissions in relation to this application are invited to be received at the Department for Energy and Mining, Mining Regulation, Attn: Business Support Officer, GPO Box 618, Adelaide SA 5001 or dem.miningregrehab@sa.gov.au by no later than **11 September 2025**.

The delegate of the Minister for Energy and Mining is required to have regard to these submissions in determining whether to grant or refuse the application and, if granted, if there is a requirement to add, vary or revoke a term or condition of the relevant mineral tenement(s) under Section 56U of the *Mining Act 1971*.

When you make a written submission, that submission becomes a public record. Your submission will be provided to the applicant and may be made available for public inspection.

Dated: 14 August 2025

C. ANDREWS
Mining Registrar
Delegate for the Minister for Energy and Mining
Department for Energy and Mining

MINING ACT 1971

Application for a Mining Lease

Notice is hereby given in accordance with Section 56H of the *Mining Act 1971*, that an application for a Mining Lease over the undermentioned mineral claim has been received:

Applicant: K.D. & H.M. Gericke Proprietary Limited (ACN 007 688 146)
Claim Number: 4575
Location: CT6141/622, Coombe area, approximately 9km northwest of Keith.
Area: 17.75 hectares approximately
Purpose: Extractive Minerals (Limestone)
Reference: 2024/000083

To arrange an inspection of the proposal at the Department for Energy and Mining, please call the Department on (08) 8463 3103.

An electronic copy of the proposal can be found on the Department for Energy and Mining website:

<https://www.energymining.sa.gov.au/industry/minerals-and-mining/mining/community-engagement-opportunities>

Written submissions in relation to this application are invited to be received at the Department for Energy and Mining, Mining Regulation, Attn: Business Support Officer, GPO Box 618, Adelaide SA 5001 or dem.miningregrehab@sa.gov.au by no later than **28 August 2025**.

The delegate of the Minister for Energy and Mining is required to have regard to these submissions in determining whether to grant or refuse the application and, if granted, the terms and conditions on which it should be granted.

When you make a written submission, that submission becomes a public record. Your submission will be provided to the applicant and may be made available for public inspection.

Dated: 14 August 2025

C. ANDREWS
Mining Registrar
Delegate for the Minister for Energy and Mining
Department for Energy and Mining

MOTOR VEHICLES ACT 1959

South Australia

Motor Vehicles (Conditional Registration—Recognition of Motor Vehicle Clubs) Notice 2025—XDU Adventure Crew SA Incorporated

under the *Motor Vehicles Act 1959*

1—Short title

This notice may be cited as the *Motor Vehicles (Conditional Registration—Recognition of Motor Vehicle Clubs) Notice 2025—XDU Adventure Crew SA Incorporated*.

2—Commencement

This notice takes effect from the date it is published in the Gazette and replaces any previous recognition made by the Registrar of a motor vehicle club that is specified in Schedule 1 of this notice.

3—Interpretation

In this notice—

Act means the *Motor Vehicles Act 1959*;

Code of Practice means the ‘Code of Practice—Conditional Registration Scheme for Historic, Individually Constructed, Left-Hand Drive and Street Rod Vehicles’ published by the Department for Infrastructure and Transport;

Conditional Registration Scheme or **Scheme** means the scheme for conditional registration of historic, individually constructed, left hand drive, street rod and vehicles under Section 25 of the Act and Regulations 15 and 16 of the *Motor Vehicles Regulations 2010*;

Department means the Department for Infrastructure and Transport;

Federation means the Federation of Historic Motoring Clubs SA Incorporated;

MR334 form means an ‘Approval for Registration of Vehicle on the Conditional Registration Scheme (MR334)’;

Prescribed log book means a log book in a form approved by the Registrar;

Registrar means the Registrar of Motor Vehicles;

Regulations means the *Motor Vehicles Regulations 2010*.

4—Recognition of motor vehicles clubs

The motor vehicle club specified in Schedule 1 is, subject to the conditions set out in Clause 5, recognised for the purposes of Regulation 16 of the Regulations.

5—Conditions of recognition

A motor vehicle club specified in Schedule 1 must comply with the following conditions:

- (a) the club must maintain a constitution approved by the Registrar;
- (b) the club must nominate and have members authorised by the Registrar (authorised persons). The club’s authorised person(s) are responsible for approving applicants and motor vehicles for registration under the Scheme. This includes confirming that Scheme applicants are financial members of a club; any other details as required by the Registrar on the MR334 form; and to inspect members’ vehicles when requested to do so by the Registrar;
- (c) the club must issue a prescribed log book to club members for each of their vehicles to record vehicle use;
- (d) the club must cancel a member’s prescribed log book when a member resigns, must ensure that a statutory declaration is provided when a member’s log book is lost or destroyed, must keep details of members’ prescribed log book return sheets and forward copies of the same to the Registrar or Federation annually as required;
- (e) the club must create and maintain records detailing all its financial members, its authorised persons, all vehicles for which an MR334 form has been issued, all statutory declarations received and prescribed log books issued and returned to the club;
- (f) the club must keep records for a period of 5 years from the date of the document and these records must include all duplicate MR334 forms, all records of motor vehicle inspections undertaken in accordance with paragraph (b), all statutory declarations provided by members for the purposes of paragraphs (d), all prescribed log books issued by reference to their serial number, the member’s name and the vehicle for which it was issued, and to make all such records available for inspection or provide copies of the records at the request of the Registrar for audit purposes;
- (g) the club must ensure, as far as practicable, that all members comply with the Code of Practice;

- (h) the club, as far as practicable, must report to the Registrar or the Federation details of members and motor vehicles not complying with the conditions and criteria set out in the Code of Practice for the Scheme;
- (i) the club must provide to the Registrar, within 2 months of the end of the club's financial year, an annual report detailing members from that financial year with vehicles registered under the Scheme who are no longer financial members of the club;
- (j) the club must notify the Registrar, in writing, within 14 days of resolution to cease operation as a club and must provide the club records specified in paragraph (f) to the Registrar within 14 days of its dissolution;

Note—

Under Regulation 16(3)(c) of the *Motor Vehicles Regulations 2010*, the Registrar may, by notice in the Gazette, withdraw the recognition of a motor vehicle club if satisfied that the club has contravened or failed to comply with a condition applying to its recognition by the Registrar, or if there is other good cause to withdraw the recognition.

Schedule 1—Recognised motor vehicle clubs

Historic, individually constructed, left-hand drive and street rod vehicles motor vehicle clubs

XDU Adventure Crew SA Incorporated

Made by the Deputy Registrar of Motor Vehicles

On 5 August 2025

NATIONAL PARKS AND WILDLIFE ACT 1972

Upper Eyre Hills and Mallee Parks Management Plan 2025

I, Susan Close, Minister for Climate, Environment and Water, hereby give notice under the provisions of Section 38 of the *National Parks and Wildlife Act 1972* that, on 5 August 2025, I adopted a plan of management for the Caralue Bluff Conservation Park, Carapsee Hill Conservation Park, Darke Range Conservation Park, Middlecamp Hills Conservation Park, Rudall Conservation Park and Yeldulknie Conservation Park.

Copies of the plan may be obtained from:

- <https://www.environment.sa.gov.au/topics/park-management/statewide-park-strategies/park-management-plans>
- Department for Environment and Water Customer Service Centre, ground floor, 81-95 Waymouth Street, Adelaide SA 5000
- Port Lincoln National Parks and Wildlife Service Office, 86 Tasman Terrace, Port Lincoln SA 5606

Dated: 5 August 2025

HON SUSAN CLOSE MP
Minister for Climate, Environment and Water

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 43

Practice Guidelines

Preamble

The Commission may, with the approval of the Minister, make practice guidelines with respect to the interpretation, use or application of the Planning and Design Code.

A practice guideline may make a declaration as to the effect of a provision of the Planning and Design Code in a particular set of circumstances.

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

NOTICE

Pursuant to Section 43(4)(a) of the *Planning, Development and Infrastructure Act 2016*, I, Craig Holden, Chair of the State Planning Commission, with the approval of the Minister for Planning:

- (a) issue State Planning Commission Practice Guideline 3 (Historic Area Overlay)
- (b) fix the day on which the practice guideline is published on the SA Planning Portal as the day on which the practice guideline will come into operation.

Dated: 14 August 2025

CRAIG HOLDEN
Chair, State Planning Commission

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 63

*Special Legislative Schemes**Preamble*

Section 11 of the Act defines what constitutes a special legislative scheme.

Section 63 of the Act sets out that the Minister for Planning must establish a state planning policy with respect to each special legislative scheme.

A state planning policy for a special legislative scheme may be amended by the Minister for Planning from time to time by a notice published in the Gazette, with the amendment to be published on the SA Planning Portal.

NOTICE

Pursuant to Section 63(2) of the *Planning, Development and Infrastructure Act 2016*, I, Nick Champion, Minister for Planning:

- (a) amend the State Planning Policies for South Australia—Special Legislative Schemes; and
- (b) fix the day on which the amended State Planning Policies for South Australia—Special Legislative Schemes are published on the SA Planning Portal as the day on which they will come into operation.

Dated: 14 August 2025

HON NICK CHAMPION MP
Minister for Planning

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 76

*Amendment to the Planning and Design Code**Preamble*

It is necessary to amend the Planning and Design Code (the Code) in operation at 31 July 2025 (Version 2025.14) in order to make changes of form relating to the Code's spatial layers and their relationship with land parcels. Note: There are no changes to the application of zone, subzone or overlay boundaries and their relationship with affected parcels or the intent of policy application as a result of this amendment.

1. Pursuant to Section 76 of the *Planning, Development and Infrastructure Act 2016* (the Act), I hereby amend the Code in order to make changes of form (without altering the effect of underlying policy), correct errors and make operational amendments as follows:
 - (a) Undertake minor alterations to the geometry of the spatial layers and data in the Code to maintain the current relationship between the parcel boundaries and Code data as a result of the following:
 - (i) New plans of division deposited in the Land Titles Office between 23 July 2025 and 5 August 2025 affecting the following spatial and data layers in the Code:
 - A. Zones and subzones
 - B. Technical and Numeric Variations
 - Building Heights (Levels)
 - Building Heights (Metres)
 - Concept Plan
 - Interface Height
 - Minimum Dwelling Allotment Size
 - Minimum Frontage
 - Minimum Site Area
 - Minimum Primary Street Setback
 - Minimum Side Boundary Setback
 - Future Local Road Widening Setback
 - Site Coverage
 - C. Overlays
 - Affordable Housing
 - Character Area
 - Defence Aviation Area
 - Dwelling Excision
 - Future Local Road Widening
 - Future Road Widening
 - Hazards (Bushfire—High Risk)
 - Hazards (Bushfire—Medium Risk)
 - Hazards (Bushfire—General Risk)
 - Hazards (Bushfire—Urban Interface)
 - Hazards (Bushfire—Regional)
 - Hazards (Bushfire—Outback)
 - Heritage Adjacency
 - Historic Area
 - Local Heritage Place

- Noise and Air Emissions
 - State Heritage Place
 - Stormwater Management
 - Urban Tree Canopy
- (b) In Part 13 of the Code—Table of Amendments, update the publication date, Code version number, amendment type and summary of amendments within the ‘Table of Planning and Design Code Amendments’ to reflect the amendments to the Code as described in this Notice.
2. Pursuant to Section 76(5)(a) of the Act, I further specify that the amendments to the Code as described in this Notice will take effect upon the date those amendments are published on the SA planning portal.

Dated: 7 August 2025

GREG VAN GAANS
Director, Geospatial, Data Science and Analytics,
Department for Housing and Urban Development
Delegate of the Minister for Planning

PLANNING, DEVELOPMENT AND INFRASTRUCTURE ACT 2016

SECTION 76

Amendment to the Planning and Design Code

Preamble

It is necessary to amend the Planning and Design Code (the Code) in operation at 31 July 2025 (Version 2025.14) in order to make the following minor or operational amendments:

- to correct errors relating to:
 - the misapplication of the Local Heritage Place Overlay over incorrect properties at Old Noarlunga / McLaren Vale, Penola, and Callington
 - incorrect address details for a Local Heritage Place at Keith.
 - to remove irrelevant material (the Local Heritage Place Overlay) from properties that have been sub-divided at Mount Barker.
 - to remove the Local Heritage Place Overlay from a Local Heritage Place that has been demolished in Adelaide.
1. Pursuant to Section 76 of the *Planning, Development and Infrastructure Act 2016* (the Act), I hereby amend the Code in order to make the following minor or operational amendments:
- (a) Amend the spatial layer of the Local Heritage Place Overlay, as it applies to ‘Stone Bridge, Old Coach Road—Section 869, Long Gully Road, Heritage No.5322’, so that it does not apply to the bridge on Patapinda Road (between Water Street and Hall Crescent) at Old Noarlunga and update the spatial layer of the Heritage Adjacency Overlay to reflect this change.
 - (b) Amend the spatial layer of the Local Heritage Place Overlay as it relates to ‘Stone Bridge, Old Coach Road—Section 869, Long Gully Road, Heritage No.5322’ so that it applies to Section 869, CR5773/852 and update the spatial layer of the Heritage Adjacency Overlay to reflect this change.
 - (c) In Part 11—Local Heritage Places, in the section applying to ‘Onkaparinga’ amend the Table of Local Heritage Places by replacing the text ‘Long Gully Road McLaren Vale’ with the text ‘Section 869, Long Gully Road (off Old Coach Road Track) McLaren Vale’
 - (d) Amend the spatial layer of the Local Heritage Place Overlay, so that it does not apply to 8 Riddoch Street, Penola (Lot 19, CT5895/3) and update the spatial layer of the Heritage Adjacency Overlay to reflect this change.
 - (e) In Part 11—Local Heritage Places, in the section applying to ‘Wattle Range’, delete the following row from the Table of Local Heritage Places:

8 Riddoch Street Penola	House (1860s); Original buildings remaining external form, materials and detailing excluding later additions and alterations	a d	24400
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 - (f) Amend the spatial layer of the Local Heritage Place Overlay, as it applies to ‘Straughton Village, Éclair Mine Road, Callington, Heritage No. 24138’, so that it also applies to Lot 9, CT6034/236 and update the spatial layer of the Heritage Adjacency Overlay to reflect this change.
 - (g) Amend the spatial layer of the Local Heritage Place Overlay so that it does not apply to Piece 12, CT6016/76 and update the spatial layer of the Heritage Adjacency Overlay to reflect this change.
 - (h) Amend the spatial layer of the Local Heritage Place Overlay so that it applies to Piece 26, CT5892/420 and link it to ‘Springbank Homestead, Back Callington Road, Callington, Heritage No. 18333’ and update the spatial layer of the Heritage Adjacency Overlay to reflect this change.
 - (i) Amend the spatial layer of the Local Heritage Place Overlay, as it relates to ‘fr Store & Barn (Heinrich's House)—6 Albert Place, Mount Barker—Heritage No. 16126’ so that it only applies to 4 Albert Place, Mount Barker (CT6184/70) and update the Heritage Adjacency Overlay to reflect this change.
 - (j) In Part 11—Local Heritage Places, in the section applying to ‘Mount Barker’ replace the text ‘6 Albert Place Mount Barker’ with ‘4 Albert Place Mount Barker’.
 - (k) In Part 11—Local Heritage Places, in the section applying to ‘Tatiara’ amend the Table of Local Heritage Places by replacing the text ‘2 Makin Street Keith’ with the text ‘10 Heritage Street Keith’ and reorder the table so that this row is located immediately after the row applying to ‘Heritage Street Keith, Former Congregational Church, Heritage Number 18263’.
 - (l) Spatially remove the Local Heritage Place Overlay from 187-189 Hutt Street, Adelaide and update the Heritage Adjacency Overlay to reflect this change.

(m) In Part 11, in the section applying to ‘Adelaide’, delete the following row from the Table of Local Heritage Places:

187-189 Hutt Street Adelaide	Shop and Dwelling; External form, including original fabric and detailing of facade and verandah, external walls, roof and chimneys, as visible from the street. Excludes any later additions.	a b d	25180
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(n) In Part 13—Table of Amendments, update the publication date, Code version number, amendment type and summary of amendments within the ‘Table of Planning and Design Code Amendments’ to reflect the amendments to the Code as described in this Notice.

2. Pursuant to Section 76(5)(a) of the Act, I further specify that the amendments to the Code as described in this Notice will take effect upon the date those amendments are published on the SA planning portal.

Dated: 11 August 2025

DAMIEN GENCARELLI
Acting Manager, Planning and Design Code
Department for Housing and Urban Development
Delegate of the Minister for Planning

ROADS (OPENING AND CLOSING) ACT 1991

SECTION 24

NOTICE OF CONFIRMATION OF
ROAD PROCESS ORDER

Road Closure—Portion of Anzac Crescent and Tobruk Terrace, Loxton

By Road Process Order made on 27 May 2025, the District Council of Loxton Waikerie ordered that:

1. Corner of Anzac Crescent and Tobruk Terrace, Loxton, situated adjoining Town Allotment 53, Town of Loxton East, more particularly delineated and lettered ‘A’ in Preliminary Plan 25/0003 be closed.
2. Issue a Certificate of Title to the District Council of Loxton Waikerie for the whole of the land subject to closure in accordance with the Application for Document of Title dated 27 May 2025.

On 12 August 2025 that order was confirmed by the Minister for Planning conditionally upon the deposit by the Registrar-General of Deposited Plan 137728 being the authority for the new boundaries.

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

Dated: 14 August 2025

B. J. SLAPE
Surveyor-General

2025/01112/01

ROADS (OPENING AND CLOSING) ACT 1991

SECTION 24

NOTICE OF CONFIRMATION OF
ROAD PROCESS ORDER

Road Closure—Public Road, Blyth

By Road Process Order made on 14 May 2025, the Wakefield Regional Council ordered that:

1. Portion of Public Road, Blyth, situated adjoining Allotment 113 in Filed Plan 213203 and Section 252, Hundred of Blyth, more particularly delineated and lettered ‘A’ in Preliminary Plan 24/0042 be closed.
2. Issue a Certificate of Title to the Wakefield Regional Council for the whole of the land subject to closure in accordance with the Application for Document of Title dated 28 January 2025.

On 12 August 2025 that order was confirmed by the Minister for Planning conditionally upon the deposit by the Registrar-General of Deposited Plan 137723 being the authority for the new boundaries.

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

Dated: 14 August 2025

B. J. SLAPE
Surveyor-General

2024/09207/01

SOUTH AUSTRALIAN HOUSING TRUST ACT 1995

Transfer of Assets of the South Australian Housing Trust

Pursuant to the provisions of Section 23(1)(b)(ii) of the *South Australian Housing Trust Act 1995*, Nick Champion, Minister for Housing and Urban Development, with the concurrence of Stephen Mullighan, Treasurer, gives notice of the transfer of properties listed in Schedule 1 from the South Australian Housing Trust to the Urban Renewal Authority.

SCHEDULE 1

Address	Certificate of Title		Certificate of Title Description	
	Volume	Folio	Plan	Parcel
18, 13 Harris Pl, Seaton	CT5774	348	F13442	A437
22, 13 Harris Pl, Seaton	CT5774	348	F13442	A437
119 Frederick Rd, Seaton	CT6313	190	F13442	A428
127 Frederick Rd, Seaton	CT6313	191	F13442	A432
129 Frederick Rd, Seaton	CT6313	191	F13442	A433
26 Parker Ave, Seaton	CT5647	602	F40465	A3
2 Parker Ave, Seaton	CT5484	457	D4581	A83
8 Fidock Ave, Seaton	CT5484	457	D4581	A84
Lot 81, Parker Ave, Seaton	CT5484	457	D4581	A81
Lot 82, Parker Ave, Seaton	CT5484	457	D4581	A82

Dated: 5 August 2025

HON NICK CHAMPION MP
Minister for Housing and Urban Development

SUMMARY OFFENCES ACT 1953

Event Declaration

Notice is hereby given in accordance with Section 66ZB of the *Summary Offences Act 1953*, that the following event has been declared for the duration of the event between the listed dates:

Event: Royal Adelaide Show 2025
 Place: Public place known as the Adelaide Showgrounds
 Boundary of Rose Terrace, Goodwood Road, Leader Street and Richards Terrace
 Date: 30 August to 7 September 2025
 Conditions: May be subject to conditions specified in the notice

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

Dated: 14 August 2025

SUPERINTENDENT SCOTT DENNY
Delegate of the Commissioner

URBAN RENEWAL ACT 1995

Transfer of Assets of the Urban Renewal Authority

Pursuant to the provisions of Section 23(1)(b)(iii) of the *Urban Renewal Act 1995*, I, Nick Champion, Minister for Housing and Urban Development, with the concurrence of Stephen Mullighan, Treasurer, gives notice of the transfer of the properties, with Certificate of Title and Allotment References listed in Schedule 1, from the Urban Renewal Authority to the South Australian Housing Trust.

SCHEDULE 1

Address	Certificate of Title		Certificate of Title Description	
	Volume	Folio	Plan	Parcel
Lot 470, Karra Ave, Seaton	CT6316	697	D136612	A470
Lot 471, Karra Ave, Seaton	CT6316	698	D136612	A471
Lot 472, Karra Ave, Seaton	CT6316	699	D136612	A472
Lot 473, Karra Ave, Seaton	CT6316	700	D136612	A473
Lot 474, Karra Ave, Seaton	CT6316	701	D136612	A474
Lot 1001, Matthews Ave, Seaton	CT6316	702	D136612	A1001

Dated: 5 August 2025

HON NICK CHAMPION MP
Minister for Housing and Urban Development

LOCAL GOVERNMENT INSTRUMENTS

CITY OF BURNSIDE

ROADS (OPENING AND CLOSING) ACT 1991

Proposed Road Closing—Road Closure—Main Avenue Frewville / Interface with Glen Osmond Road

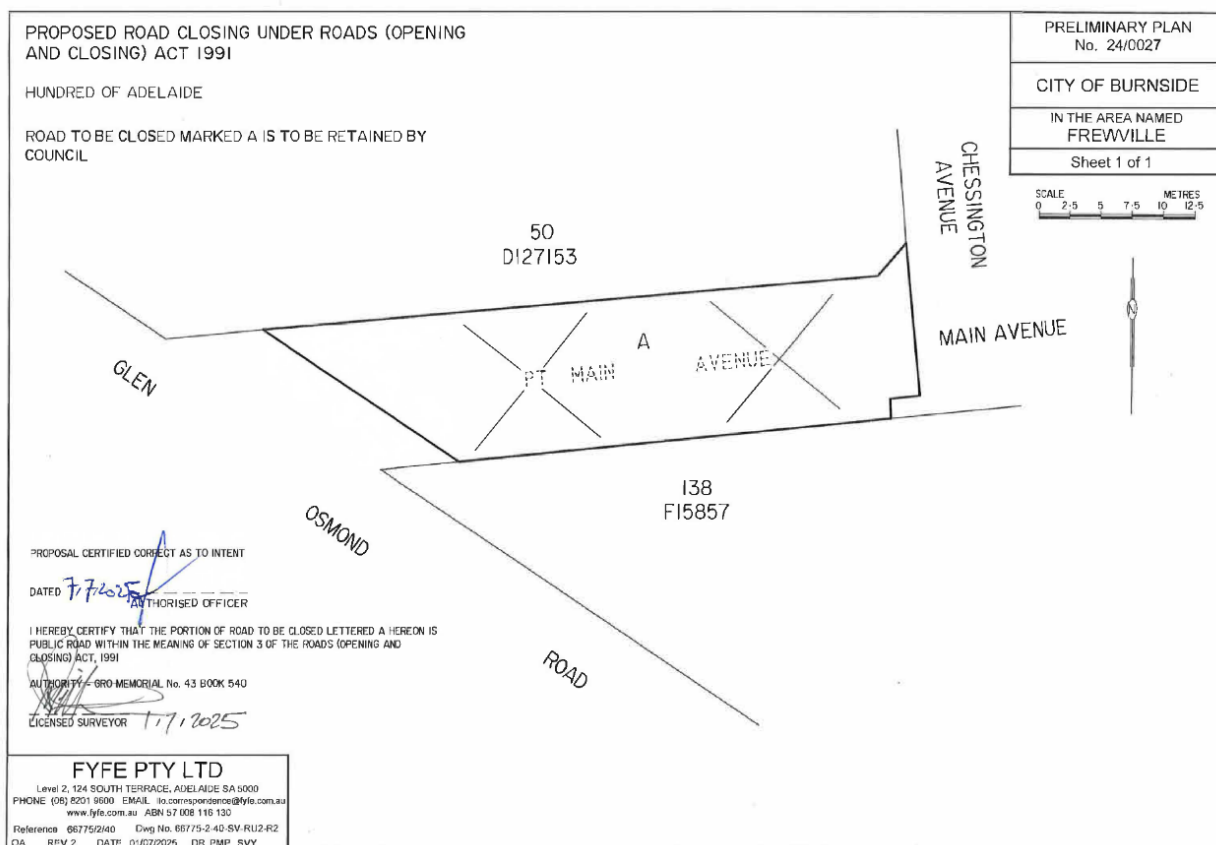
Notice is hereby given, pursuant to Section 10 of the *Roads (Opening and Closing) ACT 1991*, that the City of Burnside hereby gives notice of its intent to implement a Road Process Order to:

- (i) Close portion of Main Avenue, Frewville shown delineated as “A” on preliminary plan PP24/0027 is to be retained by Council.

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 Council at PO Box 9, Glenside, SA, 5065 within 28 days of this notice and a copy must also be forwarded to the Surveyor-General at GPO Box 1815, Adelaide SA 500.

ATTACHMENT 1



Dated: 14 August 20205

JULIA GRANT
Chief Executive Officer

CITY OF NORWOOD PAYNEHAM & ST PETERS

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

Supplementary Election—Nominations Received

At the close of nominations at 12 noon on Thursday, 7 August 2025, the following people have been accepted as candidates and are listed below in the order in which they will appear on the ballot paper.

St Peters Ward—1 Vacancy

RAKSHIT, Rima
CAVENEY, Ben
YOUNG, Zane
EXCELL, Rita
GOODE, Matthew
CHENOWETH, Spencer
GRAHAM, Patrick Litchfield
KUSHNIR, Julianne

Campaign Disclosure Returns

Candidates must lodge the following returns with the Electoral Commissioner:

- Campaign donation return
 - Return no. 1—lodgement from Friday, 15 August to Thursday, 21 August 2025
 - Return no. 2—within 30 days of the conclusion of the election
- Large gift return
 - Return lodgement within 5 days after receipt, only required for gifts in excess of \$2,500

Detailed information about candidate disclosure return requirements can be found at www.ecsa.sa.gov.au.

Voting Conducted by Post

The election is conducted entirely by post and no polling booths will be open for voting. Ballot papers and reply-paid envelopes are mailed out between Tuesday, 26 August and Monday, 1 September 2025 to every person, body corporate and group listed on the voters roll at the close of rolls on 5pm, Monday, 30 June 2025. Voting is voluntary.

A person who has not received voting material by Thursday, 4 September 2025, and believes they are entitled to vote, should contact the deputy returning officer on 1300 655 232 before 5pm, Monday, 15 September 2025.

Completed voting material must be sent to reach the returning officer no later than 12 noon on polling day, Monday, 22 September 2025.

Assisted Voting

Prescribed electors under Section 41A(8) of the *Local Government (Elections) Act 1999*, may vote via the telephone assisted voting method by calling the Electoral Commission SA on:

- 1300 655 232 within South Australia only
- 08 7424 7400 from interstate
- +61 8 7424 7400 from overseas

The Telephone Assisted Voting Centre will operate for the following times and days:

- 9am-5pm, Thursday, 18 September and Friday, 19 September 2025.
- 9am-12 noon, Monday, 22 September 2025 (close of voting)

Vote Counting Location

The scrutiny and count will take place from 9:30am on Tuesday, 23 September 2025 at the following location:

- Electoral Commission SA Central Processing Centre
 - 7 Hudson Court, Netley 5037

A provisional declaration will be made at the conclusion of the election count.

Dated: 14 August 2025

MICK SHERRY
Returning Officer

CITY OF NORWOOD PAYNEHAM & ST PETERS

PERMITS AND PENALTIES BY-LAW 2025

By-law No. 1 of 2025

A By-law to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Permits and Penalties By-law 2025* and is By-law No. 1 of the City of Norwood Payneham & St Peters.
 2. **Authorising Law**
This By-law is made under section 246 of the Act.
 3. **Purpose**
The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:
 - 3.1 creating a permit system for Council By-laws;
 - 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
 - 3.3 clarifying the construction of Council By-laws.
 4. **Commencement, Revocation and Expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
By-law No. 1 – Permits and Penalties 2018.²
 - 4.2 This By-law will expire on 1 January 2033.³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
This By-law applies throughout the Council's area.
 6. **Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **Council** means the City of Norwood Payneham & St Peters;
 - 6.3 **person** includes a natural person or a body corporate;
 - 6.4 **prescribed offence** means an offence against a by-law of the Council relating to the driving, parking or standing of vehicles;
 - 6.5 **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
 - 6.5.1 a bridge, viaduct or subway; or
 - 6.5.2 an alley, laneway or walkway; and
 - 6.6 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
 - 6.6.1 a motor vehicle trailer and a tram;
 - 6.6.2 a bicycle;
 - 6.6.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
 - 6.6.4 a combination; and
 - 6.6.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.
- Note-**
- Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meanings as in the Act.
7. **Construction of By-laws Generally**
 - 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
 - 7.2 In any By-law of the Council and unless the contrary intention appears, permission means permission granted by the Council (or its delegate) prior to the act, event or activity to which it relates and includes:
 - 7.2.1 permission granted specifically to an applicant; or
 - 7.2.2 permission of general application granted by way of the Council adopting a policy of general application for that purpose.

PART 2 – PERMITS AND PENALTIES

8. **Permits**
 - 8.1 Where a By-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
 - 8.2 The Council (or such other person as may be authorised by the Council) may attach such conditions as it thinks fit to a grant of permission and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
 - 8.3 A person granted permission under a By-law must comply with every such condition. Failure to do so is an offence (to the extent that it gives rise to a contravention of a By-law).
 - 8.4 The Council (or a person authorised by the Council) may suspend or revoke a grant of permission under a By-law at any time by notice in writing to the person granted permission.
9. **Offences and Penalties**
 - 9.1 A person who acts in contravention of any By-law of the Council is guilty of an offence and may be liable to pay:
 - 9.1.1 the maximum penalty, being the maximum penalty referred to in the Act that may be fixed by a By-law for any breach of a By-law; or
 - 9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a By-law.
 - 9.2 A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature.

Note-

The maximum penalty for a breach of a By-law is prescribed by section 246(3)(g) of the Act.
Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against By-laws either by a By-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

10. Liability of Vehicles Owners and Expiation of Certain Offences

- 10.1 Without derogating from the liability of any other person, but subject to this clause 10, 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 or expiation fee as is prescribed for the principal offence.
- 10.2 The owner and driver of a vehicle are not both liable through the operation of this paragraph to be convicted of an offence arising out of the same circumstances, and consequently conviction of the owner exonerates the driver and conversely, conviction of the driver exonerates the owner.
- 10.3 An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged prescribed offence involving the vehicle must be accompanied by a notice inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Council, within the period specified in the notice, with a statutory declaration:
- 10.3.1 setting out the name and address of the driver; or
 - 10.3.2 if the owner had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer - setting out details of the transfer (including the name and address of the transferee).
- 10.4 Before proceedings are commenced against the owner of a vehicle for a prescribed offence, the Informant must send the owner a notice:
- 10.4.1 setting out particulars of the alleged prescribed offence; and
 - 10.4.2 inviting the owner, if they were 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 subclause 10.3.
- 10.5 Subclause 10.4 does not apply to:
- 10.5.1 proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
 - 10.5.2 proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the driver of the vehicle.
- 10.6 Subject to subclause 10.7, in proceedings against the owner of a vehicle for an offence against this subclause, it is a defence to prove:
- 10.6.1 that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or
 - 10.6.2 that the owner provided the Informant with a statutory declaration in accordance with an invitation given pursuant to this clause 10.
- 10.7 The defence in subclause 10.6.2 does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.
- 10.8 If:
- 10.8.1 an expiation notice is given to a person named as the alleged driver in a statutory declaration under this clause 10; or
 - 10.8.2 proceedings are commenced against a person named as the alleged driver in such a statutory declaration,
- the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.
- 10.9 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.

11. Evidence

In proceedings for a prescribed offence, an allegation in an Information that:

- 11.1 a specified place was a road or local government land; or
- 11.2 a specified vehicle was driven, parked or left standing in a specified place; or
- 11.3 a specified vehicle was parked or left standing for the purposes of soliciting business from a person or offering or exposing goods for sale; or
- 11.4 a specified place was not formed or otherwise set aside by the Council for the purposes of the driving, parking or standing of vehicles; or
- 11.5 a specified person was an authorised person; or
- 11.6 a specified provision was a condition of a specified permit granted under clause 8 of this by-law; or
- 11.7 a specified person was the owner or driver of a specified vehicle; or
- 11.8 a person named in a statutory declaration under clause 10 of this by-law for the prescribed offence to which the declaration relates was the driver of the vehicle at the time at which the alleged offence was committed; or
- 11.9 an owner or driver of a vehicle for a prescribed offence was given notice under clause 10 of this by-law on a specified day,

is proof of the matters so alleged in the absence of proof to the contrary.

This By-law was duly made and passed at a meeting of the City of Norwood Payneham & St Peters held on **4 August 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

CITY OF NORWOOD PAYNEHAM & ST PETERS**MOVEABLE SIGNS BY-LAW 2025****By-law No. 2 of 2025**

A By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety in the Council's area.

PART 1 – PRELIMINARY

- 1. Title**
This By-law may be cited as the *Moveable Signs By-law 2025* and is By-law No. 2 of the City of Norwood Payneham & St Peters.
- 2. Authorising Law**
This By-law is made under sections 226, 238, 239 and 246 of the Act.
- 3. Purpose**
The objectives of this By-law are to set standards for moveable signs on roads:
 - 3.1 to protect the comfort and safety of road users and members of the public;
 - 3.2 to enhance the amenity of roads and surrounding parts of the Council area;
 - 3.3 to prevent nuisances occurring on roads;
 - 3.4 to prevent unreasonable interference with the use of a road; and
 - 3.5 for the good rule and government of the Council area.

4. Commencement, Revocation and Expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

*By-Law No. 2 – Moveable Signs 2018.*²

Note-

4.2 This By-law will expire on 1 January 2033.³

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.

5.2 This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 12.

6. Interpretation

In this By-law, unless the contrary intention appears:

6.1 **Act** means the *Local Government Act 1999*;

6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;

6.3 **banner** means a strip of cloth, plastic or other material hung up or attached to a pole, fence or other structure;

6.4 **business premises** means premises from which a business is being conducted;

6.5 **Council** means the City of Norwood Payneham & St Peters;

6.6 **footpath** area means:

6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; or

6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;

6.7 **Local Government land** has the same meaning as in the Act, being land owned by the Council or under the Council's care, control and management;

6.8 **moveable sign** has the same meaning as in the Act, being a moveable advertisement or sign but excludes a banner;

6.9 **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:

6.9.1 a bridge, viaduct or subway;

6.9.2 an alley, laneway or walkway; and

6.9.3 the footpath area.

6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:

6.10.1 a motor vehicle trailer and a tram;

6.10.2 a bicycle;

6.10.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;

6.10.4 a combination; and

6.10.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – MOVEABLE SIGNS**7. Construction and Design**

A moveable sign must:

7.1 be of a kind known as:

7.1.1 an 'A' frame or sandwich board sign;

7.1.2 an 'inverted T' sign;

7.1.3 a 'tear drop' sign;

7.1.4 a flat sign; or

7.1.5 with the permission of the Council (including as may be set out in a Council policy of general application from time to time), be a sign of some other kind;

7.2 be designed, constructed and maintained in good quality and condition (in the reasonable opinion of an authorised person) so as not to present a hazard to any member of the public;

7.3 be of strong construction and sufficiently stable or, subject to this By-law, securely fixed in position so as to keep its position in any weather conditions;

7.4 not contain any sharp or jagged edges or corners;

7.5 not, in the reasonable opinion of an authorised person, be unsightly or offensive in appearance or content;

7.6 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;

7.7 not exceed 1 metre in height or 0.6 metres in depth and width;

7.8 in the case of a 'tear drop' sign, not exceed 2.4 metres in height or 0.6 metres in depth and width;

7.9 in the case of an 'A' frame or sandwich board sign:

7.9.1 be hinged or joined at the top; or

7.9.2 be of such construction that its sides are securely fixed or locked in position when erected; and

7.9.3 not have a base area in excess of 0.6 square metres; and

7.10 in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign.

8. Placement

A moveable sign must not be:

8.1 placed on any part of a road other than the footpath area;

8.2 placed on a footpath that is less than 2.5 metres wide;

8.3 placed on the sealed part of a footpath unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare (of sealed footpath area) of:

8.3.1 in the case of moveable signs placed on The Parade, Norwood, at least 2 metres between the sign and the building line or, where there is no building, the adjoining property boundary; and

8.3.2 in all other cases, at least 1.5 metres between the sign and the building line or, where there is no building, the adjoining property boundary;

8.4 placed other than on the kerb side of the footpath area (or, if there is no kerb, on the side closest to the carriageway) but must not be placed closer than 0.5 metres to the kerb;

8.5 tied, fixed, leaned against or attached to, or placed closer than 1 metre from another structure, object (including another moveable sign, bus shelter, or business merchandise display), tree, bush or plant;

- 8.6 placed on the sealed part of a footpath if there is an unsealed part on which the sign can be placed in accordance with this By-law;
- 8.7 placed on a footpath adjacent a loading zone, bus stop or taxi rank;
- 8.8 placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.9 placed within 10 metres of an intersection of two or more roads;
- 8.10 placed on a designated parking area;
- 8.11 displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible; or
- 8.12 placed on a median strip, traffic island, roundabout or any other traffic control device on a road;
- 8.13 be placed in such a position or in such circumstances that, in the reasonable opinion of an authorised person:
- 8.13.1 it compromises the safety of any person or places a person at risk of harm; or
- 8.13.2 it obstructs or impedes (or would be likely to obstruct or impede) a vehicle door when opened, provided that the vehicle is parked lawfully on a road; or
- 8.13.3 otherwise interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed.
- 9. Appearance**
A moveable sign placed on the footpath area of a road must, in the reasonable opinion of an authorised person:
- 9.1 be painted or otherwise detailed in a competent and professional manner;
- 9.2 be of such design and contain such colours which are compatible with the architectural design of the premises adjacent to the sign, and which relate well to the town scope and overall amenity of the locality in which it is situated;
- 9.3 not have balloons, flags, streamers or other things attached to it; and
- 9.4 not rotate or contain flashing parts.
- 10. Banners**
A person must not erect or display a banner on a building or structure on a road without the Council's permission.
- Note-**
A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the *Local Government Act 1999*.
- 11. Restrictions**
A person must not, without the Council's permission:
- 11.1 cause or allow more than one moveable sign for each business premises to be displayed on the footpath area of a road at any time;
- 11.1.1 display a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or on a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates; or
- 11.1.2 cause or allow a moveable sign to be placed on a road unless:
- 11.1.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
- 11.1.3.2 the business premises to which it relates is open to the public during such times as the sign is displayed.
- 11.2 If in the opinion of the Council a road is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign on that road on such conditions as the Council thinks fit.
- 12. Exemptions**
Subclauses 7.6, 8.4, 9.1, 9.2 and 11.1 of this By-law do not apply to a moveable sign that:
- 12.1 advertises a garage sale taking place from residential premises but provided that no more than six (6) moveable signs are displayed at any one time in relation to the garage sale taking place at that residential premises; or
- 12.1.1 is a directional sign to an event run by an Incorporated Association, a community organisation or charitable body.
- 12.2 Subclause 11.1 of this By-law does not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 12.3 A requirement of this By-law will not apply where the Council has otherwise granted permission (including by way of adopting a policy for this purpose) for the moveable sign (or class of moveable sign) to be displayed contrary to that requirement.
- Note-**
This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes:
- a sign placed pursuant to an authorisation under another Act;
 - a sign designed to direct people to the open inspection of any land or building that is available for purchase or lease;
 - certain signs (as set out in section 226(3) of the Act) related to a State or Commonwealth election; or
 - of a prescribed class.

PART 3 – ENFORCEMENT

13. Removal of Moveable Signs

- 13.1 A person must immediately comply with the order of an authorised person to remove a moveable sign that is made pursuant to section 227(1) of the Act.

Note-

- Pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:
- the design, construction or positioning of a moveable sign does not comply with a requirement of this By-law; or
 - any other requirement of this By-law is not complied with; or
 - the moveable sign unreasonably restricts the use of the Road or endangers the safety of other persons.
- 13.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
- 13.3 The owner of, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 13.3.1 if, in the reasonable opinion of an authorised person, and not withstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 13.3.2 for the purpose of community events, special events, parades, roadworks or in any other circumstances which, in the reasonable opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

This By-law was duly made and passed at a meeting of the Council of the City of Norwood Payneham & St Peters held on 4 August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

CITY OF NORWOOD PAYNEHAM & ST PETERS
ROADS BY-LAW 2025
By-law No. 3 of 2025

A By-law for the management, control and regulation of activities on roads and other land in the Council's area.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Roads By-law 2025* and is By-law No. 3 of the City of Norwood Payneham & St Peters.
 2. **Authorising Law**
This By-law is made under sections 239 and 246 of the *Local Government Act 1999* and regulation 28 of the *Local Government (General) Regulations 2013*.
 3. **Purpose**
The objectives of this By-law are to manage, control and regulate certain uses of roads in the Council area:
 - 3.1 to protect the convenience, comfort and safety of road users and members of the public;
 - 3.2 to prevent damage to buildings and structures on roads;
 - 3.3 to prevent certain nuisances occurring on roads; and
 - 3.4 for the good rule and government of the Council area.
 4. **Commencement and Expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
By-law No. 3 – Roads 2018.²
 - 4.2 This By-law will expire on 1 January 2033.²
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
 - 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
 - 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
 - 5.3 Subclause 7.3.1 of this By-law applies throughout the Council's area except in such part or parts of the Council area as the Council may determine by resolution in accordance with section 246(3)(e) of the Act.
 6. **Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **animal** includes birds, insects and poultry but does not include a dog;
 - 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
 - 6.4 **Council** means City of Norwood Payneham & St Peters;
 - 6.5 **effective control** means a person exercising effective control of an animal either:
 - 6.5.1 by means of a physical restraint; or
 - 6.5.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
 - 6.6 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;
 - 6.7 **moveable sign** has the same meaning as in the Act;
 - 6.8 **road** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
 - 6.8.1 a bridge, viaduct or subway; or
 - 6.8.2 an alley, laneway or walkway; and
 - 6.9 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
 - 6.9.1 a motor vehicle trailer and a tram;
 - 6.9.2 a bicycle;
 - 6.9.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
 - 6.9.4 a combination; and
 - 6.9.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note- Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – USE OF ROADS

7. **Activities Requiring Permission**
A person must not engage in or undertake any of the following activities on a road (or where otherwise indicated, on other land) without the permission of the Council.
 - 7.1 **Advertising**
Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services or for any other purpose, other than a moveable sign that is displayed in accordance with the Council's *Moveable Signs By-law 2025*.
- Note-**
- Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's *Moveable Signs By-law 2025*.
 Section 226(2a) of the Act prohibits the display of certain electoral advertising posters displayed in connection with a Local Government election.
 Section 226A(1) of the Act prohibits the display of a designated electoral advertising poster on roads and road-related areas (including any structure, fixture or vegetation thereon).
- 7.2 **Amplification**
Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying or magnifying sound, including for broadcasting announcements or advertisements.
 - 7.3 **Animals**
 - 7.3.1 Cause or allow an animal to stray onto, move over, or graze on a road except for on a road to which the Council has determined this subclause applies (if any).
 - 7.3.2 Subject to clause 7.3.1:
 - 7.3.2.1 lead, herd, exercise or cause or allow an animal to stray onto or move over any road unless the animal is under effective control; or
 - 7.3.2.2 lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.
 - 7.4 **Obstructions**
Erect, install, place or maintain or cause to be erected, installed, placed or maintained any structure, object or

- material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.
- 7.5 **Preaching and Canvassing**
- 7.5.1 Preach, harangue, or canvass for religious or charitable purposes.
- 7.5.2 Convey any religious or other message to any bystander, passerby or other person.
- 7.6 **Public Exhibitions and Displays**
- 7.6.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.
- 7.6.2 Conduct, cause or hold a concert, festival, show, display, public gathering, circus, performance or a similar activity.
- 7.6.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.
- 7.6.4 Cause any public exhibition or displays.
- 7.7 **Soliciting**
- Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.
- 7.8 **Shared Transport Devices**
- 7.8.1 Subject to the *Road Traffic Act 1961*:
- 7.8.1.1 operate a share transport device scheme; or
- 7.8.1.2 leave a share transport device on a road other than in accordance with any conditions determined by the Council (including as may be set out in a policy from time to time) that are published on the Council's website.
- 7.8.2 For the purposes of this subclause 7.8:
- 7.8.2.1 **share transport device** means a bike, scooter or other mobility device that is available for hire (for fee or otherwise) in the Council's area by members of the public in connection with a share transport device scheme, including through the use of a special purpose smartphone application; and
- 7.8.2.2 **share transport device scheme** means a scheme operated in the Council's area which involves share bikes, scooters (dockless or otherwise) or other mobility devices being made available for hire by any person for a fee or otherwise.
- 7.9 **Repairs to Vehicles**
- Repair, wash, paint, panel beat or perform other work of any nature on or to any vehicle, except for running repairs in the case of a vehicle breakdown.
- 7.10 **Rubbish Bins**
- Deposit in any Council bin on a road any rubbish:
- 7.10.1 emanating from a domestic, commercial or trade source; or
- 7.10.2 that is not rubbish of the type permitted to be placed in the bin, as indicated on signs on the bin or in its vicinity.

PART 3 – ENFORCEMENT

8. Directions

A person on a road who, in the reasonable opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with an order of the authorised person made pursuant to section 262 of the Act, which may include an order to leave that part of the road.

9. Orders

If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:

If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-

- a) *if the conduct is still continuing – to stop the conduct; and*
- b) *whether or not the conduct is still continuing – to take specified action to remedy the contravention*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out.

For example, an authorised person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath; or
- remove advertising displayed on a structure on a road.

10. Removal of Animals and Objects

10.1 The Council (or its delegate) may, pursuant to section 234 of the Act, remove an animal or object that is on a road in breach of a By-law if the Council (or its delegate) reasonably believes that no person is in charge of the animal or object.

10.2 The Council may seek to recover from the owner of an object removed under subclause 10.1 the costs it incurs in removing that object.

PART 4 – MISCELLANEOUS

11. Exemptions

11.1 The restrictions in this By-law do not apply to any emergency worker, Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council Officer.

11.2 The Council may otherwise, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

11.3 An exemption:

- 11.3.1 may be granted or refused at the discretion of the Council;
- 11.3.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 11.3.3 is subject to any conditions specified in the instrument of exemption.

11.4 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

11.5 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

This By-law was duly made and passed at a meeting of the City of Norwood Payneham & St Peters held on 4 August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**CITY OF NORWOOD PAYNEHAM & ST PETERS
LOCAL GOVERNMENT LAND BY-LAW 2025
BY-LAW NO. 4 OF 2025**

A By-law to manage and regulate the access to and use of Local Government land and certain public places.

PART 1 – PRELIMINARY

- 1. Title**
This By-law may be cited as the *Local Government Land By-law 2025* and is By-law No. 4 of the City of Norwood Payneham & St Peters.
 - 2. Authorising Law**
This By-law is made under sections 238, 239 and 246 of the *Local Government Act 1999* and section 18A of the *Harbours and Navigation Act 1993*.
 - 3. Purpose**
The objectives of this By-law are to regulate the access to and use of Local Government land and certain public places:
 - 3.1 to prevent and mitigate nuisances;
 - 3.2 to prevent damage to Local Government land;
 - 3.3 to protect the convenience, comfort and safety of members of the public;
 - 3.4 to enhance the amenity of the Council's area; and
 - 3.5 for the good rule and government of the Council's area.
 - 4. Commencement, Revocation and Expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
By-law No. 4 – Local Government Land 2018.²
 - 4.2 This By-law will expire on 1 January 2033³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
- 5. Application**
 - 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
 - 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
 - 5.3 Subclauses 9.3, 9.9.1, 9.9.3, 9.23.2, 9.23.3, 9.25.2, 9.34, 10.4 and 10.10 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
 - 5.4 Subclauses 9.5.1, 9.13.2.2, and 9.23.1 of this By-law applies throughout the Council's area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.
- 6. Interpretation**

In this By-law, unless the contrary intention appears:

 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **animal** includes birds and insects but does not include a dog unless otherwise stated;
 - 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
 - 6.4 **boat** includes a raft, pontoon or personal watercraft or other similar device;
 - 6.5 **camp** includes setting up a camp or causing:
 - 6.5.1 a tent or other structure of calico, canvas, plastic or other similar material;
 - 6.5.2 a swag or similar bedding; or
 - 6.5.3 subject to the *Road Traffic Act 1961*, a caravan, motor home or other vehicle—
to remain on Local Government land or a road for the purpose of staying overnight, whether or not any person is in attendance or stays overnight therein;
- Note-**
- To avoid doubt, setting up a calico, canvas, plastic or other tent, marquee or similar structure for recreation purposes to provide shade during daylight hours only (and not overnight) is not within the meaning of 'camp'.
- 6.6 **Council** means the City of Norwood Payneham & St Peters;
 - 6.7 **effective control** means a person exercising effective control of an animal either:
 - 6.7.1 by means of physical restraint; or
 - 6.7.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
 - 6.8 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
 - 6.9 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
 - 6.10 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
 - 6.11 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
 - 6.12 **Local Government land** means land owned by the Council or under the Council's care, control and management (except roads);
 - 6.13 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
 - 6.14 **open container** means a container that:
 - 6.14.1 after the contents of the container have been sealed at the time of manufacture:
 - 6.14.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
 - 6.14.1.2 being a can, it has been opened or punctured;
 - 6.14.1.3 being a cask, it has had its tap placed in a position to allow it to be used;
 - 6.14.1.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
 - 6.14.2 is a flask, glass, mug or other container able to contain liquid;
 - 6.15 **personal watercraft** means a device that:
 - 6.15.1 is propelled by a motor; and
 - 6.15.2 has a fully enclosed hull, and
 - 6.15.3 is designed not to retain water if capsized; and
 - 6.15.4 is designed to be operated by a person who sits astride, stands, or kneels on the device;and includes the device commonly referred to as a jet ski;
 - 6.16 **recreation ground** means Local Government land commonly used for playing sports or games, or accommodating the spectators at any sport or game, and any area of land contiguous thereto and used in connection with it.
 - 6.17 **road** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
 - 6.17.1 a bridge, viaduct or subway; or

- 6.17.2 an alley, laneway or walkway; and
- 6.18 **special event** means an organised gathering of more than fifty (50) persons for any social, sporting or cultural purpose;
- 6.19 **tobacco product** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;
- 6.20 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
- 6.20.1 a motor vehicle trailer and a tram;
- 6.20.2 a bicycle;
- 6.20.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
- 6.20.4 a combination; and
- 6.20.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy;
- 6.21 **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council; and
- 6.22 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – ACCESS TO LOCAL GOVERNMENT LAND**7. Access**

The Council may:

- 7.1 close or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and
- 7.2 fix charges or fees payable for entry onto any part of Local Government land.

8. Closed Lands

A person must not, without permission, enter or remain on any Local Government land:

- 8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with subclause 7.1;
- 8.2 where entry fees or charges are payable, without paying those fees or charges; or
- 8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked or, where a sign is displayed at or near the entrance of the land notifying that the land has been closed.

PART 3 – USE OF LOCAL GOVERNMENT LAND**9. Activities Requiring Permission****Note-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

A person must not, without the permission of the Council, do any of the following activities on Local Government land or where indicated, on a road.

9.1 Advertising

Display, paint or erect or cause to be displayed, painted or erected, (including on a structure, building or fixture on the land) any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.

9.2 Aircraft

Subject to the *Civil Aviation Act 1988*, land any aircraft (including a helicopter) on, or take off any aircraft from the land.

9.3 Alcohol

Consume, carry or be in possession or in charge of any liquor in an open container on Local Government land comprising parks or reserves to which the Council has resolved this subclause applies.

9.4 Amplification

Use an amplifier or other mechanical or electrical device for the purpose of amplifying sound, including for broadcasting announcements, or advertisements.

9.5 Animals

9.5.1 Cause or allow an animal to stray onto, move over, graze or be left unattended on except on any Local Government land to which the Council has resolved this clause applies and provided that the animal or animals are under effective control.

9.5.2 Cause or allow an animal to enter, swim, bathe or remain in any waters thereon.

9.6 Annoyance

Do anything likely to offend or unreasonably interfere with any other person:

- 9.6.1 using that land; or
- 9.6.2 occupying nearby premises; by making a noise or creating a disturbance.

9.7 Attachments

Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.

9.8 Bees

Place a hive of bees on such land, or allow it to remain thereon.

9.9 Boats

Subject to the provisions of the *Harbours and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:

- 9.9.1 launch or retrieve a boat to or from any waters to which the Council has resolved that this subclause applies;
- 9.9.2 hire out a boat or otherwise use a boat for commercial purposes; or
- 9.9.3 moor a boat on any waters or to Local Government land to which the Council has determined this subclause applies.

9.10 Bridge Jumping

Jump or dive from a bridge on Local Government land.

9.11 Buildings

Use a building, or structure on Local Government land for a purpose other than for its intended purpose and otherwise in accordance with any conditions of use contained on signage in or on the building or structure.

9.12 Burials and Memorials

- 9.12.1 Bury, inter or spread the ashes of any human or animal remains, including the remains of a dog.
- 9.12.2 Erect any memorial.

9.13 Camping and Tents

On Local Government land or on a road:

- 9.13.1 subject to this subclause 9.13, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation;
- 9.13.2 camp, sleep overnight or occupy any caravan or other vehicle for or in connection with undertaking camping activities (including but not limited to washing, cooking, sleeping) except:
- 9.13.2.1 in a caravan park (the proprietor of which has been given permission to operate the caravan park on that land); or
- 9.13.2.2 on any Local Government land or road to which the Council has resolved this subclause applies (and thereby designates as a camping area) and only then, in accordance with any conditions determined by the Council and displayed on any signage on or near the Local Government land or road.
- 9.14 **Canvassing**
Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other person.
- 9.15 **Defacing Property**
Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.
- 9.16 **Distribution**
Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.
- 9.17 **Donations**
Ask for or receive or indicate a desire for a donation of money or any other thing.
- 9.18 **Encroachment**
Erect or cause to be erected or placed any fencing, post or other structures or any other items so as to encroach onto the land.
- 9.19 **Entertainment and Busking**
- 9.19.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.
- 9.19.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.20 **Fires**
Subject to the *Fire and Emergency Services Act 2005* light a fire except:
- 9.20.1 in a place provided by the Council for that purpose; or
- 9.20.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.
- 9.21 **Fireworks**
Ignite, explode or use any fireworks.
- 9.22 **Flora and Fauna**
Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
- 9.22.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
- 9.22.2 cause or allow an animal to stand or walk on or drive a vehicle over any flower bed or garden plot;
- 9.22.3 deposit, dig, damage, disturb, interfere with, clear or remove any soil, sand, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.22.4 take, interfere with, tease, harm or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;
- 9.22.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.22.6 disturb, interfere with or damage any burrow, nest or habitat of any native animal or bird;
- 9.22.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature; or
- 9.22.8 collect or take any dead wood or timber or burn any timber or dead wood;
- with the exception that subclauses 9.22.4 and 9.22.7 do not apply to lawful fishing activities.
- 9.23 **Games and Sport**
- 9.23.1 Participate in, promote or organise any organised competition or sports distinct from organised social play except on Local Government land to which the Council has resolved this subclause applies.
- 9.23.2 On Local Government land to which the Council has resolved this subclause applies, play or practise any game which involves kicking, hitting or throwing a ball or other object.
- 9.23.3 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.23.4 Play or practise the game of golf on Local Government Land other than on a properly constructed golf course or practice fairway and in accordance with any conditions determined by the Council (or its delegate).
- 9.24 **Interference with Land**
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 9.24.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.24.2 erecting or installing a structure in, on, across, under or over the land;
- 9.24.3 changing or interfering with the construction, arrangement or materials of the land;
- 9.24.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.24.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 9.25 **Model Aircraft, Boats and Cars**
Subject to the *Civil Aviation Safety Regulations 1998*:
- 9.25.1 fly or operate a model or drone aircraft, boat or model or remote-control vehicle in a manner which may, as determined by an authorised person acting reasonably, cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
- 9.25.2 fly or operate a model or drone aircraft, boat or model or remote-control vehicle on any Local Government land to which the Council has resolved this subclause applies.
- 9.26 **Overhanging Articles**
Suspend or hang an article or object from a building, verandah, pergola, post or other structure where it might, in the reasonable opinion of an authorised person:
- 9.26.1 present a nuisance or danger to a person using the land; or
- 9.26.2 cause an unsightly condition.

- 9.27 **Preaching**
Preach, harangue or solicit for religious or other purposes.
- 9.28 **Recreation ground**
Use or occupy a recreation ground:
9.28.1 in such a manner as to damage or be likely to damage the surface of the recreation ground or infrastructure (above and under ground level);
9.28.2 in a manner contrary to the purpose for which the recreation ground was intended to be used or occupied; or
9.28.3 contrary to any directions of the Council made by resolution and indicated on a sign displayed adjacent to the recreation ground.
- 9.29 **Rubbish Dumps and Rubbish Bins**
9.29.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.
9.29.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin, or placed on Local Government land for collection by the Council (or its agent).
- 9.30 **Shared Transport Devices**
Subject to the *Road Traffic Act 1961*:
9.30.1 operate a share transport device scheme;
9.30.2 leave a share transport device on Local Government land other than in accordance with conditions determined by the Council (including as may be set out in a policy from time to time) that are published on the Council's website (if any).
9.30.3 For the purposes of this subclause 9.30:
9.30.3.1 **share transport device** means a bike, scooter or similar that is available for hire (for fee or otherwise) in the Council's area by members of the public in connection with a share transport device scheme, including through the use of a special purpose smartphone application; and
9.30.3.2 **share transport device** scheme means a scheme operated in the Council's area which involves share bikes, scooters (dockless or otherwise) being made available for hire by any person for a fee or otherwise.
- 9.31 **Trading**
9.31.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.
9.31.2 Carry on any business or promote or advertise the same.
9.31.3 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.
- 9.32 **Vehicles**
9.32.1 Drive or propel a vehicle on Local Government land except on land constructed and set aside by the Council for that purpose as indicated by signs on or in the vicinity of the land.
9.32.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on land properly constructed for that purpose as indicated by signage on the land.
9.32.3 Repair, wash, paint, panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.33 **Weddings, Functions and Special Events**
9.33.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.
9.33.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.
9.33.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.34 **Wheeled Recreational Devices**
Subject to the *Road Traffic Act 1961*, ride or operate a wheeled recreational device on Local Government land to which the Council has resolved this subclause applies.
10. **Prohibited Activities**
A person must not do any of the following activities on Local Government land:
- 10.1 **Animals**
10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.
- 10.2 **Annoyances**
10.2.1 Annoy, or unreasonably interfere with any other person's use of Local Government land by making a noise or by creating a disturbance that has not been authorised by the Council.
10.2.2 Spit, urinate or defecate other than in toilet provided thereon.
- 10.3 **Equipment**
10.3.1 Use any item of equipment, facilities or property belonging to the Council:
10.3.1.1 other than in the manner and for the purpose for which it was designed, constructed or intended to be used;
10.3.1.2 where any nearby sign states the conditions of use, except in accordance with such conditions; or
10.3.1.3 in such a manner as is likely to damage or destroy it.
10.3.2 Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.
- 10.4 **Fishing**
Fish in any waters to which the Council has resolved this subclause applies.
- 10.5 **Glass**
Willfully break any glass, china or other brittle material.
- 10.6 **Interference with Permitted Use**
Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.
- 10.7 **Nuisance**
Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any

- other person including by using profane, indecent or obscene language.
- 10.8 **Obstruction**
Obstruct:
- 10.8.1 any path or track;
- 10.8.2 any door, entrance, stairway or aisle in any building; or
- 10.8.3 any gate or entrance to or on Local Government land.
- 10.9 **Playing Games**
Play or practise a game or sport or participate in any form of recreation or amusement:
- 10.9.1 which is likely, in the reasonable opinion of an authorised person, to:
- 10.9.1.1 cause damage to the land or anything on it; or
- 10.9.1.2 to endanger the safety of any person; or
- 10.9.2 in any area where a sign indicates that the game, sport or amusement is prohibited.
- 10.10 **Smoking**
Subject to the *Tobacco and E-Cigarette Products Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has resolved this subclause applies.
- 10.11 **Solicitation**
Subject to subclause 9.27, tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.
- 10.12 **Throwing Objects**
Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.
- 10.13 **Toilets**
In any public convenience on Local Government land (including showers, changerooms, toilets and hand washing facilities):
- 10.13.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 10.13.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage or damage to the facility, or any drain, pipe or property associated with the facility;
- 10.13.3 use the facilities for a purpose for which it was not designed or constructed; or
- 10.13.4 enter any gender specific public convenience except:
- 10.13.4.1 if the person is of the gender indicated on a sign or writing located on the public convenience;
- 10.13.4.2 where the person is:
- (a) a vulnerable person; or
- (b) a caregiver, parent or guardian and is providing assistance to a vulnerable person in that person's care; or
- 10.13.4.3 for the purpose of providing assistance to a person with a disability; or
- 10.13.4.4 where the person identifies as gender diverse and is using the public convenience of the gender that the person identifies with; or
- 10.13.4.5 in the case of a genuine emergency.
- 10.14 **Waste**
- 10.14.1 Deposit or leave thereon anything obnoxious or offensive.
- 10.14.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose.
- 10.14.3 Deposit in any rubbish bin:
- 10.14.3.1 any trash or rubbish emanating from a domestic, trade or commercial source; or
- 10.14.3.2 any rubbish contrary to any information on signs on the bin or in its vicinity.

PART 4 – ENFORCEMENT**11. Directions**

- 11.1 A person on Local Government land must comply with a reasonable direction from an authorised person relating to:
- 11.1.1 that person's use of the land;
- 11.1.2 that person's conduct and behaviour on the land;
- 11.1.3 that person's safety on the land; or
- 11.1.4 the safety and enjoyment of other persons on the land.
- 11.2 A person who, in the reasonable opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with an order of an authorised person made pursuant to section 262 of the Act, which may include an order to leave that part of Local Government land.

12. Orders

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:
If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-

- a) *if the conduct is still continuing - to stop the conduct; and*
- b) *whether or not the conduct is still continuing - to take specified action to remedy the contravention.*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

13. Removal of Animals and Objects

An authorised person may remove an animal or object that is on Local Government land in breach of a By-law if the authorised officer reasonably believes that no person is in charge of the animal or object.

PART 5 – MISCELLANEOUS**14. Exemptions**

- 14.1 The restrictions in this By-law do not apply to any Police Officer, emergency worker, Council officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council officer.
- 14.2 The restrictions in subclauses 9.14 and 9.16 of this By-law do not apply to electoral matter authorised by a candidate and which is:
- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;

- 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.
- 14.3 The Council may otherwise, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 14.4 An exemption:
 - 14.4.1 may be granted or refused at the discretion of the Council;
 - 14.4.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 14.4.3 is subject to any conditions specified in the instrument of exemption.
- 14.5 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 14.6 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

This By-law was duly made and passed at a meeting of the City of Norwood Payneham & St Peters held on the 4 August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

CITY OF NORWOOD PAYNEHAM & ST PETERS

DOGS BY-LAW 2025

By-law No. 5 OF 2025

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Dogs By-law 2025* and is By-law No. 5 of the City of Norwood Payneham & St Peters.
 2. **Authorising Law**
This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act, and section 18A of the *Harbours and Navigation Act 1993*.
 3. **Purpose**
The objectives of this By-law are to control and manage dogs in the Council area:
 - 3.1 to reduce the incidence of environmental nuisance caused by dogs;
 - 3.2 to promote responsible dog ownership;
 - 3.3 to protect the convenience, comfort and safety of members of the public; and
 - 3.4 for the good rule and government of the Council's area.
 4. **Commencement, Revocation and Expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
 - By-law No. 5 – Dogs 2018*.²
 - 4.2 This By-law will expire on 1 January 2033.³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
 - 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
 - 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
 - 5.3 Clauses 9 and 10.3 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
 6. **Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **approved kennel establishment** means a building, structure, premises or area approved under the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
 - 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
 - 6.4 **children's playground** means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 metres of such devices if there is no enclosed area);
 - 6.5 **Council** means City of Norwood Payneham & St Peters;
 - 6.6 **dog** (except for in subclause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
 - 6.7 **effective control** means a person exercising effective control of a dog either:
 - 6.7.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
 - 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
 - 6.8 **keep** includes the provision of food or shelter;
 - 6.9 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
 - 6.10 **premises** includes land, whether used or occupied for domestic or non-domestic purposes;
 - 6.11 **public picnic or barbeque area** means an area in a public place at which fixed cooking facilities and/or dining equipment (including chairs and tables) are located.
 - 6.12 **small dwelling** means a self-contained residence that is:
 - 6.12.1 a residential flat building;
 - 6.12.2 contained in a separate strata unit or community title;
 - 6.12.3 on an allotment less than 400 square metres in area; or
 - 6.12.4 without a secure yard of at least 100 square metres in area;
 - 6.13 For the purposes of clause 9 of the By-law, a dog is under **effective control by means of a leash** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:
 - 6.13.1 the leash, chain or cord is either tethered securely to a fixed object; or
 - 6.13.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.
- Note-**
- Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

PART 2 – LIMITS ON DOG NUMBERS

7. Limits on Dog Numbers in Private Premises

- 7.1 Subject to subclauses 7.3 and 7.5, a person must not, without the Council's permission, keep, or cause, suffer or permit to be kept:
 - 7.1.1 more than one dog in a small dwelling; or
 - 7.1.2 more than two dogs on any premises other than a small dwelling.

- 7.2 For the purposes of subclause 7.1, **dog** means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.
- 7.3 Subclause 7.1 does not apply to:
- 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
- 7.3.2 any other business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.
- 7.4 The Council may require that premises that are the subject of an application for permission to keep additional dogs are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5 No dog is to be kept on any premises where, in the reasonable opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

PART 3 – DOG CONTROLS**8. Dog exercise areas**

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control.

Note –

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control as that term is defined by the *Dog and Cat Management Act 1995*, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner of, or person responsible for, the dog may be liable.

9. Dog on Leash Areas

A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain on any Local Government land or public place (including a park) to which the Council has determined this clause applies, unless the dog is under effective control by means of a leash.

10. Dog Prohibited Areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain:

- 10.1 on any children's playground on Local Government land;
- 10.2 within 15 metres of a public picnic or barbeque area; or
- 10.3 on any other Local Government land or public place to which the Council has determined this subclause applies.

11. Dog Faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

12. Dog obedience classes

A person must not, without permission of the Council, arrange or conduct dog obedience training classes on Local Government land.

PART 4 – EXEMPTIONS**13. Council May Grant Exemptions**

- 13.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 13.2 An exemption:
- 13.2.1 may be granted or refused at the discretion of the Council;
- 13.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 13.2.3 is subject to any conditions specified in the instrument of exemption.
- 13.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 13.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 – ENFORCEMENT**14. Orders**

- 14.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:
- 14.1.1 if the conduct is still continuing – to stop the conduct; and
- 14.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 14.2 A person must comply with an order made by an authorised person pursuant to section 262 of the Act.
- 14.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 14.4 An authorised person may not use force against a person.

Note-

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of the City of Norwood Payneham & St Peters held on 4 August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

CITY OF NORWOOD PAYNEHAM & ST PETERS**WASTE MANAGEMENT BY-LAW 2025****By-law No. 6 of 2025**

A By-law to regulate the removal of domestic waste, recyclables and green organic waste from premises in the Council's area.

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Waste Management By-law 2025* and is By-law No. 6 of the City of Norwood Payneham & St Peters.

2. Authorising law

This By-law is made under sections 238, 239 and 246 of the *Local Government Act 1999*, and regulation 28(b) of the *Local Government (General) Regulations 2014*.

3. Purpose

The objectives of this By-law are:

- 3.1 to prevent and suppress nuisances associated with the storage and collection of domestic waste and other waste;
- 3.2 to prevent damage to Council property and land;
- 3.3 to outline the requirements for the use of Council's domestic kerbside waste collection service;
- 3.4 to protect the convenience, comfort and safety of members of the public;
- 3.5 to enhance the amenity of the Council area; and
- 3.6 for the good rule and government of the Council area.

4. Commencement, revocation and expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

*By-law No. 6 – Waste Management 2018.*²

4.2 This By-law will expire on 1 January 2033.³

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted (section 249(5) of the Act).
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.

5.2 This By-law applies throughout the Council's area.

6. Interpretation

In this By-law, unless the contrary intention appears:

6.1 **Act** means the *Local Government Act 1999*;

6.2 **authorised person** means a person appointed by the Council as an authorised person pursuant to section 260 of the Act;

6.3 **Council** means the City of Norwood Payneham & St Peters;

6.4 **crossover** means the portion of a road (usually connected to a driveway on private property) that provides vehicular access to adjoining land;

6.5 **domestic waste** means any kind of domestic waste generated from residences including, but not limited to, broken crockery, clothing, material, broken and cooking glass items, hoses, polystyrene, ropes, and soft plastics, but excludes building materials, effluent, liquids, metal, rocks, soil, lead acid batteries, wood and any toxic waste or other waste specified by the Council and noted on its website;

6.6 **domestic waste container** means a container for the disposal of domestic waste to be collected by the Council that is approved by the Council;

6.7 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;

6.8 **green organics** means compostable waste, and includes food waste, garden organic waste, paper towel or other materials for which permission has been given by the Council;

6.9 **green organics container** means a container to be collected by the Council for the disposal of green organics and that is approved by the Council for this purpose;

6.10 **Hard Waste** means any internal or external domestic items such as (but not limited to) fridges, and mattresses but excludes any waste or other items as may be specified by the Council and noted on its website;

6.11 **occupier** has the same meaning as in the *Local Government Act 1999*;

6.12 **premises** means premises to which the Council's domestic waste collection service is made available;

6.13 **recyclables** means waste that can be recycled including newspapers, magazines, clean paper and cardboard, clean plastic containers of a type specified by the Council, clean tins and cans, clean glass and clean milk and juice containers but excluding any item specified by the Council and noted on its website;

6.14 **recyclables container** means a container for the disposal of recyclables to be collected by the Council that is approved by the Council;

6.15 **road** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:

6.15.1 a bridge, viaduct or subway; or

6.15.2 an alley, laneway or walkway;

6.16 **waste** means domestic waste, recyclables, hard waste, green organics or any other item being disposed of as it is no longer required; and

6.17 **waste containers** means domestic waste containers, recyclables containers and green organics containers or any other container used to store waste.

PART 2 – REGULATION OF WASTE MANAGEMENT ACTIVITIES**7. Rubbish and Waste Collection**

A person must not leave waste on a road or public place for collection by the Council or its agents except in accordance with this By-law or otherwise with the permission of the Council.

8. Provide Containers

An occupier of premises must keep on his or her premises a domestic waste container and a recyclables container.

9. Waste collection service

An occupier of premises may put domestic waste, green organics and recyclables out for collection by the Council or its contractors provided that:

9.1 the domestic waste, green organics and recyclables are contained within a waste container designated for that type of waste and that is approved by the Council;

9.2 the number of waste containers placed out for collection does not exceed the number permitted by the Council; and

9.3 the domestic waste, green organics and recyclables are placed as required by the Council (including in any location specified by the Council and in accordance with this By-law) and stated on the Council's website or as otherwise notified to the occupier by the Council in writing.

10. Obligations of occupiers

Every occupier of premises must:

10.1 Domestic waste

not place, cause, suffer or permit any waste other than domestic waste to be in a domestic waste container;

10.2 Recyclables

not place, cause, suffer or permit waste other than recyclables to be in a recyclables container;

10.3 Green Organics

not place, cause, suffer or permit waste other than green organics to be in a green organics container; and

10.4 Damage

immediately arrange for the replacement or repair of a waste container kept on the premises if the same becomes damaged or worn to the extent that:

10.4.1 it is not robust or watertight;

10.4.2 it is unable to be moved on its wheels efficiently when empty or full;

10.4.3 the lid does not seal the container when closed; or

10.4.4 its efficiency or use is, in the reasonable opinion of an authorised person, otherwise impaired;

10.5 Keep container clean

cause each waste container kept on the premises to be kept in a clean and sanitary condition, maintained in good order and repair and kept watertight at all times;

- 10.6 **Sealing of container**
cause each waste container to be continuously and securely covered or sealed except when waste is being deposited in or removed from the container;
- 10.7 **Collecting services**
facilitate the collection and removal of waste from the premises by ensuring all waste containers containing waste for collection by the Council or its contractors are placed on the road for collection:
- 10.7.1 on the day appointed by the Council for the collection of waste from those premises or after 4pm the night before (and not before this time); and
- 10.7.2 in a position:
- 10.7.2.1 adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road; and
- 10.7.2.2 not under the overhanging branches of any trees; and
- 10.7.2.3 if placed on a crossover, only on the part of a crossover (where it abuts the carriageway) that is closest to the edge of the crossover and not in the centre of the crossover or in any other place or manner that may reasonably be considered (in the reasonable opinion of an authorised person) to create a restriction or a danger for other pedestrians or vehicular access to the crossover; and
- 10.7.2.4 as may otherwise be required by the Council (including in any location specified by the Council) and stated on the Council's website or as otherwise notified to the occupier by the Council in writing;
- 10.8 **Removal of container**
not, without a reasonable excuse (as determined by an authorised person acting reasonably), fail to remove all waste containers from the road on the same day as the collection of waste has occurred;
- 10.9 **Waste**
not place any waste container on the road for collection by the Council its agents or contractors unless the waste container contains only the type of waste that is permitted to be disposed of in that waste container; and
- 10.10 **Hard waste**
not place any hard waste on the road for collection by the Council its agents or contractors other than in accordance with any directions issued by the Council and notified to the occupier in writing or specified on the Council's website.
11. **Unlawful interference with waste**
A person must not, without the Council's permission, take or interfere with any waste that has been left on a road for collection by the Council, its agents or contractors.
- PART 3 – ENFORCEMENT**
12. **Orders**
If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.
13. **Exemptions**
- 13.1 The restrictions in this By-law do not apply to a Police Officer, emergency worker, Council officer or Council employee acting in the course of and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council officer.
- 13.2 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 13.3 An exemption:
- 13.3.1 may be granted or refused at the discretion of the Council;
- 13.3.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 13.3.3 is subject to any conditions specified in the instrument of exemption.
- 13.4 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 13.5 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

This By-law was duly made and passed at a meeting of the City of Norwood Payneham & St Peters held on the 4 August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

CITY OF NORWOOD PAYNEHAM & ST PETERS
CATS BY-LAW 2025
By-law No. 7 of 2025

A By-law to limit the number of cats kept on premises and for the management and control of cats in the Council's area.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Cats By-law 2025* and is By-law No. 7 of the City of Norwood Payneham & St Peters.
2. **Authorising Law**
This By-law is made under section 90 of the *Dog and Cat Management Act 1995* and section 246 of the Act.
3. **Purpose**
The objectives of this By-law are to control and manage cats in the Council area:
- 3.1 to promote responsible cat ownership;
- 3.2 to reduce the incidence of public and environmental nuisance caused by cats;
- 3.3 to protect the comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council area.
4. **Expiry**
4.1 This By-law commences in accordance with the Act¹ and will expire on 1 January 2033².
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
- 5.2 This By-law applies throughout the Council's area.
6. **Interpretation**
In this By-law, unless the contrary intention appears:
- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 except for the purposes of clause 8, **cat** means an animal of the species *felis catus* which is three months of age, or has lost its juvenile canine teeth;
- 6.3 **Council** means the City of Norwood Payneham & St Peters;
- 6.4 **effective control by means of physical restraint** means:

- 6.4.1 a person is exercising effective control of a cat by means of a cord or leash that is restraining the cat and does not exceed 2 metres in length; or
- 6.4.2 a person has secured the cat in a cage, vehicle or other object or structure.
- 6.5 **keep** includes the provision of food or shelter;
- 6.6 for the purposes of clause 8, a cat (or cats) causes a **nuisance** if it:
 - 6.6.1 unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to a cat(s) displaying aggressive nature or creating unpleasant noise or odour; or
 - 6.6.2 damages or otherwise has an adverse impact upon native flora or fauna; or
 - 6.6.3 acts in a manner that is injurious to a person's real or personal property; or
 - 6.6.4 wanders onto land without the consent of the owner or occupier of the land; or
 - 6.6.5 defecates or urinates on land without the consent of the owner or occupier of the land;
- 6.7 **owner** of a cat has the same meaning as in section 5 of the *Dog and Cat Management Act 1995*;
- 6.8 **premises** includes any land, (whether used or occupied for domestic or non- domestic purposes), and any part thereof; and
- 6.9 **the person responsible for the control of a cat** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*;

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law is made.

PART 2 – LIMITS ON CAT NUMBERS**7. Limits on Cat Numbers in Private Premises**

- 7.1 Subject to this clause 7, a person must not, without the Council's permission, keep or cause, suffer or permit to be kept more than two (2) cats on any premises.
- 7.2 Subclause 7.1 does not apply to:
 - 7.2.1 premises comprising a business involving the keeping of cats that is approved to operate as such under the *Planning, Development and Infrastructure Act 2016* and provided the business is operating in accordance with all required approvals and consents;
 - 7.2.2 a person who is keeping more than two cats on premises that the person occupies at the time this By-law comes into effect provided that:
 - 7.2.2.1 details as required by the Council of the cats that are kept on the premises at that time are provided to the Council within three (3) months of the commencement of this By-law;
 - 7.2.2.2 all the cats being kept on the premises are desexed in accordance with the *Dog and Cat Management Act 1995*;
 - 7.2.2.3 no insanitary condition is being caused (or, in the reasonable opinion of an authorised person, is likely to be caused) by the cats or the keeping of the cats on the premises;
 - 7.2.2.4 no nuisance is being caused (or, in the reasonable opinion of an authorised person, is likely to be caused) by the cats or by the keeping of the cats on the premises; and
 - 7.2.2.5 no additional cats are acquired or kept on the premises over and above those cats notified to the Council in accordance with subclause 7.2.2.1 after the By-law commences operation.
- 7.3 The Council may require that premises that are the subject of an application for permission to keep additional cats are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.
- 7.4 Permission under subclause 7.3 may be given if the Council is satisfied that:
 - 7.4.1 no insanitary condition exists or is likely to arise on the premises as a result of the keeping of cats; and
 - 7.4.2 a nuisance is not or is not likely to be caused to any neighbour as a result of the keeping of cats on the premises.

PART 3 – CAT CONTROLS**8. Cats not to be a nuisance**

- 8.1 An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.
- 8.2 Without limiting liability under subclause 8.1, the owner of or person responsible for the control of a cat is guilty of an offence under this By-law if the cat causes a nuisance.
- 8.3 For the purpose of this clause 8, **cat** means an animal of the species *felis catus* (of any age).

9. Effective Confinement of Cats

- 9.1 As and from a date that is resolved by the Council (if any, and which date cannot be within the first twelve months of the commencement of this By-law), and subject to subclause 9.2, the owner of, or person responsible for the control of, a cat must take all reasonable steps to ensure that the cat is confined, at all times, to the premises occupied by that person unless the cat is under effective control by means of physical restraint.
- 9.2 Subclause 9.1 does not apply to any cat that was born before 1 January 2026 provided that evidence of the cat's age that is satisfactory to an authorised person (acting reasonably) is provided to the Council.
- 9.3 For the purposes of this subclause 9, **cat** means an animal of the species *felis catus* (of any age).

10. Registration of cats

- 10.1 The Council may resolve to adopt a registration scheme for cats.
- 10.2 Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.
- 10.3 An application for registration of a cat must:
 - 10.3.1 be made to the Council in the manner and form prescribed by Council (if any); and
 - 10.3.2 be accompanied by the fee (if any) prescribed by the Council; and
 - 10.3.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and
 - 10.3.4 identify with reference to an address the premises at which the cat is kept; and
 - 10.3.5 otherwise comply with any other requirements determined by the Council.
- 10.4 Registration under this By-law remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.
- 10.5 Subclause 10.2 does not apply to premises comprising a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.

Note-

An approved cattery is an example of a business involving the keeping of cats.

- 10.6 The Council may, by resolution, revoke a resolution to adopt a registration scheme under subclause 10.1 should it see fit to do so.

PART 4 – EXEMPTIONS**11. Council May Grant Exemptions**

- 11.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 11.2 An exemption:
 - 11.2.1 may be granted or refused at the discretion of the Council;
 - 11.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 - 11.2.3 is subject to any conditions specified in the instrument of exemption.
- 11.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 11.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 – ENFORCEMENT**12. Orders**

- 12.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:
 - 12.1.1 if the conduct is still continuing – to stop the conduct; and
 - 12.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 12.2 A person must comply with an order made by an authorised person pursuant to section 262 of the Act.
- 12.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 12.4 An authorised person may not use force against a person.

Note-

For example, an authorised person may order a person to cease keeping more than the permitted number of cats on that person's premises.

This By-law was duly made and passed at a meeting of the City of Norwood Payneham & St Peters held on the 4 August 2025 by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 14 August 2025

MARIO BARONE PSM
Chief Executive Officer

CITY OF PORT ADELAIDE ENFIELD

Application of Dogs By-Law 2022

Pursuant to Section 246(4a) of the *Local Government Act 1999* (the **Act**), notice is hereby given that:

1. at its meeting on 9 August 2022 and pursuant to the power contained in Section 246(3)(e) of the Act, the City of Port Adelaide Enfield (the **Council**), resolved that for the purposes of Clause 9.1 of the Dogs By-law 2022 (the **By-law**), the following Local Government land or public places are 'Dog on-Leash Areas' at all times (unless otherwise stated):
 - 1.1. Glanville Par 3 Golf Course, Park Ave, Semaphore South
 - 1.2. the portion of Linear Park, Moore St, Windsor Gardens as identified in the applicable plan;
 - 1.3. Northgate Reserve, Folland Ave, Northgate;
 - 1.4. R B Connolly Reserve, Grose Cres, North Haven;
 - 1.5. Roy Amer Reserve, Sir Ross Smith Blvd, Oakden;
 - 1.6. Stockade Botanical Park, Hoods Rd, Northfield;
 - 1.7. Thomas Turner Reserve, Geraldine St, Valley View between 4:30pm and 5:30am on weekdays and otherwise, between 8:30am and 6:30pm on weekends;
 - 1.8. Valleyview Par 3 Golf Course, Grand Junction Rd, Valley View; and
 - 1.9. Walkley Heights Reserve, Creekview Dr, Walkley Heights;
2. at its meeting on 9 August 2022, and pursuant to the power contained in Section 246(3)(e) of the Act, and for the purposes of Clause 10 of the By-law, the Council resolved that the following Local Government land or public places are 'Dog Prohibited Areas':
 - 2.1. Barker Inlet Reserve, Salisbury Hwy, Wingfield
 - 2.2. Range Wetlands, Hanson Rd North, Wingfield
 - 2.3. Magazine Creek Wetlands, Whicker Rd, Gillman
 - 2.4. Folland Park, Turnbull Rd, Enfield
 - 2.5. The portion of TK Shutter Reserve Klemzig, Fourth Ave, Klemzig as identified in the applicable plan
 - 2.6. The portion of Regency Park Oval, South Rd, Regency Park on which is located or installed an artificial playing surface designed for playing sport and as identified in the applicable plan;
3. at its meeting on 11 April 2023, the Council, in accordance with Section 246(3)(e) of the Act, resolved to apply Clause 10 of the By-law to all children's playgrounds (as that term is defined in Clause 6.4 of the By-law) that are located on Local Government land or on a public place, with the effect that these children's playgrounds are 'Dog Prohibited Areas';
4. at its meeting on 13 February 2024, the Council, in accordance with Section 246(3)(e) of the Act, resolved that Clause 9.1.1 of the By-law applies to all foreshore areas between the hours of 10:00am and 8:00pm on any day during the period of daylight savings so that dogs are required to be on-leash in these areas during these times, and as identified in the applicable plan;
5. at its meeting on 11 February 2025, the Council, in accordance with Section 246(3)(e) of the Act, resolved that Clause 9.1 of the By-law applies to Dingley Dell Reserve on the Corner of Angwin Avenue and Athol Avenue, Blair Athol, with effect from 1 April 2025 so that it is a 'Dog On-Leash Area' at all times; and

6. at its meeting on 8 April 2025, the Council, in accordance with Section 246(3)(e) of the Act, resolved that Clause 9.1 of the By-law applies to Yitpi Yartapuultiku at 1300 Old Port Road, Port Adelaide, so that it is a 'Dog On-Leash Area' at all times. Further details of the land subject of the above resolutions and the applicable plans showing the locations of the land are available for inspection on the Council's website at <https://www.cityofpae.sa.gov.au/>

Dated: 14 August 2025

MARK WITHERS
Chief Executive Officer

TOWN OF GAWLER

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

Supplementary Election—Nominations Received

At the close of nominations at 12 noon on Thursday, 7 August 2025, the following people have been accepted as candidates and are listed below in the order in which they will appear on the ballot paper.

Mayor—1 Vacancy

SHANKS, Nathan
DAVIES, Cody
LITTLE, Paul Robert

Campaign Disclosure Returns

Candidates must lodge the following returns with the Electoral Commissioner:

- Campaign donation return
 - Return no. 1—lodgement from Friday, 15 August to Thursday, 21 August 2025
 - Return no. 2—within 30 days of the conclusion of the election
- Large gift return
 - Return lodgement within 5 days after receipt, only required for gifts in excess of \$2,500

Detailed information about candidate disclosure return requirements can be found at <https://www.ecsa.sa.gov.au>.

Voting Conducted by Post

The election is conducted entirely by post and no polling booths will be open for voting. Ballot papers and reply-paid envelopes are mailed out between Tuesday, 26 August and Monday, 1 September 2025 to every person, body corporate and group listed on the voters roll at the close of rolls on 5pm, Monday, 30 June 2025. Voting is voluntary.

A person who has not received voting material by Thursday, 4 September 2025, and believes they are entitled to vote, should contact the deputy returning officer on 1300 655 232 before 5pm, Monday, 15 September 2025.

Completed voting material must be sent to reach the returning officer no later than 12 noon on polling day Monday, 22 September 2025.

Assisted Voting

Prescribed electors under Section 41A(8) of the *Local Government (Elections) Act 1999*, may vote via the telephone assisted voting method by calling the Electoral Commission SA on:

- 1300 655 232 within South Australia only
- 08 7424 7400 from interstate
- +61 8 7424 7400 from overseas

The Telephone Assisted Voting Centre will operate for the following times and days:

- 9am-5pm, Thursday, 18 September and Friday, 19 September 2025
- 9am-12 noon, Monday, 22 September 2025 (close of voting)

Vote Counting Location

The scrutiny and count will take place from 9:30am on Tuesday, 23 September 2025 at the following location:

- Electoral Commission SA Central Processing Centre
 - 7 Hudson Court, Netley 5037

A provisional declaration will be made at the conclusion of the election count.

Dated: 14 August 2025

MICK SHERRY
Returning Officer

ADELAIDE HILLS COUNCIL

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

Supplementary Election—Nominations Received

At the close of nominations at 12 noon on Thursday, 7 August 2025, the following people have been accepted as candidates and are listed below in the order in which they will appear on the ballot paper.

Ranges Ward—1 Vacancy

WOOLCOCK, Lisa Clare
McDONNELL, Georgia
TRANTER, Jenn
CUTHBERTSON, Mark
SADLER, James Grant
De'ATH, James

Valleys Ward—2 Vacancies

ROBERTS, Scott
GLADIGAU, Richard
PENNO, Mell
TRESCOWTHICK, Alex
STEINBECK, Matthew
BRAY, Martin

Campaign Disclosure Returns

Candidates must lodge the following returns with the Electoral Commissioner:

- Campaign donation return
 - Return no. 1—lodgement from Friday, 15 August to Thursday, 21 August 2025
 - Return no. 2—within 30 days of the conclusion of the election
- Large gift return
 - Return lodgement within 5 days after receipt, only required for gifts in excess of \$2,500

Detailed information about candidate disclosure return requirements can be found at www.ecsa.sa.gov.au

Voting Conducted by Post

The elections are conducted entirely by post and no polling booths will be open for voting. Ballot papers and reply-paid envelopes are mailed out between Tuesday, 26 August and Monday, 1 September 2025 to every person, body corporate and group listed on each voters roll at the close of rolls on 5pm, Monday, 30 June. Voting is voluntary.

A person who has not received voting material by Thursday, 4 September 2025, and believes they are entitled to vote, should contact the deputy returning officer on 1300 655 232 before 5pm, Monday, 15 September 2025.

Completed voting material must be sent to reach the returning officer no later than 12 noon on polling day Monday, 22 September 2025.

Assisted Voting

Prescribed electors under Section 41A(8) of the *Local Government (Elections) Act 1999*, may vote via the telephone assisted voting method by calling the Electoral Commission SA on:

- 1300 655 232 within South Australia only
- 08 7424 7400 from interstate
- +61 8 7424 7400 from overseas

The Telephone Assisted Voting Centre will operate for the following times and days:

- 9am-5pm, Thursday, 18 September and Friday 19 September 2025
- 9am-12 noon, Monday, 22 September 2025 (close of voting)

Vote Counting Location

The scrutiny and counts will take place from 9:30am on Tuesday, 23 September 2025 at the following location:

- Electoral Commission SA Central Processing Centre
 - 7 Hudson Court, Netley 5037

A provisional declaration will be made at the conclusion of each election count.

Dated: 14 August 2025

MICK SHERRY
Returning Officer

ADELAIDE PLAINS COUNCIL

Adoption of Valuations and Declaration of Rates

Notice is hereby given that the Adelaide Plains Council, at a Special meeting held on 6 August 2025, in respect of the financial year ending 30 June 2026, adopted its Annual Business Plan and Budget and made the following decisions:

Adoption of Valuations

Pursuant to Section 167(2)(a) of the *Local Government Act 1999*, the Council adopted, for rating purposes, the most recent valuations of the Valuer-General available to the Council of the capital value of land within the Council's area totalling \$4,125,752,060, of which \$4,082,754,878 is the total capital value of rateable land.

Declaration of Rates and Service Charges*General Rates*

Pursuant to Sections 152(1)(c), 153(1)(b) and 156(1)(a) of the *Local Government Act 1999*, the Council declared differential general rates on all rateable land within its area comprising two components:

- (a) one component being a differential rate based on the capital value of rateable land varying according to land use as follows:
- 0.333631 cents in the dollar on rateable land attributed with a land use category of Residential;
 - 0.444062 cents in the dollar on rateable land attributed with a land use category of Commercial Shop;
 - 0.523466 cents in the dollar on rateable land attributed with a land use category of Commercial Office or Commercial Other;
 - 0.473755 cents in the dollar on rateable land attributed with a land use category of Industry Light;
 - 0.592194 cents in the dollar on rateable land attributed with a land use category of Industry Other;
 - 0.316615 cents in the dollar on rateable land attributed with a land use category of Primary Production; and
 - 0.341304 cents in the dollar on rateable land attributed with a land use category of Vacant Land; and
 - 0.334298 cents in the dollar on rateable land attributed with a land use category of Other;
- (b) the other component being a fixed charge of \$417.

Kerbside Waste Collection Annual Service Charges

Pursuant to Section 155(2) of the *Local Government Act 1999*, the Council imposed;

- an annual service charge of \$216 per assessment in respect of all occupied land to which Council provides or makes available the prescribed service of kerbside waste collection 3-bin service (noting that this service is provided within the townships of Mallala, Two Wells and Dublin), and;
- an annual service charge of \$216 per assessment in respect of all occupied land to which Council provides the prescribed service of kerbside waste collection 2-bin service (noting that this service is provided outside the townships of Mallala, Two Wells and Dublin) upon the (existing or future) application to participate in such service by the ratepayer,

provided that the sliding scale provided for in regulations will apply to reduce the service charge, as prescribed.

Community Wastewater Management Systems Annual Service Charges

Pursuant to Section 155(2) of the *Local Government Act 1999*, the Council imposed annual service charges of the following amounts in respect of all land to which the service of collecting, treating and disposing of wastewater as part of the Council's Community Wastewater Management Systems is provided or made available:

<i>Middle Beach</i>	<i>Mallala Township</i>
\$558 Per Property Connection	\$847 Per Property Connection

Regional Landscape Levy

Pursuant to Section 69 of the *Landscape Act 2019* and Section 154 of the *Local Government Act 1999*, the Council declared a separate rate of 0.009152 cents in the dollar on all rateable land within its area and within the area of the Northern and Yorke Landscape Board for the purpose of raising the amount of \$371,546 to reimburse the Council for the amount payable to the Northern and Yorke Landscape Board.

Payment of Rates

Pursuant to Section 181(2) of the *Local Government Act 1999*, the Council determined all rates and annual service charges shall be due in four equal or approximately equal instalments payable on 29 September 2025, 3 December 2025, 4 March 2026 and 3 June 2026.

Dated: 14 August 2025

JAMES MILLER
Chief Executive Officer

ADELAIDE PLAINS COUNCIL

SECTION 219(7)

Road and Public Places Naming Policy

Notice is hereby given pursuant to Section 219(7) of the *Local Government Act 1999* that the Adelaide Plains Council, at its meeting held on 30 July 2025, resolved to adopt the Road and Public Places Naming Policy.

Dated: 30 July 2025

JAMES MILLER
Chief Executive Officer

BERRI BARMERA COUNCIL

PERMITS AND PENALTIES BY-LAW 2025

By-law No. 1 of 2025

A By-law to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Permits and Penalties By-law 2025* and is By-law No. 1 of the Council.
 2. **Authorising Law**
This By-law is made under section 246 of the Act.
 3. **Purpose**
The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:
 - 3.1 creating a permit system for Council By-laws;
 - 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
 - 3.3 clarifying the construction of Council By-laws.
 4. **Commencement, Revocation and Expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
*By-law No. 1 – Permits and Penalties 2020.*²
 - 4.2 This By-law will expire on 1 January 2033.³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**
This By-law applies throughout the Council's area.
 6. **Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **Council** means the Berri Barmera Council;
 - 6.3 **person** includes a natural person or a body corporate;
 - 6.4 **prescribed offence** means an offence against a by-law of the Council relating to the driving, parking or standing of vehicles;
 - 6.5 **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
 - 6.5.1 a bridge, viaduct or subway; or
 - 6.5.2 an alley, laneway or walkway; and
 - 6.6 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
 - 6.6.1 a motor vehicle trailer and a tram;
 - 6.6.2 a bicycle;
 - 6.6.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
 - 6.6.4 a combination; and
 - 6.6.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.
- Note-**
- Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.
7. **Construction of By-laws generally**
 - 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
 - 7.2 In any By-law of the Council and unless the contrary intention appears, permission means permission granted by the Council (or its delegate) prior to the act, event or activity to which it relates and includes:
 - 7.2.1 permission granted specifically to an applicant; or
 - 7.2.2 permission of general application granted by way of the Council adopting a policy of general application for that purpose.

PART 2 – PERMITS AND PENALTIES

8. **Permits**
 - 8.1 Where a By-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
 - 8.2 The Council (or such other person as may be authorised by the Council) may attach such conditions as it thinks fit to a grant of permission and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
 - 8.3 A person granted permission under a By-law must comply with every such condition. Failure to do so is an offence (to the extent that it gives rise to a contravention of a By-law).
 - 8.4 The Council (or such other person authorised by the Council) may suspend or revoke a grant of permission under a By-law at any time by notice in writing to the person granted permission.
9. **Offences and Penalties**
 - 9.1 A person who commits a breach of any By-law of the Council is guilty of an offence and may be liable to pay:
 - 9.1.1 the maximum penalty, being the maximum penalty referred to in the Act that may be fixed by a By-law for any breach of a By-law; or
 - 9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a By-law.
 - 9.2 A person who commits a breach of a By-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a By-law for a breach of a By-law of a continuing nature.

Note-

The maximum penalty for a breach of a By-law is prescribed by section 246(3)(g) of the Act.
Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against By-laws either by a By-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

10. Liability of Vehicles Owners and Expiation of Certain Offences

- 10.1 Without derogating from the liability of any other person, but subject to this clause 10, 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 or expiation fee as is prescribed for the principal offence.
- 10.2 The owner and driver of a vehicle are not both liable through the operation of this clause 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.
- 10.3 An expiation notice or expiation reminder notice given under the *Expiation of Offences Act 1996* to the owner of a vehicle for an alleged prescribed offence involving the vehicle must be accompanied by a notice inviting the owner, if they were not the driver at the time of the alleged prescribed offence, to provide the Council or officer specified in the notice, within the period specified in the notice, with a statutory declaration:
- 10.3.1 setting out the name and address of the driver; or
- 10.3.2 if they had transferred ownership of the vehicle to another prior to the time of the alleged offence and has complied with the *Motor Vehicles Act 1959* in respect of the transfer - setting out details of the transfer (including the name and address of the transferee).
- 10.4 Before proceedings are commenced against the owner of a vehicle for a prescribed offence, the Informant must send the owner a notice:
- 10.4.1 setting out particulars of the alleged prescribed offence; and
- 10.4.2 inviting the owner, if they were 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 subclause 10.3.
- 10.5 Subclause 10.4 does not apply to:
- 10.5.1 proceedings commenced where an owner has elected under the *Expiation of Offences Act 1996* to be prosecuted for the offence; or
- 10.5.2 proceedings commenced against an owner of a vehicle who has been named in a statutory declaration under this section as the driver of the vehicle.
- 10.6 Subject to subclause 10.7, in proceedings against the owner of a vehicle for an offence against this paragraph, it is a defence to prove:
- 10.6.1 that, in consequence of some unlawful act, the vehicle was not in the possession or control of the owner at the time of the alleged prescribed offence; or
- 10.6.2 that the owner provided the Informant with a statutory declaration in accordance with an invitation given pursuant to this clause 10.
- 10.7 The defence in subclause 10.6.2 does not apply if it is proved that the owner made the declaration knowing it to be false in a material particular.
- 10.8 If:
- 10.8.1 an expiation notice is given to a person named as the alleged driver in a statutory declaration under this paragraph; or
- 10.8.2 proceedings are commenced against a person named as the alleged driver in such a statutory declaration,
- the notice or summons, as the case may be, must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver.
- 10.9 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.

11. Evidence

- In proceedings for a prescribed offence, an allegation in an Information that:
- 11.1 a specified place was a road or local government land; or
- 11.2 a specified vehicle was driven, parked or left standing in a specified place; or
- 11.3 a specified vehicle was parked or left standing for the purposes of soliciting business from a person or offering or exposing goods for sale; or
- 11.4 a specified place was not formed or otherwise set aside by the Council for the purposes of the driving, parking or standing of vehicles; or
- 11.5 a specified person was an authorised person; or
- 11.6 a specified provision was a condition of a specified permit granted under paragraph 5 of this by-law; or
- 11.7 a specified person was the owner or driver of a specified vehicle; or
- 11.8 a person named in a statutory declaration under clause 10 of this by-law for the prescribed offence to which the declaration relates was the driver of the vehicle at the time at which the alleged offence was committed; or
- 11.9 an owner or driver of a vehicle for a prescribed offence was given notice under clause 10 of this by-law on a specified day,

is proof of the matters so alleged in the absence of proof to the contrary.

This By-law was duly made and passed at a meeting of the Berri Barmera Council held on **22 July 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**BERRI BARMERA COUNCIL
MOVEABLE SIGNS BY-LAW 2025
By-law No. 2 of 2025**

A By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety in the Council's area.

PART 1 – PRELIMINARY

1. **Title**
This By-law may be cited as the *Moveable Signs By-law 2025* and is By-law No. 2 of the Council.
2. **Authorising Law**
This By-law is made under sections 226, 238, 239 and 246 of the Act.
3. **Purpose**
The objectives of this By-law are to set standards for moveable signs on roads:
- 3.1 to protect the comfort and safety of road users and members of the public;
- 3.2 to enhance the amenity of roads and surrounding parts of the Council area;
- 3.3 to prevent nuisances occurring on roads;
- 3.4 to prevent unreasonable interference with the use of a road; and
- 3.5 for the good rule and government of the Council area.
4. **Commencement, Revocation and Expiry**
- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:
- By-Law No. 2 – Moveable Signs 2020.*²
- 4.2 This By-law will expire on 1 January 2033.³

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
- 5.2 This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 12.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
- 6.3 **banner** means a strip of cloth, plastic or other material hung up or attached to a pole, fence or other structure;
- 6.4 **business premises** means premises from which a business is being conducted;
- 6.5 **Council** means the Berri Barmera Council;
- 6.6 **footpath area** means:
 - 6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary; or
 - 6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.7 **Local Government land** has the same meaning as in the Act, being land owned by the Council or under the Council's care, control and management;
- 6.8 **moveable sign** has the same meaning as in the Act, being a moveable advertisement or sign and does not include a banner;
- 6.9 **road** has the same meaning as in the Act, being a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
 - 6.9.1 a bridge, viaduct or subway;
 - 6.9.2 an alley, laneway or walkway; and
 - 6.9.3 the footpath area;
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961* and includes:
 - 6.10.1 a motor vehicle trailer and a tram;
 - 6.10.2 a bicycle;
 - 6.10.3 an animal-drawn vehicle, and an animal that is being ridden or drawing a vehicle;
 - 6.10.4 a combination; and
 - 6.10.5 a motorised wheelchair that can travel at over 10 kilometres per hour (on level ground), but does not include another kind of wheelchair, a train, or a wheeled recreational device or wheeled toy.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – MOVEABLE SIGNS**7. Construction and Design**

A moveable sign must:

- 7.1 be of a kind known as:
 - 7.1.1 an 'A' frame or sandwich board sign;
 - 7.1.2 an 'inverted T' sign;
 - 7.1.3 a flat sign; or
 - 7.1.4 with the permission of the Council (including as may be set out in a Council policy of general application from time to time), be a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition (in the reasonable opinion of an authorised person) so as not to present a hazard to any member of the public;
- 7.3 be of strong construction and sufficiently stable so as to keep its position in any weather conditions;
- 7.4 not contain any sharp or jagged edges or corners;
- 7.5 not, in the opinion of an authorised person, be unsightly or offensive in appearance or content;
- 7.6 not rotate or contain moving parts;
- 7.7 not contain flashing lights or be illuminated internally;
- 7.8 not have balloons, flags, streamers or other things attached to it;
- 7.9 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.10 subject to this clause 7, not have a display area exceeding one square metre in total or, if the sign is two-sided, one square metre on each side;
- 7.11 for signs located within the townships of Berri, Barmera, Glossop, Cobdogla, Loveday and Monash – not exceed 900mm in perpendicular height, or have a base with any side exceeding 600mm in length or 600mm in depth;
- 7.12 for signs located outside of the townships of Berri, Barmera, Glossop, Cobdogla, Loveday and Monash – not exceed one metre in any dimension;
- 7.13 in the case of an 'A' frame or sandwich board sign:
 - 7.13.1 be hinged or joined at the top; or
 - 7.13.2 be of such construction that its sides are securely fixed or locked in position when erected; and
 - 7.13.3 subject to this clause 7, not have a base area not exceeding 600mm²; and
- 7.14 in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign.

8. Appearance

A moveable sign must, in the reasonable opinion of an authorised person:

- 8.1 be painted or otherwise detailed in a competent and professional manner;
- 8.2 be aesthetically appealing, legible and simply worded to convey a precise message;
- 8.3 be of such design and contain such colours:
 - 8.3.1 as are compatible with the architectural design of the premises adjacent to the sign; and
 - 8.3.2 which relate well to the townscape and overall amenity of the locality in which it is situated; and
 - 8.3.3 which do not detract from or conflict with traffic, safety or direction signs or signals; and
- 8.4 contain combinations of colours and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated.

9. Placement

A moveable sign must not be:

- 9.1 placed on any part of a road other than the footpath area;
- 9.2 placed on a footpath area that is less than 2.5 metres wide;

- 9.3 placed other than adjacent to the business premises to which it relates when located within the townships of Berri, Barmera, Glossop, Cobdogla, Loveday and Monash;
- 9.4 be placed other than adjacent to the most direct access road from the Sturt Highway or Old Sturt Highway to the business premises to which it relates when located outside of a township;
- 9.5 placed closer than 1.5 metres to the kerb (or, if there is no kerb to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater);
- 9.6 in the case of a flat sign, the message of which only contains newspaper headlines and the name of a newspaper, placed other than in line with and against the property boundary of the business premises to which it relates;
- 9.7 placed less than 1.2 metres from any other structure, fixed object, tree, bush or plant (including another moveable sign);
- 9.8 fixed, tied or chained to or leaned against any other structure, fixed object, tree, bush or plant (including another moveable sign);
- 9.9 placed on a sealed part of any footpath area:
- 9.9.1 if there is an unsealed part on which the sign can be placed in accordance with this By-law; or
- 9.9.2 unless the sealed part is wide enough to contain the sign and leave a clear thoroughfare for pedestrians of a width of at least 1.2 metres;
- 9.10 placed on a landscaped area, other than landscaping that comprises only lawn;
- 9.11 placed within 10 metres of an intersection;
- 9.12 placed on a designated parking area or within 1 metre of an entrance to or exit from any premises;
- 9.13 displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible; or
- 9.14 placed in such a position or in such circumstances so that, in the reasonable opinion of an authorised person:
- 9.14.1 the safety of a user of the road is at risk; or
- 9.14.2 the sign unreasonably restricts the use of the road.
- 10. Banners**
A banner may be displayed on a road provided that the banner is:
- 10.1 securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
- 10.2 not, without the Council's permission, attached to any building, structure, fence, vegetation or other improvement on a road owned by the Council;
- 10.3 not displayed more than one month before and two days after the event it advertises;
- 10.4 not displayed for a continuous period of more than one month and two days in any twelve month period; and
- 10.5 not greater than 3m² in size.
- 11. Restrictions**
- 11.1 The owner or operator of a business must not, without the permission of the Council, cause or allow more than one moveable sign for each business premises to be displayed on the footpath area at any time.
- 11.2 A person must not, without the permission of the Council, cause or allow a moveable sign to be placed on a footpath area unless:
- 11.2.1 in the case of a moveable sign placed on a footpath area within the townships of Berri, Barmera, Glossop, Cobdogla, Loveday and Monash, it only displays material which advertises a business being conducted on business premises adjacent to the sign or the goods and services available from that business;
- 11.2.2 if the sign displays brand names of a product, the name of the business is also displayed on the sign; and
- 11.2.3 the business premises to which it relates is open to the public during such times as the sign is displayed;
- 11.3 A person must not display or cause to be displayed a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or on a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 11.4 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign thereon on such conditions as the Council thinks fit.
- 12. Exemptions**
- 12.1 Subclauses 9.3, 9.4, 11.1 and 11.2 of this By-law do not apply to a moveable sign that:
- 12.1.1 advertises a garage sale taking place from residential premises; or
- 12.1.2 is a directional sign to an event run by an Incorporated Association, a community organisation or charitable body.
- 12.2 Subclauses 9.3, 9.4, 11.1 and 11.2 of this By-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 12.3 A requirement of this By-law will not apply where the Council has otherwise granted permission (including by way of adopting a policy for this purpose) for the moveable sign (or class of moveable sign) to be displayed contrary to that requirement.
- Note-**
This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:
- placed there pursuant to an authorisation under another Act;
 - designed to direct people to the open inspection of any land or building that is available for purchase or lease;
 - certain signs (as set out in section 226(3) of the Act) related to a State or Commonwealth election; or
 - of a prescribed class.
- PART 3 – ENFORCEMENT**
- 13. Removal of Moveable Signs**
- 13.1 A person must immediately comply with the order of an authorised person to remove a moveable sign that is made pursuant to section 227(1) of the Act.
- Note-**
Pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:
- the design, construction or positioning of a moveable sign does not comply with a requirement of this By-law; or
 - any other requirement of this By-law is not complied with; or
 - the moveable sign unreasonably restricts the use of the Road or endangers the safety of other persons.
- 13.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
- 13.3 The owner of, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 13.3.1 if, in the reasonable opinion of the authorised person, and notwithstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or

- 13.3.2 for the purpose of community events, special events, parades, roadworks or in any other circumstances which, in the reasonable opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

This By-law was duly made and passed at a meeting of the Berri Barmera Council held on **22 July 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

BERRI BARMERA COUNCIL
LOCAL GOVERNMENT LAND BY-LAW 2025
By-law No. 3 of 2025

A By-law to manage and regulate the access to and use of Local Government land and certain public places.

PART 1 – PRELIMINARY

- 1. Title**
This By-law may be cited as the *Local Government Land By-law 2025* and is By-law No. 3 of the Council.
 - 2. Authorising Law**
This By-law is made under sections 238, 239 and 246 of the *Local Government Act 1999* and section 18A of the *Harbors and Navigation Act 1993*.
 - 3. Purpose**
The objectives of this By-law are to regulate the access to and use of Local Government land and certain public places:
 - 3.1 to prevent and mitigate nuisances;
 - 3.2 to prevent damage to Local Government land;
 - 3.3 to protect the convenience, comfort and safety of members of the public;
 - 3.4 to enhance the amenity of the Council's area; and
 - 3.5 for the good rule and government of the Council's area.
 - 4. Commencement, Revocation and Expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

*By-law No. 4 – Local Government Land 2020.*²
 - 4.2 This By-law will expire on 1 January 2033³
- Note-**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted pursuant to section 249(5) of the Act.
 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
- 5. Application**
 - 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
 - 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council's area.
 - 5.3 Subclauses 9.3, 9.7.2, 9.23.3, 9.23.4, 9.25.2, 9.34, 10.1, 10.4 and 10.10 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
 - 5.4 Subclauses 9.10.1, 9.10.3, 9.10.4, 9.13.2.2 and 9.23.1 of this By-law apply throughout the Council's area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.
 - 6. Interpretation**
In this By-law, unless the contrary intention appears:
 - 6.1 **Act** means the *Local Government Act 1999*;
 - 6.2 **animal** includes birds, insects and poultry but does not include a dog unless otherwise stated;
 - 6.3 **aquatic life** means any animal or plant living or growing in water including, but not limited to, yabbies, molluscs, fish, insects, insect pupa or larvae and water plants;
 - 6.4 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
 - 6.5 **boat** includes a raft, pontoon, houseboat, or personal watercraft or other similar device;
 - 6.6 **boat ramp** means a facility constructed, maintained and operated for the launching and retrieval of a boat;
 - 6.7 **camp** includes setting up a camp or causing:
 - 6.7.1 a tent or other structure of calico, canvas, plastic or other similar material;
 - 6.7.2 a swag or similar bedding; or
 - 6.7.3 subject to the *Road Traffic Act 1961*, a caravan, motor home or other vehicle- to remain on Local Government land, the foreshore or a road for the purpose of staying overnight, whether or not any person is in attendance or stays overnight therein;
- Note-**
- To avoid doubt, setting up a calico, canvas, plastic or other tent, marquee or similar structure for recreation purposes to provide shade during daylight hours only (and not overnight) is not within the meaning of 'camp'.
- 6.8 **Council** means the Berri Barmera Council;
 - 6.9 **effective control** means a person exercising effective control of an animal either:
 - 6.9.1 by means of physical restraint; or
 - 6.9.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
 - 6.10 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter does not, or is not likely to, cause physical damage or injury to any person within its immediate vicinity;
 - 6.11 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules – Ancillary and Miscellaneous Provisions) Regulations 2014*;
 - 6.12 **foreshore** means land extending from the edge of any navigable waterway or body of water in the Council's area to the nearest road or section boundary or for a distance of 50 metres (whichever is the lesser);
 - 6.13 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
 - 6.14 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
 - 6.15 **Local Government land** means land owned by the Council or under the Council's care, control and management (except roads);
 - 6.16 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
 - 6.17 **open container** means a container that:
 - 6.17.1 after the contents of the container have been sealed at the time of manufacture:
 - 6.17.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
 - 6.17.1.2 being a can, it has been opened or punctured;
 - 6.17.1.3 being a cask, it has had its tap placed in a position to allow it to be used;
 - 6.17.1.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
 - 6.17.2 is a flask, glass, mug or other container able to contain liquid;
 - 6.18 **personal watercraft** has the same meaning as in the *Harbors and Navigation Act 1993*, which is a device that:

- 6.18.1 is propelled by a motor; and
- 6.18.2 has a fully enclosed hull; and
- 6.18.3 is designed not to retain water if capsized; and
- 6.18.4 is designed to be operated by a person who sits astride, stands, or kneels on the device; and includes the device commonly referred to as a jet ski;
- 6.19 **road** has the same meaning as in the Act;
- 6.20 **special event** means an organised gathering of more than fifty (50) persons for any social, sporting or cultural purpose;
- 6.21 **tobacco product** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;
- 6.22 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.23 **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council; and
- 6.24 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in a By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – ACCESS TO LOCAL GOVERNMENT LAND**7. Access**

The Council may:

- 7.1 close or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and
- 7.2 fix charges or fees payable for entry onto any part of Local Government land.

8. Closed Lands

A person must not, without permission, enter or remain on any Local Government land:

- 8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with subclause 7.1;
- 8.2 where entry fees or charges are payable, without paying those fees or charges; or
- 8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked or, where a sign is displayed at or near the entrance of the land notifying that the land has been closed.

PART 3 – USE OF LOCAL GOVERNMENT LAND**9. Activities Requiring Permission****Note-**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

A person must not, without the permission of the Council, do any of the following activities on Local Government land, the foreshore, or where stated, on a road.

- 9.1 **Advertising**
Display, paint or erect or cause to be displayed thereon, painted or erected, (including on a structure, building or fixture) any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.
- 9.2 **Aircraft**
Subject to the *Civil Aviation Act 1988*, land any aircraft on, or take off any aircraft from the land.
- 9.3 **Alcohol**
Consume, carry or be in possession or in charge of any liquor in an open container on Local Government land comprising parks or reserves to which the Council has resolved this subclause applies.
- 9.4 **Amplification**
Use an amplifier or other device (whether mechanical or electrical) for the purpose of amplifying or magnifying sound, including for broadcasting announcements or advertisements.
- 9.5 **Animals**
 - 9.5.1 Cause or allow an animal to stray onto, move over, graze or be left unattended.
 - 9.5.2 Cause or allow an animal to enter, swim, bathe or remain in any waters thereon.
 - 9.5.3 Lead, herd, drive or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind (as indicated by signage on the track), and provided that the animal or animals are under effective control.
- 9.6 **Annoyance**
Do anything likely to offend or unreasonably interfere with any other person:
 - 9.6.1 using that land; or
 - 9.6.2 occupying nearby premises; by making a noise or creating a disturbance.
- 9.7 **Aquatic Life**
 - 9.7.1 Introduce any aquatic life to any waters.
 - 9.7.2 Take, interfere with or disturb any aquatic life in any waters to which the Council has resolved this clause applies.
- 9.8 **Attachments**
Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.
- 9.9 **Bees**
Place a hive of bees on such land, or allow it to remain thereon.
- 9.10 **Boats & Mooring**
Subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:
 - 9.10.1 launch or retrieve a boat to or from any waters except:
 - 9.10.1.1 in an area to which the Council has resolved this subclause applies; or
 - 9.10.1.2 in an area where a nearby sign states that such activity is allowed and in accordance with any conditions stated in the sign;
 - 9.10.2 launch or retrieve a boat from or to any Local Government land or foreshore without using a boat ramp constructed and set aside by the Council for that purpose;
 - 9.10.3 hire out a boat or otherwise use a boat for commercial purposes except in an area to which the Council has resolved this subclause applies and other than in accordance with any conditions determined by resolution of the Council; or
 - 9.10.4 moor any boat on or to Local Government land or the foreshore except:
 - 9.10.4.1 on or to any Local Government land or the foreshore to which the Council has determined this subclause applies; or

- 9.10.4.2 on or to any Local Government land or the foreshore the Council has designated for mooring as indicated by signs on or in the vicinity and in accordance with any conditions that may be contained on the sign;
- 9.10.5 obstruct any boat or mooring place or access to any mooring place.
- 9.11 **Buildings**
Use a building or structure for a purpose other than for its intended purpose and otherwise in accordance with any conditions of use contained on signage in or on the building or structure.
- 9.12 **Burials and Memorials**
- 9.12.1 Bury, inter or spread the ashes of any human or animal remains, including the remains of a dog.
- 9.12.2 Erect any memorial.
- 9.13 **Camping and Tents**
On Local Government land, the foreshore, or on a road:
- 9.13.1 subject to this subclause 9.13, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation for a period of 24 hours or more;
- 9.13.2 camp, sleep overnight or occupy any caravan or other vehicle for or in connection with undertaking camping activities (including but not limited to washing, cooking, sleeping) except:
- 9.13.2.1 in a caravan park (the proprietor of which has been given permission to operate the caravan park on that land); or
- 9.13.2.2 on any Local Government land, foreshore or road to which the Council has resolved this subclause applies (and thereby designates as a camping area) and, in accordance with any conditions determined by the Council and displayed on any signage on or near the Local Government land or road.
- 9.14 **Canvassing**
Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other person.
- 9.15 **Defacing Property**
Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.
- 9.16 **Distribution**
Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.
- 9.17 **Donations**
Ask for or receive or indicate a desire for a donation of money or any other thing.
- 9.18 **Encroachment**
Erect or cause to be erected or placed any fencing, post or other structures or any other items so as to encroach onto the land.
- 9.19 **Entertainment and Busking**
- 9.19.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.
- 9.19.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.20 **Fires**
Subject to the *Fire and Emergency Services Act 2005* light a fire except:
- 9.20.1 in a place provided by the Council for that purpose; or
- 9.20.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.
- 9.21 **Fireworks**
Ignite, explode or use any fireworks.
- 9.22 **Flora and Fauna**
Subject to the Native Vegetation Act 1991 and the National Parks and Wildlife Act 1972:
- 9.22.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
- 9.22.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
- 9.22.3 deposit, dig, damage, disturb, interfere with, clear or remove any soil, sand stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.22.4 take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;
- 9.22.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.22.6 disturb, interfere with or damage any burrow, nest or habitat of any native animal or bird;
- 9.22.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or
- 9.22.8 collect or take any dead wood or timber or burn any timber or dead wood;
- with the exception that subclauses 9.22.4 and 9.22.7 do not apply to lawful fishing activities.
- 9.23 **Games and Sport**
- 9.23.1 Participate in, promote or organise any organised competition or sports distinct from organised social play except on Local Government land to which the Council has resolved this subclause applies.
- 9.23.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object, that, as determined by an authorised person acting reasonably, may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that land, or detract from or be likely to detract from another person's lawful use and enjoyment of that land.
- 9.23.3 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.23.4 Play or practise any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council (if any) and indicated on a sign on or in the vicinity of the land.
- 9.23.5 Participate in any game, recreational activity or event where the Council has caused a notice to be erected indicating the game, recreational activity or event is prohibited.
- 9.23.6 Play or practise the game of golf.
- 9.24 **Interference with Land**
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 9.24.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.24.2 erecting or installing a structure in, on, across, under or over the land;
- 9.24.3 changing or interfering with the construction, arrangement or materials of the land;

- 9.24.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.24.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 9.25 **Model Aircraft, Boats and Cars**
Subject to the Civil Aviation Safety Regulations 1998:
 - 9.25.1 fly or operate a model or drone aircraft, boat or model or remote-control vehicle in a manner which may, as determined by an authorised person acting reasonably, cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
 - 9.25.2 fly or operate a model or drone aircraft, boat or model or remote-control vehicle on any Local Government land to which the Council has resolved this subclause applies.
- 9.26 **Overhanging Articles**
Suspend or hang an article or object from a building, verandah, pergola, post or other structure where it might, in the reasonable opinion of an authorised person:
 - 9.26.1 present a nuisance or danger to a person using the land; or
 - 9.26.2 cause an unsightly condition.
- 9.27 **Playing Area**
Use or occupy a playing area:
 - 9.27.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
 - 9.27.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
 - 9.27.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.
- 9.28 **Preaching**
Preach, harangue or solicit for religious or other purposes.
- 9.29 **Removing Soil**
Carry away or remove any soil, sand, clay, timber, stones, pebbles, gravel, other organic or inorganic materials or any part of the land.
- 9.30 **Rubbish Dumps and Rubbish Bins**
 - 9.30.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump.
 - 9.30.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin, or placed out for collection by the Council (or its agent).
- 9.31 **Trading**
 - 9.31.1 Sell, buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.
 - 9.31.2 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.
- 9.32 **Vehicles**
 - 9.32.1 Drive or propel a vehicle on Local Government land except on land constructed and set aside by the Council for that purpose as indicated by signs on or in the vicinity of the land.
 - 9.32.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on land properly constructed for that purpose as indicated by signage on the land.
 - 9.32.3 Repair, wash, paint, panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.33 **Weddings, Functions and Special Events**
 - 9.33.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.
 - 9.33.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.
 - 9.33.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.34 **Wheeled Recreational Devices**
Subject to the *Road Traffic Act 1961*, ride or operate a wheeled recreational device on Local Government land to which the Council has resolved this subclause applies.
- 10. **Prohibited Activities**
A person must not do any of the following activities on Local Government land:
 - 10.1 **Animals**
 - 10.1.1 Send, drive, lead, ride or take any animal or permit any animal to be sent, driven, led, ridden or taken on any land to which the Council has resolved this subclause applies.
 - 10.1.2 Allow any animal to be let loose or left unattended on any land to which the Council has resolved this subclause applies.
 - 10.2 **Annoyances**
 - 10.2.1 Annoy, or unreasonably interfere with any other person's use of Local Government land by making a noise or by creating a disturbance that has not been authorised by the Council.
 - 10.2.2 Spit, urinate or defecate other than in a toilet provided thereon.
 - 10.3 **Equipment**
 - 10.3.1 Use any item of equipment, facilities or property belonging to the Council:
 - 10.3.1.1 other than in the manner and for the purpose for which it was designed, constructed or intended to be use;
 - 10.3.1.2 where any nearby sign states the conditions of use, except in accordance with such conditions; or
 - 10.3.1.3 in such a manner as is likely to damage or destroy it.
 - 10.3.2 Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.
 - 10.3.3 Use an item of equipment, facilities or property belonging to the Council other than in accordance with any conditions of use contained on a sign or notice in the vicinity of the equipment, facility or property (if any).
 - 10.4 **Fishing**
Fish in any waters to which the Council has resolved this subclause applies.
 - 10.5 **Glass**
Willfully break any glass, china or other brittle material.

- 10.6 **Interference with Permitted Use**
Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.
- 10.7 **Nuisance**
Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.
- 10.8 **Obstruction**
Obstruct:
10.8.1 any path or track;
10.8.2 any door, entrance, stairway or aisle in any building; or
10.8.3 any gate or entrance to or on Local Government land.
- 10.9 **Playing Games**
Play or practise a game:
10.9.1 which is likely, in the reasonable opinion of an authorised person, to cause damage to the land or anything on it; or
10.9.2 in any area where a sign indicates that the game is prohibited.
- 10.10 **Smoking**
Subject to the *Tobacco and E-Cigarette Products Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has resolved this subclause applies.
- 10.11 **Solicitation**
Subject to subclause 9.28, tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.
- 10.12 **Throwing Objects**
Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.
- 10.13 **Toilets**
In any public convenience on Local Government land (including showers, changerooms, toilets and hand washing facilities):
10.13.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
10.13.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage or damage to the facility, or any drain, pipe or property associated with the facility;
10.13.3 use the facilities for a purpose for which it was not designed or constructed; or
10.13.4 enter any gender specific public convenience except:
10.13.4.1 if the person is of the gender indicated on a sign or writing located on the public convenience;
10.13.4.2 where the person is:
(a) a vulnerable person; or
(b) a caregiver, parent or guardian and is providing assistance to a vulnerable person in that person's care; or
10.13.4.3 for the purpose of providing assistance to a person with a disability; or
10.13.4.4 where the person identifies as gender diverse and is using the public convenience of the gender that the person identifies with; or
10.13.4.5 in the case of a genuine emergency.
- 10.14 **Waste**
10.14.1 Deposit or leave thereon anything obnoxious or offensive.
10.14.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose.
10.14.3 Deposit in any rubbish bin:
10.14.3.1 any trash or rubbish emanating from a domestic, trade or commercial source; or
10.14.3.2 any rubbish contrary to any information on signs on the bin or in its vicinity.

PART 4 – ENFORCEMENT**11. Directions**

- 11.1 A person on Local Government land must comply with a reasonable direction from an authorised person relating to:
11.1.1 that person's use of the land;
11.1.2 that person's conduct and behaviour on the land;
11.1.3 that person's safety on the land; or
11.1.4 the safety and enjoyment of other persons on the land.
- 11.2 A person who, in the reasonable opinion of an authorised person, is likely to commit or has committed, a breach of this By-law must immediately comply with an order of an authorised person made pursuant to section 262 of the Act which may include an order for the person to leave that part of Local Government land.

12. Orders

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:

*If a person (the **offender**) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-*

- a) *if the conduct is still continuing - to stop the conduct; and*
b) *whether or not the conduct is still continuing- to take specified action to remedy the contravention.*

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

13. Removal of Animals and Objects

An authorised person may remove an animal or object that is on Local Government land in breach of a By-law if the authorised officer reasonably believes that no person is in charge of the animal or object.

PART 5 – MISCELLANEOUS**14. Exemptions**

- 14.1 The restrictions in this By-law do not apply to any Police Officer, emergency worker, Council officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council officer.
- 14.2 The restrictions in subclauses 9.14 and 9.16 of this By-law do not apply to electoral matter authorised by a candidate and which is:
- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
- 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.
- 14.3 The Council may otherwise, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 14.4 An exemption:
- 14.4.1 may be granted or refused at the discretion of the Council;
- 14.4.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 14.4.3 is subject to any conditions specified in the instrument of exemption.
- 14.5 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 14.6 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

This By-law was duly made and passed at a meeting of the Berri Barmera Council held on **22 July 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

**BERRI BARMERA COUNCIL
ROADS BY-LAW 2025
By-law No. 4 of 2025**

A By-law for the management, control and regulation of activities on roads and other land in the Council's area.

PART 1– PRELIMINARY**1. Title**

This By-law may be cited as the *Roads By-law 2025* and is By-law No. 4 of the Council.

2. Authorising Law

This By-law is made under sections 239 and 246 of the *Local Government Act 1999* and regulation 28 of the *Local Government (General) Regulations 2013*.

3. Purpose

The objectives of this By-law are to manage, control and regulate certain uses of roads in the Council area:

- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council area.

4. Commencement, Revocation and Expiry

4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

*By-law No. 4 – Roads 2020.*²

4.2 This By-law will expire on 1 January 2033.²

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclause 7.3.2 of this By-law applies throughout the Council's area except in such part or parts of the Council area as the Council may by resolution determine in accordance with section 246(3)(e) of the Act.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds, insects and poultry but does not include a dog;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4 **Council** means the Berri Barmera Council;
- 6.5 **effective control** means a person exercising effective control of an animal either:
- 6.5.1 by means of a physical restraint; or
- 6.5.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.6 **electoral matter** has the same meaning as in the *Electoral Act 1995* provided that such electoral matter does not, or is not likely to, cause physical damage or injury to a person within its immediate vicinity;
- 6.7 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.8 **moveable sign** has the same meaning as in the Act;
- 6.9 **road** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes:
- 6.9.1 a bridge, viaduct or subway; or
- 6.9.2 an alley, laneway or walkway;
- 6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*; and
- 6.11 **waste container** means a container for the disposal of domestic waste, recyclables or green organics that is used to facilitate the kerbside collection of waste from premises by the Council or its agents or contractors.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law was made.

PART 2 – USE OF ROADS**7. Activities Requiring Permission**

A person must not engage in or undertake any of the following activities on a road (or where otherwise indicated, on other land) without the permission of the Council.

7.1 Advertising

Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services or for any other purpose, other than a moveable sign that is displayed in accordance with the Council's *Moveable Signs By-law 2025*.

Note-

Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's *Moveable Signs By-law 2024*.

7.2 Amplification

Use an amplifier or other device (whether mechanical or electrical) for the purpose of amplifying or magnifying sound, including for broadcasting announcements or advertisements.

7.3 Animals

7.3.1 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided the animal or animals are under effective control.

7.3.2 Subject to this subclause 7.3, ride, lead or drive any horse, cattle, sheep or other like animal except where the Council has set aside a track or other area for use by or in connection with an animal of that kind as indicated by signs on or near the track or area.

7.3.3 Lead, herd or exercise an animal in such a manner as, in the reasonable opinion of the authorised person, to cause a nuisance or endanger the safety of a person.

7.4 Obstructions

Erect, install, place or maintain or cause to be erected, installed, placed or maintained any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.

7.5 Preaching and Canvassing

7.5.1 Preach, harangue, or canvass for religious or charitable purposes.

7.5.2 Convey any religious or other message to any bystander, passerby or other person.

7.6 Public Exhibitions and Displays

7.6.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.

7.6.2 Conduct, cause or hold a concert, festival, show, display, public gathering, circus, performance or a similar activity.

7.6.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.

7.6.4 Cause any public exhibition or displays.

7.7 Soliciting

Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.

7.8 Repairs to Vehicles

Repair, wash, paint, panel beat or perform other work of any nature on or to any vehicle, except for running repairs in the case of a vehicle breakdown.

7.9 Rubbish Bins

Deposit in any Council bin on a road any rubbish:

7.9.1 emanating from a domestic, commercial or trade source; or

7.9.2 that is not rubbish of the type permitted to be placed in the bin, as indicated on signs on the bin or in its vicinity.

7.10 Waste Containers

Place, cause or allow to be placed, waste containers on a road or on any other land to facilitate the collection of waste generated on neighbouring or nearby premises by the Council (including its agents or contractors) unless the waste containers are placed on the road:

7.10.1 on the day nominated by the Council for the collection of waste from the relevant premises or after 4pm the preceding day (and not before these times);

7.10.2 in a position that is adjacent to the kerb (not on the carriageway) so that the front of the bin faces the road, or as may otherwise be directed by the Council; and

7.10.3 for a period that does not extend beyond 11:59pm on the day after the date that waste has been collected from the waste container.

Note-

To avoid doubt clause 7.10.3 operates such that a waste container that is placed on a road for collection must be removed from the road before 11:59pm on the day following the date of collection.

PART 3 – ENFORCEMENT**8. Directions**

A person on a road who, in the reasonable opinion of an authorised person is committing or has committed a breach of this By-law, must immediately comply with an order of the authorised person made pursuant to section 262 of the Act, which may include an order to leave that part of the road.

9. Orders

If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this By-law, the Council may seek to recover its costs of any action taken under section 262(3) of the Act from the person to whom the order was directed.

Note-

Section 262(1) of the Act states:

If a person (the offender) engages in conduct that is a contravention of this Act or a By-law under this Act, an authorised person may order the offender-

a) if the conduct is still continuing – to stop the conduct; and

b) whether or not the conduct is still continuing – to take specified action to remedy the contravention

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out.

For example, an authorised person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath; or
- remove advertising displayed on a structure on a road.

10. Removal of Animals and Objects

10.1 The Council (or its delegate) may, pursuant to section 234 of the Act, remove an animal or object that is on a road in breach of a By-law if the Council (or its delegate) reasonably believes that no person is in charge of the animal or object.

10.2 The Council may seek to recover from the owner of an object removed under subclause 10.1 the costs it incurs in removing that object.

PART 4 – MISCELLANEOUS**11. Exemptions**

- 11.1 The restrictions in this By-law do not apply to any emergency worker, Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council Officer.
- 11.2 Subclause 7.1 of this By-law does not apply to electoral matter which is:
- 11.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
- 11.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 11.2.3 related to, and occurs during the course of and for the purpose of a referendum.

Note-

Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's *Moveable Signs By-law 2025*. Only signs relating to a State or Commonwealth election that are specified under section 226(3) of the Act may be displayed on a road. Section 226(2a) of the Act prohibits the display of certain electoral advertising posters displayed in connection with a Local Government election.

- 11.3 The Council may otherwise, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.

11.4 An exemption:

- 11.4.1 may be granted or refused at the discretion of the Council;
- 11.4.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 11.4.3 is subject to any conditions specified in the instrument of exemption.

- 11.5 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.

- 11.6 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

This By-law was duly made and passed at a meeting of the Berri Barmera Council held on **22 July 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

BERRI BARMERA COUNCIL**DOGS BY-LAW 2025****By-law No. 5 of 2025**

A By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.

PART 1 – PRELIMINARY**1. Title**

This By-law may be cited as the *Dogs By-law 2025* and is By-law No. 5 of the Council.

2. Authorising Law

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act, and section 18A of the *Harbors and Navigation Act 1993*.

3. Purpose

The objectives of this By-law are to control and manage dogs in the Council area:

- 3.1 to reduce the incidence of environmental nuisance caused by dogs;
- 3.2 to promote responsible dog ownership;
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council's area.

4. Commencement, Revocation and Expiry

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation¹:

*By-law No. 5 – Dogs 2020.*²

- 4.2 This By-law will expire on 1 January 2033.³

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. Application

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Clauses 9 and 10, of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

6. Interpretation

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **approved kennel establishment** means a building, structure, premises or area approved under the *Planning, Development and Infrastructure Act 2016* for the keeping of dogs on a temporary or permanent basis;
- 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
- 6.4 **Council** means the Berri Barmera Council;
- 6.5 **dog** (except for in subclause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.6 **effective control** means a person exercising effective control of a dog either:
- 6.6.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
- 6.6.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.7 For the purposes of clause 9 of the By-law, a dog is under **effective control by means of a leash** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:
- 6.7.1 the leash, chain or cord is either tethered securely to a fixed object; or
- 6.7.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.
- 6.8 **keep** includes the provision of food or shelter;
- 6.9 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.10 **premises** includes land and part of land whether used or occupied for domestic or non-domestic purposes;
- 6.11 **small dwelling** means a self-contained dwelling that is:
- 6.11.1 a residential flat building; or
- 6.11.2 contained in a separate strata unit or community title; or
- 6.11.3 on an allotment less than 400 square metres in area; or
- 6.11.4 without a secure yard of at least 100 square metres in area;

- 6.12 **township** has the same meaning as in the Act;
- 6.13 **working livestock dog** means a dog:
- 6.13.1 usually kept, proposed to be kept or worked on rural land by a person who is:
- 6.13.1.1 a primary producer; or
- 6.13.1.2 engaged or employed by a primary producer; and
- 6.13.2 kept primarily for the purpose of herding, droving, protecting, tending or working stock, or training for herding, droving, protecting, tending or working stock.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-laws was made.

PART 2 – LIMITS ON DOG NUMBERS**7. Limits on dog numbers in private premises**

- 7.1 Subject to subclauses 7.3 and 7.5, a person must not, without the Council's permission, keep, or cause, suffer or permit to be kept:
- 7.1.1 in a township, more than one dog in a small dwelling; or
- 7.1.2 in a township, more than two dogs on any premises other than a small dwelling; or
- 7.1.3 outside of a township more than five dogs (including any working livestock dog);
- 7.2 For the purposes of subclause 7.1, **dog** means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.
- 7.3 Subclause 7.1 does not apply to:
- 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
- 7.3.2 any other business involving the keeping of dogs provided that the business is registered in accordance with the *Dog and Cat Management Act 1995* and operating in accordance with all required approvals and consents.
- 7.4 The Council may require that premises that are the subject of an application for permission to keep additional dogs are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5 No dog is to be kept on any premises where, in the reasonable opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

PART 3 – DOG CONTROLS**8. Dog Exercise Areas**

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control.

Note –

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner of, or person responsible for, the dog may be liable.

9. Dog on Leash Areas

A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain on Local Government land or in a public place to which the Council has resolved that this subclause applies unless the dog is under effective control by means of a leash.

10. Dog Prohibited Areas

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain on any Local Government land or public place to which the Council has determined that this subclause applies.

11. Dog Faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A(6) of the *Dog and Cat Management Act 1995*).

PART 4 – EXEMPTIONS**12. Council may Grant Exemptions**

- 12.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 12.2 An exemption:
- 12.2.1 may be granted or refused at the discretion of the Council;
- 12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 12.2.3 is subject to any conditions specified in the instrument of exemption.
- 12.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 12.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 – ENFORCEMENT**13. Orders**

- 13.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:
- 13.1.1 if the conduct is still continuing – to stop the conduct; and
- 13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 13.2 A person must comply with an order made by an authorised person pursuant to section 262 of the Act.
- 13.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 13.4 An authorised person may not use force against a person.

Note-

- For example, an authorised person may order a person to:
- cease keeping more than the permitted number of dogs on that person's premises; or
 - remove a dog from a dog prohibited area.

This By-law was duly made and passed at a meeting of the Berri Barmerra Council held on **22 July 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

THE BERRI BARMERRA COUNCIL**CATS BY-LAW 2025****By-law No. 6 of 2025**

A By-law to limit the number of cats kept on premises and for the management and control of cats in the Council's area.

PART 1 - PRELIMINARY

1. **Title**
This By-law may be cited as the *Cats By-law 2025* and is By-law No. 6 of the Council.
2. **Authorising Law**
This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995* and section 246 of the Act.
3. **Purpose**
The objectives of this By-law are to control and manage cats in the Council's area:
 - 3.1 to promote responsible cat ownership;
 - 3.2 to reduce the incidence of public and environmental nuisance caused by cats;
 - 3.3 to protect the comfort and safety of members of the public; and
 - 3.4 for the good rule and government of the Council's area.
4. **Commencement, Revocation and Expiry**
 - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation:¹
*By-law No. 6 – Cats 2018.*²
 - 4.2 This By-law will commence in accordance with the Act¹ and will expire on 1 January 2033³.

Note-

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

5. **Application**

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2025*.
- 5.2 This By-law applies throughout the Council's area.

6. **Interpretation**

In this By-law, unless the contrary intention appears:

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **cattery** means a building, structure, premises or area approved under the *Planning, Development and Infrastructure Act 2016* for the keeping of cats on a temporary or permanent basis;
- 6.3 except for the purposes of clauses 8 and 9, **cat** means an animal of the species *felis catus* which is at least three (3) months of age, or has lost its juvenile canine teeth;
- 6.4 **Council** means the Berri Barmera Council;
- 6.5 **effective control by means of physical restraint** means:
 - 6.5.1 a person is exercising effective control of a cat by means of a cord or leash that is restraining the cat and that does not exceed 2 metres in length; or
 - 6.5.2 a person has effectively secured the cat by placing it in a cage, vehicle or other object or structure.
- 6.6 **keep** includes the provision of food or shelter;
- 6.7 for the purposes of clause 8, a cat (or cats) causes a **nuisance** if it:
 - 6.7.1 unreasonably interferes with the peace, comfort or convenience of a person, including but not limited to by displaying aggressive nature or creating unpleasant noise or odour;
 - 6.7.2 damages or otherwise has an adverse impact upon native flora or fauna;
 - 6.7.3 acts in a manner that is injurious or causes damage to a person's real or personal property;
 - 6.7.4 wanders onto premises without the consent of the owner or occupier of the premises; or
 - 6.7.5 defecates or urinates on premises without the consent of the owner or occupier of the premises;
- 6.8 **owner** of a cat has the same meaning as in section 5 of the *Dog and Cat Management Act 1995*;
- 6.9 the **person responsible for the control of a cat** has the same meaning as in section 6 of the *Dog and Cat Management Act 1995*; and
- 6.10 **premises** includes any land (whether used or occupied for domestic or non-domestic purposes) and any part thereof.

Note-

Section 12 of the *Legislation Interpretation Act 2021* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Acts under which the By-law is made.

PART 2 – LIMITS ON CAT NUMBERS7. **Limits on Cat Numbers**

- 7.1 Subject to this clause 7, a person must not, without the Council's permission, keep, or cause suffer or permit to be kept, more than two (2) cats on any premises.
- 7.2 The limit prescribed by subclause 7.1 does not apply to premises comprising a business involving the keeping of cats provided that the business is operating in accordance with all required approvals and consents.
- 7.3 The Council may require that premises that are the subject of an application for permission to keep additional cats are inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.
- 7.4 Permission under subclause 7.1 may be given if the Council is satisfied that:
 - 7.4.1 no insanitary condition exists or is likely to arise on the premises as a result of the keeping of cats; and
 - 7.4.2 a nuisance is not or is not likely to be caused to any neighbour as a result of the keeping of cats on the premises.

PART 3 – CAT CONTROLS8. **Cats Not to be a Nuisance**

- 8.1 An owner or occupier of premises is guilty of an offence if a cat (or cats) kept or allowed to remain on the premises causes a nuisance.
- 8.2 Without limiting liability under subclause 8.1, the owner of or person responsible for the control of a cat is guilty of an offence under this By-law if the cat causes a nuisance.
- 8.3 For the purposes of this clause 8, **cat** means an animal of the species *felis catus* (of any age).

9. **Effective Confinement of Cats**

- 9.1 The owner or person responsible for the control of a cat must ensure that the cat is confined at all times to the premises occupied by that person between the hours of 10pm and 6am daily unless the cat is under effective control by means of physical restraint.
- 9.2 For the purposes of this subclause 9, **cat** means an animal of the species *felis catus* (of any age).

10. **Registration of Cats**

- 10.1 Where the Council has resolved to adopt a registration scheme for cats, a person must not keep a cat in the Council's area for more than 14 days unless the cat is registered in accordance with this By-law.
- 10.2 An application for registration of a cat must:
 - 10.2.1 be made to the Council in the manner and form prescribed by Council (if any); and
 - 10.2.2 be accompanied by the fee (if any) prescribed by the Council; and
 - 10.2.3 nominate a person of or over sixteen (16) years of age who consents to the cat being registered in his or her name; and

- 10.2.4 identify with reference to an address the premises at which the cat is kept; and
 10.2.5 otherwise comply with any other requirements determined by the Council.
 10.3 Registration under this By-law remains in force until 30 June next following the grant of registration and may be renewed from time to time for further periods of up to twelve (12) months.
 10.4 Subclause 10.1 does not apply to cats kept at premises comprising a cattery
 10.5 The Council may, by resolution, revoke a resolution to adopt a registration scheme under subclause 10.1 should it see fit to do so.

PART 4 – EXEMPTIONS**11. Council May Grant Exemptions**

- 11.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
 11.2 An exemption:
 11.2.1 may be granted or refused at the discretion of the Council;
 11.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
 11.2.3 is subject to any conditions specified in the instrument of exemption.
 11.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
 11.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

PART 5 - ENFORCEMENT**12. Orders**

- 12.1 If a person engages in conduct that is a contravention of this By-law, an authorised person may, pursuant to section 262 of the Act, order that person:
 12.1.1 if the conduct is still continuing – to stop the conduct; and
 12.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
 12.2 A person must comply with an order made by an authorised person pursuant to section 262 of the Act.
 12.3 If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
 12.4 An authorised person may not use force against a person.

Note–

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of cats on that person's premises; or
- take the necessary steps to mitigate a nuisance caused by howling or wandering cats.

This By-law was duly made and passed at a meeting of The Berri Barmera Council held on **22 July 2025** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

Dated: 14 August 2025

TIM PFEIFFER
Chief Executive Officer

LIGHT REGIONAL COUNCIL*Mudla Wirra Ward Councillor Vacancy*

Notice is hereby given in accordance with Section 54(6) of the *Local Government Act 1999*, that the office of Councillor Mudla Wirra Ward, became vacant due the recent election of Councillor Bill Close to the office of Mayor, effective 12 August 2025.

Dated: 14 August 2025

RICHARD DODSON
Chief Executive Officer

MOUNT BARKER DISTRICT COUNCIL**LOCAL GOVERNMENT (ELECTIONS) ACT 1999***Supplementary Election—Nominations Received*

At the close of nominations at 12 noon on Thursday, 7 August 2025, the following people have been accepted as candidates and are listed below in the order in which they will appear on the ballot paper.

South Ward—1 Vacancy

ATKINSON, Diane
 FORDHAM, Anne Elizabeth
 KELLY, Darren

Campaign Disclosure Returns

Candidates must lodge the following returns with the Electoral Commissioner:

- Campaign donation return
 - Return no. 1—lodgement from Friday, 15 August to Thursday, 21 August 2025
 - Return no. 2—within 30 days of the conclusion of the election
- Large gift return
 - Return lodgement within 5 days after receipt, only required for gifts in excess of \$2,500

Detailed information about candidate disclosure return requirements can be found at www.ecsa.sa.gov.au.

Voting Conducted by Post

The election is conducted entirely by post and no polling booths will be open for voting. Ballot papers and reply-paid envelopes are mailed out between Tuesday, 26 August and Monday, 1 September 2025 to every person, body corporate and group listed on the voters roll at the close of rolls on 5pm, Monday, 30 June 2025. Voting is voluntary.

A person who has not received voting material by Thursday, 4 September 2025, and believes they are entitled to vote, should contact the deputy returning officer on 1300 655 232 before 5pm, Monday, 15 September 2025.

Completed voting material must be sent to reach the returning officer no later than 12 noon on polling day Monday, 22 September 2025.

Assisted Voting

Prescribed electors under Section 41A(8) of the *Local Government (Elections) Act 1999*, may vote via the telephone assisted voting method by calling the Electoral Commission SA on:

- 1300 655 232 within South Australia only
- 08 7424 7400 from interstate
- +61 8 7424 7400 from overseas

The Telephone Assisted Voting Centre will operate for the following times and days:

- 9am-5pm, Thursday, 18 September and Friday, 19 September 2025
- 9am-12 noon, Monday, 22 September 2025 (close of voting)

Vote Counting Location

The scrutiny and count will take place from 9:30am on Tuesday, 23 September 2025 at the following location:

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 - 7 Hudson Court, Netley 5037

A provisional declaration will be made at the conclusion of the election count.

Dated: 14 August 2025

MICK SHERRY
Returning Officer

DISTRICT COUNCIL OF MOUNT REMARKABLE*Resignation of Councillor*

Notice is hereby given in accordance with Section 54(6) of the *Local Government Act 1999*, that a vacancy has occurred in the office of Councillor for Willochra Ward, due to the resignation of Councillor Dan van Holst Pellekaan, to take effect from 14 July 2025.

Dated: 14 August 2025

MARTIN BORGAS
Chief Executive Officer

DISTRICT COUNCIL OF ORROROO CARRIETON

LOCAL GOVERNMENT (ELECTIONS) ACT 1999

Supplementary Election—Nominations Received

At the close of nominations at 12 noon on Thursday, 7 August 2025, the following people have been accepted as candidates and are listed below in the order in which they will appear on the ballot paper.

Area Councillor—2 Vacancies

JESSER, Roger Grant
HOOPER, Shane
CLARKE, Julia

Campaign Disclosure Returns

Candidates must lodge the following returns with the Electoral Commissioner:

- Campaign donation return
 - Return no. 1—lodgement from Friday, 15 August to Thursday, 21 August 2025
 - Return no. 2—within 30 days of the conclusion of the election
- Large gift return
 - Return lodgement within 5 days after receipt, only required for gifts in excess of \$2,500

Detailed information about candidate disclosure return requirements can be found at www.ecsa.sa.gov.au

Voting Conducted by Post

The election is conducted entirely by post and no polling booths will be open for voting. Ballot papers and reply-paid envelopes are mailed out between Tuesday, 26 August and Monday, 1 September 2025 to every person, body corporate and group listed on the voters roll at the close of rolls on 5pm, Monday, 30 June 2025. Voting is voluntary.

A person who has not received voting material by Thursday, 4 September 2025, and believes they are entitled to vote, should contact the deputy returning officer on 1300 655 232 before 5pm, Monday, 15 September 2025.

Completed voting material must be sent to reach the returning officer no later than 12 noon on polling day Monday, 22 September 2025.

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A provisional declaration will be made at the conclusion of the election count.

Dated: 14 August 2025

MICK SHERRY
Returning Officer

PORT PIRIE REGIONAL COUNCIL

Adoption of Valuation and Declaration of Rates 2025/2026

Notice is hereby given that the Port Pirie Regional Council, at its special meeting held 5 August 2025 in exercise of the powers contained in Chapter 10 of the *Local Government Act 1999* and for the year ending 30 June 2026:

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 \$4,397,706,020, of which \$4,268,169,660 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 \$650 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: 0.338 cents in the dollar;
 - Category (b)—Commercial—Shop: 0.954 cents in the dollar;
 - Category (c)—Commercial Office: 0.954 cents in the dollar;
 - Category (d)—Commercial Other: 0.954 cents in the dollar;
 - Category (e)—Industry—Light: 0.685 cents in the dollar;
 - Category (f)—Industry—Other: 3.560 cents in the dollar;
 - Category (g)—Primary Production: 0.169 cents in the dollar;
 - Category (h)—Vacant Land: 0.615 cents in the dollar;
 - Category (i)—Other: 0.395 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: 0.338 cents in the dollar;
 - Category (b)—Commercial—Shop: 0.954 cents in the dollar;
 - Category (c)—Commercial Office: 0.954 cents in the dollar;
 - Category (d)—Commercial Other: 0.954 cents in the dollar;
 - Category (e)—Industry—Light: 0.685 cents in the dollar;
 - Category (f)—Industry—Other: 0.685 cents in the dollar;
 - Category (g)—Primary Production: 0.169 cents in the dollar;
 - Category (h)—Vacant Land: 0.615 cents in the dollar;
 - Category (i)—Other: 0.395 cents in the dollar.

Annual Service Charge—Community Wastewater Management System

Imposed, pursuant to Section 155(2) of the *Local Government Act 1999* and Regulation 12 of the *Local Government (General) Regulations 2013*, an annual service charge on both rateable and non-rateable land to which it provides or makes available the prescribed service comprising 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 annual service charge to vary on the basis of land being occupied or vacant as follows:

Crystal Brook CWMS

- Occupied \$234 per property unit;
- Vacant \$173 per property unit.

Napperby CWMS

- Occupied \$547 per property unit;
- Vacant \$403 per property unit.

Annual Service Charge—Waste Management

Imposed, pursuant to Section 155(2) of the *Local Government Act 1999*, an annual service charge of \$280.00 on all land ascribed the residential land use category within the Council's area to which Council provides the prescribed service of waste collection, treatment and disposal based on the nature of the service and category of land use, provided that the sliding scale set out 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* and Regulation 12 of the *Landscape South Australia (General) Regulations 2020*, a separate rate of 0.008859 cents in the dollar on all rateable land located within the area of the Council in the region of the Northern & Yorke Landscape Board, in order to reimburse the Council the amount to be contributed to the Northern & Yorke Regional Landscape Board.

Due Dates for Payment of Rates

Determined, pursuant to Section 181 of the *Local Government Act 1999*, all rates (including all separate rates) and annual service charges shall be payable by four equal (or approximately equal) instalments which are due for payment on 24 September 2025, 10 December 2025, 11 March 2026 and 10 June 2026.

Dated: 6 August 2025

C. DAVEY
Acting Chief Executive Officer

REMARK PARINGA COUNCIL*Adoption of Valuations and Declaration of Rates 2025-2026*

Notice is given that at a meeting of Renmark Paringa Council held on 5 August 2025 for the financial year ending 30 June 2026 it was resolved:

Adoption of Valuation

To adopt the most recent valuations of the Valuer-General available to Council of the capital values of land, totalling \$2,610,620,280 of which \$2,548,921,167 is rateable.

Declaration of General Rates

Declared differential general rates on land use as follows:

- (a) 0.250 cents in the dollar on rateable land of Category (a) (Residential),
- (b) 0.496 cents in the dollar on rateable land of Category (b) (Commercial—Shop), Category (c) (Commercial—Office), Category (d) (Commercial—Other), Category (e) (Industry—Light) and Category (f) (Industry—Other),
- (c) 0.366 cents in the dollar on rateable land of Category (g) (Primary Production),
- (d) 0.665 cents in the dollar on rateable land of Category (h) (Vacant Land).
- (e) 0.250 cents in the dollar on rateable land of Category (i) (Other).

Fixed Charge

Imposed a fixed charge of \$424 on each separate piece of rateable land.

Separate Rate—Regional Landscape Levy

Declared a separate rate of 0.0156 cents in the dollar on all rateable land to recover the amount payable to the Murraylands and Riverland Landscape Board.

Service Charges

- (1) Imposed an annual service charge of \$793 per unit on rateable and non-rateable land where a septic tank effluent disposal connection point is provided by Council.
- (2) Declared an annual service charge of \$190 for residual waste collection within the Township areas (Town Residential).
- (3) Declared an annual service charge of \$190 for residual waste collection within the Rural areas (Rural Residential).
- (4) Declared an annual service charge of \$95 for recycling collection within the Township areas (Town Residential).
- (5) Declared an annual service charge of \$95 for recycling collection within the Rural areas (Rural Residential).
- (6) Declared an annual service charge of \$95 for organics collection within the Township areas (Town Residential).

Dated: 11 August 2025

T. WOLF
Acting Chief Executive Officer

YORKE PENINSULA COUNCIL**LOCAL GOVERNMENT (ELECTIONS) ACT 1999***Supplementary Election—Nominations Received*

At the close of nominations at 12 noon on Thursday, 7 August 2025, the following people have been accepted as candidates and are listed below in the order in which they will appear on the ballot paper.

Mayor—1 Vacancy

O'CONNELL, Michael
GRAY, Kylie Leanne

Campaign Disclosure Returns

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MICK SHERRY
Returning Officer

NOTICE SUBMISSION

The South Australian Government Gazette is published each Thursday afternoon.

Notices must be emailed by 4 p.m. Tuesday, the week of publication.

Submissions are formatted per the gazette style and a proof will be supplied prior to publication, along with a quote if applicable. Please allow one day for processing notices.

Alterations to the proof must be returned by 4 p.m. Wednesday.

Gazette notices must be submitted as Word files, in the following format:

- Title—the governing legislation
- Subtitle—a summary of the notice content
- Body—structured text, which can include numbered lists, tables, and images
- Date—day, month, and year of authorisation
- Signature block—name, role, and department/organisation authorising the notice

Please provide the following information in your email:

- Date of intended publication
- Contact details of the person responsible for the notice content
- Name and organisation to be charged for the publication—Local Council and Public notices only
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All instruments appearing in this gazette are to be considered official, and obeyed as such