

Legislative Council—No 265

As received from the House of Assembly and read a first time, 19 October 2017

South Australia

**Statutes Amendment and Repeal (Simplify No 2)
Bill 2017**

A BILL FOR

An Act to amend various Acts to simplify administrative and other processes or to remove obsolete or out of date matter or practices; to repeal various obsolete Acts; and for other purposes.

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Amendment provisions

Part 2—Amendment of *Aerodrome Fees Act 1998*

- 4 Amendment of section 6—Aerodrome operator may fix fees for arrivals, departures etc

Part 3—Amendment of *Agricultural and Veterinary Products (Control of Use) Act 2002*

- 5 Amendment of section 20—Manner of making order

Part 4—Amendment of *Air Transport (Route Licensing—Passenger Services) Act 2002*

- 6 Amendment of section 5—Declared routes

Part 5—Amendment of *Aquaculture Act 2001*

- 7 Amendment of section 28—Granting of corresponding licence for pilot lease
- 8 Amendment of section 35—Granting of production leases and corresponding licences in public call areas
- 9 Amendment of section 36—Granting of production leases and corresponding licences if public call not required
- 10 Amendment of section 39A—Granting of research leases and corresponding licences
- 11 Amendment of section 50—Grant of licences other than corresponding licences

Part 6—Amendment of *Associations Incorporation Act 1985*

- 12 Amendment of section 43A—Application for deregistration
- 13 Amendment of section 44—Defunct associations

Part 7—Amendment of *AustralAsia Railway (Third Party Access) Act 1999*

- 14 Amendment of Schedule—AustralAsia Railway (Third Party Access) Code

Part 8—Repeal of *Bank Merger (National/BNZ) Act 1997*

- 15 Repeal of *Bank Merger (National/BNZ) Act 1997*

Part 9—Repeal of *Corporal Punishment Abolition Act 1971*

- 16 Repeal of *Corporal Punishment Abolition Act 1971*

Part 10—Amendment of *Correctional Services Act 1982*

- 17 Amendment of section 81E—Notice to victims to be published

Part 11—Amendment of *Crown Land Management Act 2009*

- 18 Insertion of section 18A
 - 18A Classification as community land

Part 12—Amendment of *Dog Fence Act 1946*

- 19 Substitution of section 35A

- 20 35A Establishment of local dog fence boards
 Substitution of section 35C
 35C Variation and abolition of local boards

Part 13—Amendment of *Emergency Services Funding Act 1998*

- 21 Amendment of section 20—Sale of land for non-payment of levy

Part 14—Amendment of *Environment Protection Act 1993*

- 22 Amendment of section 28—Normal procedure for making policies
 23 Amendment of section 39—Notice and submissions in respect of applications for
 environmental authorisations
 24 Amendment of section 46—Notice and submissions in respect of proposed variations of
 conditions

Part 15—Amendment of *Explosives Act 1936*

- 25 Amendment of section 25—Power to sell explosives

Part 16—Amendment of *Fire and Emergency Services Act 2005*

- 26 Amendment of section 78—Fire danger season
 27 Amendment of section 105F—Private land

Part 17—Amendment of *Fisheries Management Act 2007*

- 28 Amendment of section 44—Procedure for preparing management plans
 29 Amendment of section 54—Application for licence, permit or registration
 30 Amendment of section 57—Transfer of licence or permit
 31 Amendment of section 64—Applications for registration
 32 Amendment of section 68—Issue of duplicate authority
 33 Amendment of section 104—Demerit points for certain offences
 34 Amendment of section 116—Registers
 35 Amendment of section 127—General

Part 18—Amendment of *Gaming Machines Act 1992*

- 36 Amendment of section 29—Certain applications require advertisement
 37 Amendment of section 42A—Advertisement of certain applications and objections

Part 19—Amendment of *Genetically Modified Crops Management Act 2004*

- 38 Amendment of section 5—Designation of areas

Part 20—Amendment of *Geographical Names Act 1991*

- 39 Amendment of section 11B—Assignment of geographical name

Part 21—Amendment of *Government Business Enterprises (Competition) Act 1996*

- 40 Amendment of section 11—Public notice of investigation

Part 22—Amendment of *Heavy Vehicle National Law (South Australia) Act 2013*

- 41 Amendment of section 10—Other declarations for purposes of *Heavy Vehicle National Law* in this jurisdiction

Part 23—Amendment of *Impounding Act 1920*

- 42 Amendment of section 25—Notice of impounding
- 43 Amendment of section 26—Poundkeeper may charge for service of notice
- 44 Amendment of section 32—Proceedings prior to sale by poundkeeper of unclaimed cattle
- 45 Amendment of section 33—Time and mode of sale of impounded cattle

Part 24—Amendment of *Irrigation Act 2009*

- 46 Amendment of section 14—Dissolution on application
- 47 Amendment of section 15—Dissolution on Minister's initiative
- 48 Repeal of section 16

Part 25—Repeal of *Liens on Fruit Act 1923*

- 49 Repeal of *Liens on Fruit Act 1923*

Part 26—Amendment of *Livestock Act 1997*

- 50 Amendment of section 37—Gazette notices

Part 27—Amendment of *Marine Parks Act 2007*

- 51 Amendment of section 14—Procedure for making or amending management plans

Part 28—Amendment of *Maritime Services (Access) Act 2000*

- 52 Amendment of section 43—Review and expiry of Part

Part 29—Amendment of *Motor Vehicles Act 1959*

- 53 Amendment of section 24—Duty to grant registration
- 54 Amendment of section 38A—Reduced fees for pensioner entitlement card holders
- 55 Amendment of section 38AB—Registration fees for trailers owned by pensioner entitlement card holders
- 56 Amendment of section 47C—Return, recovery etc of number plates
- 57 Substitution of section 72
 - 72 Classification of licences
- 58 Amendment of section 77BA—Use of photographs taken or supplied for inclusion on a licence or learner's permit
- 59 Amendment of section 79—Examination of applicant for licence or learner's permit
- 60 Amendment of section 80—Ability or fitness to be granted or hold licence or permit
- 61 Amendment of section 141—Evidence by certificate etc
- 62 Amendment of section 145—Regulations

Part 30—Amendment of *National Parks and Wildlife Act 1972*

- 63 Amendment of section 5—Interpretation
- 64 Insertion of section 11A
 - 11A Director of National Parks and Wildlife
- 65 Amendment of section 38—Management plans
- 66 Amendment of section 41A—Alteration of boundaries of reserves
- 67 Amendment of section 49A—Permits for commercial purposes
- 68 Amendment of section 60D—Code of management
- 69 Amendment of section 60I—Plan of management

Part 31—Amendment of *Payroll Tax Act 2009*

- 70 Section 95—Assessment if no probate within 6 months of death

Part 32—Amendment of *Petroleum Products Regulation Act 1995*

- 71 Amendment of section 34—Controls during periods of restriction
72 Amendment of section 38—Publication of desirable principles for conserving petroleum

Part 33—Amendment of *Phylloxera and Grape Industry Act 1995*

- 73 Amendment of section 18—Duty to prepare and maintain five year plan

Part 34—Amendment of *Prices Act 1948*

- 74 Amendment of section 12—Accounts and records in relation to certain declared goods and services

Part 35—Amendment of *Primary Industry Funding Schemes Act 1998*

- 75 Amendment of section 9—Management plan for fund

Part 36—Amendment of *Public Assemblies Act 1972*

- 76 Amendment of section 4—Notice of assembly

Part 37—Amendment of *Public Finance and Audit Act 1987*

- 77 Amendment of section 8—Special deposit accounts
78 Amendment of section 9—Imprest accounts
79 Amendment of section 21—Deposits
80 Insertion of section 42
42 Delegations

Part 38—Amendment of *Railways (Operations and Access) Act 1997*

- 81 Amendment of section 7A—Review and expiry of access regime

Part 39—Repeal of *Redundant Officers Fund Act 1936*

- 82 Repeal of *Redundant Officers Fund Act 1936*

Part 40—Amendment of *Road Traffic Act 1961*

- 83 Amendment of section 33—Road closing and exemptions for certain events

Part 41—Amendment of *Serious and Organised Crime (Control) Act 2008*

- 84 Amendment of section 10—Publication of notice of application
85 Amendment of section 12—Notice of declaration
86 Amendment of section 14—Revocation of declaration
87 Amendment of section 38—Service
88 Amendment of section 39B—Notice of registration
89 Amendment of section 39G—Notice of cancellation or expiry of registration of corresponding declaration

Part 42—Repeal of *Sex Disqualification (Removal) Act 1921*

- 90 Repeal of *Sex Disqualification (Removal) Act 1921*

Part 43—Repeal of *Snowy Mountains Engineering Corporation (South Australia) Act 1971*

- 91 Repeal of *Snowy Mountains Engineering Corporation (South Australia) Act 1971*

Part 44—Amendment of *Stamp Duties Act 1923*

- 92 Amendment of section 71CC—Interfamilial transfer of farming property
93 Transitional provision

Part 45—Amendment of *State Procurement Act 2004*

- 94 Amendment of section 4—Interpretation

Part 46—Repeal of *Statistics Act 1935*

- 95 Repeal of *Statistics Act 1935*

Part 47—Repeal of *Statutory Salaries and Fees Act 1947*

- 96 Repeal of *Statutory Salaries and Fees Act 1947*

Part 48—Amendment of *Summary Offences Act 1953*

- 97 Amendment of section 72A—Power to conduct metal detector searches etc

Part 49—Repeal of *War Service Rights (State Employees) Act 1945*

- 98 Repeal of *War Service Rights (State Employees) Act 1945*

Part 50—Repeal of *Westpac/Challenge Act 1996*

- 99 Repeal of *Westpac/Challenge Act 1996*

Part 51—Amendment of *Wilderness Protection Act 1992*

- 100 Amendment of section 3—Interpretation
101 Amendment of section 12—Wilderness code of management
102 Amendment of section 16—Prevention of certain activities
103 Amendment of section 31—Plans of management
104 Amendment of section 33—Prohibited areas

Part 52—Amendment of *Work Health and Safety Act 2012*

- 105 Amendment of section 274—Approved codes of practice
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The Parliament of South Australia enacts as follows:

Part 1—Preliminary

1—Short title

This Act may be cited as the *Statutes Amendment and Repeal (Simplify No 2) Act 2017*.

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2—Commencement

- (1) Subject to this section, this Act will come into operation on the day on which it is assented to by the Governor.
(2) Part 22 of this Act will come into operation on 1 July 2018.

(3) The following Parts of this Act will come into operation on a day to be fixed by proclamation:

- (a) Part 2 to Part 7 (inclusive);
- (b) Part 10 to Part 16 (inclusive);
- 5 (c) Part 18 to Part 21 (inclusive);
- (d) Part 23 and Part 24;
- (e) Part 26 to Part 38 (inclusive);
- (f) Part 40 and Part 41;
- (g) Part 45;
- 10 (h) Part 48;
- (i) Part 51 and Part 52.

3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

Part 2—Amendment of *Aerodrome Fees Act 1998*

4—Amendment of section 6—Aerodrome operator may fix fees for arrivals, departures etc

Section 6(2)—delete subsection (2) and substitute:

- 20 (2) If an aerodrome operator fixes fees under this section, a notice setting out the fees must be published by the aerodrome operator in the Gazette and—
 - (a) on its website; or
 - (b) in any periodical publication prescribed by the regulations for the purposes of this subsection; or
 - 25 (c) in a daily newspaper circulating in the State.

Part 3—Amendment of *Agricultural and Veterinary Products (Control of Use) Act 2002*

5—Amendment of section 20—Manner of making order

Section 20(2)—delete subsection (2) and substitute:

- 30 (2) As soon as practicable after an order addressed as referred to in subsection (1)(b) is made, a notice setting out the date on which the notice is published, the terms of the order and the persons to be bound by the order, must be published by the Minister in a manner and form that, in the opinion of the Minister, will be most likely to
35 bring the order to the attention of the persons bound by it.

Part 4—Amendment of *Air Transport (Route Licensing—Passenger Services) Act 2002*

6—Amendment of section 5—Declared routes

Section 5(11)(e)—delete paragraph (e) and substitute:

- 5 (e) that a copy of the relevant notice is published—
- (i) on a website determined by the Minister; or
 - (ii) in a newspaper circulating generally in the State; or
 - (iii) in a newspaper circulating generally in Australia; and

Part 5—Amendment of *Aquaculture Act 2001*

10 **7—Amendment of section 28—Granting of corresponding licence for pilot lease**

Section 28(1)(b)(i)—after "published" insert:

on a website determined by the Minister or

15 **8—Amendment of section 35—Granting of production leases and corresponding licences in public call areas**

- (1) Section 35(3)—after "published" insert:

on a website determined by the Minister or

- (2) Section 35(9)(b)(i)—delete "a newspaper circulating generally in the State" and substitute:

20 accordance with subsection (3)

9—Amendment of section 36—Granting of production leases and corresponding licences if public call not required

Section 36(3)(b)(i)—after "published" insert:

on a website determined by the Minister or

25 **10—Amendment of section 39A—Granting of research leases and corresponding licences**

Section 39A(3)(b)(i)—after "published" insert:

on a website determined by the Minister or

30 **11—Amendment of section 50—Grant of licences other than corresponding licences**

Section 50(3)(b)(i)—after "published" insert:

on a website determined by the Minister or

Part 6—Amendment of *Associations Incorporation Act 1985*

12—Amendment of section 43A—Application for deregistration

Section 43A(7)—delete subsection (7) and substitute:

- 5 (7) The Commission must, within 1 month of the receipt of an application under this section, publish a notice, in a manner and form determined by the Commission to be most appropriate in the circumstances, setting out the prescribed particulars of the application and inviting members of the public to make written submissions to the Commission, within 1 month of the date specified in the notice for that purpose, in relation to the application.
- 10

13—Amendment of section 44—Defunct associations

Section 44(1)—delete subsection (1) and substitute:

- 15 (1) If the Commission is of the opinion that an incorporated association is defunct, it may—
- (a) by notice served on the association; or
- (b) where service cannot reasonably be effected in accordance with this Act—by notice published in a manner and form determined by the Commission to be most appropriate in the circumstances,
- 20 require the association to show good cause why the association should not be dissolved.

Part 7—Amendment of *AustralAsia Railway (Third Party Access) Act 1999*

14—Amendment of Schedule—AustralAsia Railway (Third Party Access) Code

25 Schedule, clause 8(2)(a)—before "in a newspaper" insert:
 on a website determined by the regulator or

Part 8—Repeal of *Bank Merger (National/BNZ) Act 1997*

15—Repeal of *Bank Merger (National/BNZ) Act 1997*

30 The *Bank Merger (National/BNZ) Act 1997* is repealed.

Part 9—Repeal of *Corporal Punishment Abolition Act 1971*

16—Repeal of *Corporal Punishment Abolition Act 1971*

 The *Corporal Punishment Abolition Act 1971* is repealed.

Part 10—Amendment of *Correctional Services Act 1982*

17—Amendment of section 81E—Notice to victims to be published

Section 81E(3) and (4)—delete subsections (3) and (4) and substitute:

- (3) The CE must publish the notice in the Gazette.
- (4) The CE may also—
 - (a) publish the notice—
 - (i) on a website determined by the CE; or
 - (ii) in a daily newspaper circulating generally in South Australia; or
 - (iii) in a daily newspaper circulating generally in Australia; and
 - (b) forward a copy of the notice to any victim who has applied to the CE under section 81D to be notified of an award of damages in respect of the prisoner.

Part 11—Amendment of *Crown Land Management Act 2009*

18—Insertion of section 18A

After section 18 insert:

18A—Classification as community land

- (1) A council may not resolve to exclude dedicated land from classification as community land in the circumstances described in section 193(4)(a) of the *Local Government Act 1999* unless the Minister has consented, in writing, to the exclusion of the land.
- (2) The consent of the Minister under this section may be subject to such conditions as the Minister thinks fit and specifies in the written consent.
- (3) This section does not derogate from section 193(3) of the *Local Government Act 1999*.

Part 12—Amendment of *Dog Fence Act 1946*

19—Substitution of section 35A

Section 35A—delete the section and substitute:

35A—Establishment of local dog fence boards

- 5 (1) For the purpose of defraying the cost of erecting and maintaining
part of a dog fence, or a fence that the board proposes to substitute as
part of a dog fence instead of an existing part, the Minister may, on
the recommendation of the board, by notice in the Gazette, establish
10 a local dog fence board constituted of the persons specified in the
notice for the area inside a dog fence specified in the notice.
- (2) The local board will have the powers and duties specified in the
notice.

20—Substitution of section 35C

Section 35C—delete the section and substitute:

35C—Variation and abolition of local boards

15 The Minister may, on the recommendation of the board, by further
notice in the Gazette—

- (a) amend or vary a notice under section 35A; or
20 (b) abolish a local board and make provision for incidental
matters.

Part 13—Amendment of *Emergency Services Funding Act 1998*

21—Amendment of section 20—Sale of land for non-payment of levy

Section 20(6)—delete subsection (6) and substitute:

- 25 (6) The Commissioner must cause notice of the auction to be
published—
- (a) on at least 2 separate occasions in a newspaper circulating
generally throughout the State; or
- (b) on a website determined by the Commissioner.

Part 14—Amendment of *Environment Protection Act 1993*

22—Amendment of section 28—Normal procedure for making policies

30 Section 28(3)(b)—delete ", must cause an advertisement to be published in the
Gazette and in a newspaper circulating generally in the State giving notice of its
intention to prepare the draft policy and describing the general purpose of the
proposed policy." and substitute:

35 —

- (i) must publish in the Gazette a notice of its intention to prepare the draft policy that includes a description of the general purpose of the proposed policy; and
- (ii) must also publish a copy of the notice—
 - (A) on a website determined by the Authority; or
 - (B) in a newspaper circulating generally in the State,(or both).

23—Amendment of section 39—Notice and submissions in respect of applications for environmental authorisations

- (1) Section 39(1)(a)—delete "in a newspaper circulating generally in the State,"
- (2) Section 39—after subsection (1) insert:
 - (1aa) For the purposes of subsection (1)(a), public notice of the application may be published—
 - (a) on a website determined by the Authority; or
 - (b) in a newspaper circulating generally in the State,(or both).

24—Amendment of section 46—Notice and submissions in respect of proposed variations of conditions

Section 46(1)(b)—delete paragraph (b) and substitute:

- (b) cause public notice of the proposed variation to be published in a manner and form determined by the Authority to be most appropriate in the circumstances—
 - (a) setting out the reasons for the proposed variation; and
 - (b) inviting interested persons to make written submissions in relation to the proposed variation within a period specified in the notice (being not less than 14 days from the date of publication as specified in the notice for the purpose); and

Part 15—Amendment of *Explosives Act 1936*

25—Amendment of section 25—Power to sell explosives

Section 25(2)—delete subsection (2) and substitute:

- (2) A call for public tender under subsection (1) must be published—
 - (a) on a website determined by the Director; or
 - (b) in a newspaper circulating generally in the State.

Part 16—Amendment of *Fire and Emergency Services Act 2005*

26—Amendment of section 78—Fire danger season

Section 78(3)—delete subsection (3) and substitute:

(3) An order under this section must be published—

- (a) in the Gazette; and
- (b) also—
 - (i) on a website determined by the Chief Officer; or
 - (ii) in a newspaper circulating generally in the State; or
 - (iii) in a newspaper circulating in the locality to which the order relates.

27—Amendment of section 105F—Private land

Section 105F(9)(c)(i)—delete subparagraph (i) and substitute:

(i) by publishing the notice—

- (A) on a website determined by the Minister; or
- (B) in a newspaper circulating in the locality of the land; and

Part 17—Amendment of *Fisheries Management Act 2007*

28—Amendment of section 44—Procedure for preparing management plans

Section 44(1)(a)—after "published" insert:

on a website determined by the Minister or

29—Amendment of section 54—Application for licence, permit or registration

- (1) Section 54(1)(b)—delete "signed by the applicant and"
- (2) Section 54(1)(c)—delete "fee fixed by regulation" and substitute:
prescribed fee
- (3) Section 54(4)—delete "fixed by regulation" and substitute:
prescribed by the regulations

30—Amendment of section 57—Transfer of licence or permit

- (1) Section 57(3)(c)—delete "signed by the applicants and"
- (2) Section 57(3)(d)—delete "fee fixed by regulation" and substitute:
prescribed fee

31—Amendment of section 64—Applications for registration

- (1) Section 64(1)(b)—delete "signed by the applicant and"

(2) Section 64(1)(d)—delete "fixed by regulation" and substitute:
prescribed by the regulations

(3) Section 64(4)—delete "fixed by regulation" and substitute:
prescribed by the regulations

5 **32—Amendment of section 68—Issue of duplicate authority**

Section 68—delete "fee fixed by regulation" and substitute:
prescribed fee

33—Amendment of section 104—Demerit points for certain offences

Section 104—after subsection (6) insert:

10 (6a) In deciding whether any proper cause exists for the purposes of
subsection (6), the court may have regard to any of the following
matters:

(a) the circumstances in which the offence was committed;

15 (b) whether, as a result of being found guilty of the offence, the
person would be liable to be disqualified under section 105,
and whether such disqualification would cause hardship to
the person that is disproportionate to the offence;

(c) any other cause as the court thinks proper in the
circumstances.

20 **34—Amendment of section 116—Registers**

(1) Section 116(5)—delete "fee fixed by regulation" and substitute:
prescribed fee

(2) Section 116(9)—delete "fee fixed by regulation" and substitute:
prescribed fee

25 **35—Amendment of section 127—General**

(1) Section 127(2)(c) and (d)—delete paragraphs (c) and (d)

(2) Section 127—after subsection (2) insert:

(2a) The regulations may—

30 (a) prescribe fees for the purposes of this Act and regulate the
payment, refund, waiver or reduction of such fees; and

(b) prescribe various methods for the calculation of various
fees; and

(c) prescribe fees which may be differential, varying according
to any factor stated in the regulations; and

35 (d) prescribe amounts payable for the late payment of fees
under this Act.

- (3) Section 127(4)—delete "Fees or demerit" and substitute:

Demerit

Part 18—Amendment of *Gaming Machines Act 1992*

36—Amendment of section 29—Certain applications require advertisement

Section 29(2)—delete subsection (2) and substitute:

- (2) If an application is required to be advertised, the applicant—

- (a) must publish notice of the application in the prescribed form—

(i) in the Gazette; and

(ii) on a website determined by the Minister,

at least 28 days before the date fixed for the hearing of the application; and

- (b) may publish notice of the application in the prescribed form—

(i) in a newspaper circulating generally throughout the State; and

(ii) in the case of an application in respect of a gaming machine licence, a proposed premises certificate or a social effect certificate—in another newspaper circulating in the area in which the licensed premises are, or are to be, situated,

at least 28 days before the date fixed for the hearing of the application; and

- (c) in the case of an application in respect of a gaming machine licence, a proposed premises certificate or a social effect certificate—must serve notice of the application in the prescribed form on the council under the *Local Government Act 1999* for the area in which the licensed premises are, or are to be, situated.

37—Amendment of section 42A—Advertisement of certain applications and objections

Section 42A(1)—delete subsection (1) and substitute;

- (1) If the Commissioner so directs, an application for approval must be advertised, at least 28 days before the date fixed for the hearing of the application, by publication by the applicant of notice, in a form approved by the Commissioner—

(a) in the Gazette; and

(b) —

(i) on a website determined by the Commissioner; or

- (ii) in a newspaper circulating generally throughout the State.

Part 19—Amendment of *Genetically Modified Crops Management Act 2004*

5 38—Amendment of section 5—Designation of areas

Section 5(9)(a)—delete "and" and substitute:

or

Part 20—Amendment of *Geographical Names Act 1991*

39—Amendment of section 11B—Assignment of geographical name

- 10 (1) Section 11B(2)(d)—delete "to be published in the Gazette and in a newspaper circulating in the neighbourhood of that place a notice" and substitute:

a notice to be published

- (2) Section 11B—after subsection (2) insert:

(2a) For the purposes of subsection (2), a notice under this section—

- 15 (a) must be published in the Gazette; and
(b) may also be published—
(i) on a website determined by the Minister; or
(ii) in a newspaper circulating generally in the neighbourhood of the relevant place.

20 Part 21—Amendment of *Government Business Enterprises (Competition) Act 1996*

40—Amendment of section 11—Public notice of investigation

Section 11(1)—delete subsection (1) and substitute:

- 25 (1) When a Commissioner begins an investigation, the Commissioner must give public notice of the investigation, in a manner and form determined by the Commissioner to be most appropriate in the circumstances, inviting interested persons to make written representations on the subject matter of the investigation within a period (which must be reasonable) specified in the notice for that
30 purpose.

Part 22—Amendment of *Heavy Vehicle National Law (South Australia) Act 2013*

41—Amendment of section 10—Other declarations for purposes of *Heavy Vehicle National Law* in this jurisdiction

5 Section 10(g)—delete "section 556" and substitute:
 sections 556 and 590D

Part 23—Amendment of *Impounding Act 1920*

42—Amendment of section 25—Notice of impounding

10 Section 25(5)—after "published" insert:
 on a website determined by the Minister or

43—Amendment of section 26—Poundkeeper may charge for service of notice

 Section 26(1)(b)—delete "in publishing the notice" and substitute:
 if the notice is published

44—Amendment of section 32—Proceedings prior to sale by poundkeeper of unclaimed cattle

15 Section 32(1)(c)—delete paragraph (c) and substitute:
 (c) where such notice has been given by being published in accordance
 with this Act—within 21 days of the date specified in the notice for
 the purpose (which must not be a date occurring before the date of
20 publication),

45—Amendment of section 33—Time and mode of sale of impounded cattle

(1) Section 33(1)(b)—delete paragraph (b) and substitute:
 (b) in any other case—not less than 24 clear days after the date specified
25 in the notice for the purpose (which must not be a date occurring
 before the date the notice is posted or published in accordance with
 this Act):
(2) Section 33(2)(c)—after "published" insert:
 on a website determined by the Minister or

Part 24—Amendment of *Irrigation Act 2009*

46—Amendment of section 14—Dissolution on application

30 Section 14(7)—after paragraph (b) insert:
 and
 (c) the property, rights and liabilities of the trust—

- (i) will vest in or attach to 1 or more persons specified by the Minister in the notice; or
- (ii) will, if, in the opinion of the Minister, it is not practicable or appropriate for the property, rights and liabilities to vest in or attach to a person under paragraph (c)(i), vest in or attach to—
- (A) the Crown; or
- (B) an agency or instrumentality of the Crown (including a Minister),
- as specified by the Minister in the notice.

47—Amendment of section 15—Dissolution on Minister's initiative

Section 15(6)—after paragraph (b) insert:

and

- (c) the property, rights and liabilities of the trust—
- (i) will vest in or attach to 1 or more persons specified by the Minister; or
- (ii) will, if, in the opinion of the Minister, it is not practicable or appropriate for the property, rights and liabilities to vest in or attach to a person under paragraph (c)(i), vest in or attach to—
- (A) the Crown; or
- (B) an agency or instrumentality of the Crown (including a Minister),
- as specified by the Minister.

48—Repeal of section 16

Section 16—delete the section

Part 25—Repeal of *Liens on Fruit Act 1923*

49—Repeal of *Liens on Fruit Act 1923*

The *Liens on Fruit Act 1923* is repealed.

Part 26—Amendment of *Livestock Act 1997*

50—Amendment of section 37—Gazette notices

Section 37(3)(a)—after "published" insert:

, on a website determined by the Minister, or

Part 27—Amendment of *Marine Parks Act 2007*

51—Amendment of section 14—Procedure for making or amending management plans

- 5 (1) Section 14(4)(a)—delete "in the Gazette, in a newspaper circulating generally within the State and"
- (2) Section 14(4)(b)—delete "on a website," and substitute:
 , on a website
- 10 (3) Section 14(4)(f)—delete "in the Gazette, in a newspaper circulating generally within the State and on a website determined by the Minister, give notice of" and substitute:
 on a website determined by the Minister, specify

Part 28—Amendment of *Maritime Services (Access) Act 2000*

52—Amendment of section 43—Review and expiry of Part

Section 43(3)—delete subsection (3) and substitute:

- 15 (3) The Commission must give reasonable notice of the review, by publishing a notice in a manner and form determined by the Commission to be most appropriate in the circumstances, inviting written submissions on the matters under review within a reasonable time specified for the purpose in the notice.

Part 29—Amendment of *Motor Vehicles Act 1959*

53—Amendment of section 24—Duty to grant registration

Section 24(1)(a)(i)—delete subparagraph (i) and substitute:

- (i) for—
- (A) in the case of a heavy vehicle—a period of 12 months or 1, 2 or 3 quarters; or
- 25 (B) in any other case—a period prescribed by the regulations; or

54—Amendment of section 38A—Reduced fees for pensioner entitlement card holders

Section 38A(1)(a)—delete paragraph (a) and substitute:

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

55—Amendment of section 38AB—Registration fees for trailers owned by pensioner entitlement card holders

Section 38AB(1)(a)—delete paragraph (a) and substitute:

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

56—Amendment of section 47C—Return, recovery etc of number plates

Section 47C(2)—delete subsection (2) and substitute:

- 10 (2) If the registration of a motor vehicle—

- 10 (a) has expired; or
(b) has become void or has been found to have been void; or
(c) is cancelled otherwise than on application as referred to in subsection (1),

15 the Registrar may, by notice given in a manner and form determined by the Minister to the owner of the vehicle or the person who is or was last registered as the owner or the operator of the vehicle, direct the person to either—

- 15 (d) destroy the number plates; or
(e) surrender the number plates to the Registrar; or
20 (f) ensure that the number plates are securely stored so that they cannot be affixed to any motor vehicle that is driven, or allowed to stand on, a road,

within the period specified in the notice.

57—Substitution of section 72

25 Section 72—delete the section and substitute:

72—Classification of licences

- 25 (1) A licence must be assigned 1 or more prescribed classifications.
30 (2) Subject to this Act, if a person applies for the grant or renewal of a licence and the licence is granted or renewed (as the case may be), the Registrar must ensure that the licence is assigned the classification for which the person has applied.
(3) If—
35 (a) an applicant for the renewal of a licence applies for the licence to be assigned any further or other classification; and
(b) the Registrar is satisfied that the applicant is competent to drive a motor vehicle in respect of which that further or other classification is required under this Act,

the Registrar must ensure that the licence, if renewed, is assigned that further or other classification.

- 5
- (4) If the Registrar is satisfied that a person who holds a licence is competent to drive motor vehicles for which a licence assigned a further or other classification is required under this Act, the Registrar must ensure that the licence is assigned the appropriate further or other classification.
- 10
- (5) The Registrar may, for the purposes of this section, require a person who holds a licence or applies for the grant or renewal of a licence to provide evidence to the satisfaction of the Registrar of the person's competency to drive motor vehicles for which a particular classification is required under this Act.
- 15
- (6) The regulations may provide that, for the purposes of this Act, a person is to be taken to hold a licence that is assigned a particular classification if the person has held a licence of some other classification for a prescribed period (the *qualifying period*).
- (7) Subject to the regulations, a classification assigned to a licence must be endorsed on the licence.
- (8) For the purposes this Act, in determining whether a person has held a licence for the qualifying period, any period during which—
- 20
- (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.

25

58—Amendment of section 77BA—Use of photographs taken or supplied for inclusion on a licence or learner's permit

- (1) Section 77BA(2)—delete subsection (2) and substitute:
- (2) A photograph to which this section applies must not be used—
- 30
- (a) except by the Registrar for only 1 or more of the following purposes:
- (i) for inclusion on a licence, learner's permit or proof of age card;
- (ii) to assist in determining the identity of a person applying for—
- 35
- (A) the issue or renewal of a licence or learner's permit; or
- (B) the issue of a duplicate licence or learner's permit; or
- (C) the issue of a proof of age card; or
- (D) the registration of a motor vehicle;
- 40
- (iii) in connection with the investigation of a suspected offence against this Act;

(iv) for the purposes of any legal proceedings arising out of the administration of this Act or the *Road Traffic Act 1961*;

(v) for a purpose prescribed by the regulations; or

5 (b) except for inclusion on a licence, permit or other authority issued under the *Harbors and Navigation Act 1993*, the *Passenger Transport Act 1994* or a prescribed Act; or

(c) except for a purpose authorised by the person whose image appears in the photograph.

10 (2) Section 77BA(4)—after "except" insert:

for a use permitted by subsection (2) or

59—Amendment of section 79—Examination of applicant for licence or learner's permit

(1) Section 79(1)(a)—delete paragraph (a) and substitute:

15 (a) the applicant satisfies the Registrar, by such evidence as the Registrar may require, that the applicant has passed the prescribed theoretical examination conducted by a tester in the prescribed manner; or

(2) Section 79(3), definition of *tester*—delete the definition and substitute:

20 *tester* means—

(a) a police officer; or

(b) a person, or person of a class, appointed or authorised by the Registrar to conduct theoretical examinations for the purposes of this section.

60—Amendment of section 80—Ability or fitness to be granted or hold licence or permit

Section 80(2a)(f)—delete paragraph (f) and substitute:

30 (f) remove a classification assigned to the person's licence, or substitute for a classification assigned to the person's licence another classification.

61—Amendment of section 141—Evidence by certificate etc

Section 141(1)(a)—before "category" insert:

class or

62—Amendment of section 145—Regulations

35 Section 145(1)(gd)—delete paragraph (gd) and substitute:

(gd) prescribing the qualifications that are required to be held before a person may hold, or be taken to hold, a licence assigned a particular classification, and empowering the Registrar to exempt persons, conditionally or unconditionally, from that requirement; and

Part 30—Amendment of *National Parks and Wildlife Act 1972*

63—Amendment of section 5—Interpretation

- (1) Section 5, definition of *the Director*—delete the definition and substitute:

Director means the person for the time being holding, or acting in, the office of Director of National Parks and Wildlife (see section 11A);

- (2) Section 5, after the definition of *protected animal* insert:

public notice means notice published on a website determined by the Minister;

64—Insertion of section 11A

After section 11 insert:

11A—Director of National Parks and Wildlife

- (1) The Minister may, by notice in the Gazette, appoint a Public Service employee to be the Director of National Parks and Wildlife.
- (2) The Minister may appoint a Public Service employee to act as the Director during any period for which—
- (a) no person is for the time being appointed as the Director; or
 - (b) the Director is absent from, or unable to discharge, official duties.

65—Amendment of section 38—Management plans

Section 38(3)—delete "reserve the Minister must cause notice that the plan of management has been prepared to be published in the Gazette and in a newspaper circulating generally throughout the State" and substitute:

reserve, the Minister must state, by public notice prepared in accordance with subsection (5), that the plan of management has been prepared

66—Amendment of section 41A—Alteration of boundaries of reserves

- (1) Section 41A(2)—delete "cause to be published in the Gazette and in a newspaper circulating generally throughout the State an advertisement" and substitute:

give public notice

- (2) Section 41A(2)(a)—delete "giving notice of" and substitute"

stating

67—Amendment of section 49A—Permits for commercial purposes

- (1) Section 49A(1)—delete "in a newspaper circulating generally throughout the State" and substitute:

on a website determined by the Minister

- (2) Section 49A(4)—delete "in a newspaper circulating generally throughout the State" and substitute:

on a website determined by the Minister

68—Amendment of section 60D—Code of management

- (1) Section 60D(5)—delete "notice published in the Gazette and in a newspaper circulating generally throughout the State" and substitute:

public notice

- (2) Section 60D(7)—delete "a notice stating the place or places at which copies of the code may be inspected or purchased must be published in a newspaper circulating generally throughout the State" and substitute:

public notice must be given stating the place or places at which copies of the code may be inspected or purchased

69—Amendment of section 60I—Plan of management

- (1) Section 60I(4)—delete "notice published in the Gazette and in a newspaper circulating generally throughout the State" and substitute:

public notice

- (2) Section 60I(7)—delete subsection (7) and substitute:

- (7) The Minister must, by public notice, state that a plan of management has been adopted under this section.

Part 31—Amendment of *Payroll Tax Act 2009*

70—Section 95—Assessment if no probate within 6 months of death

Section 95(2)—delete subsection (2) and substitute:

- (2) The Commissioner—

- (a) must cause notice of the assessment to be published on a website determined by the Commissioner; and
- (b) may also cause notice of the assessment to be published on at least 2 separate occasions in a daily newspaper circulating in the State or Territory in which the deceased resided.

Part 32—Amendment of *Petroleum Products Regulation Act 1995*

71—Amendment of section 34—Controls during periods of restriction

Section 34(5)(b)(ii)—delete "in the Gazette or in a newspaper circulating generally throughout the State." and substitute:

- (A) in the Gazette; or
- (B) on a website determined by the Minister; or

(C) in a newspaper circulating generally throughout the State.

72—Amendment of section 38—Publication of desirable principles for conserving petroleum

Section 38(1)—delete subsection (1) and substitute:

- 5 (1) The Minister may publish principles that the public should, in the Minister's opinion, be encouraged to observe in relation to the conservation of petroleum products during a period of restriction, by notice published—
- 10 (a) in the Gazette; or
- (b) on a website determined by the Minister; or
- (c) in a newspaper circulating generally throughout the State.

Part 33—Amendment of *Phylloxera and Grape Industry Act 1995*

73—Amendment of section 18—Duty to prepare and maintain five year plan

15 Section 18(2)(a)—delete paragraph (a) and substitute:

- (a) publish a notice of the date, time, place and purpose of that meeting on a website determined by the Board or in a newspaper circulating generally throughout the State (or both); and

Part 34—Amendment of *Prices Act 1948*

20 **74—Amendment of section 12—Accounts and records in relation to certain declared goods and services**

Section 12(3)(b)—after "Gazette" insert:

, on the Commissioner's website,

25 **Part 35—Amendment of *Primary Industry Funding Schemes Act 1998***

75—Amendment of section 9—Management plan for fund

Section 9(5)—delete "in a newspaper circulating generally throughout the State" and substitute:

30 in a manner and form that, in the opinion of the person or body, will be most likely to bring the notice to the attention of members of the public

Part 36—Amendment of *Public Assemblies Act 1972*

76—Amendment of section 4—Notice of assembly

Section 4(8)(b)—before subparagraph (i) insert:

- (ai) on a website determined by the Minister; or

Part 38—Amendment of *Railways (Operations and Access) Act 1997*

81—Amendment of section 7A—Review and expiry of access regime

Section 7A(2)—delete subsection (2) and substitute:

- 5 (2) The regulator must give reasonable notice of the review, by publishing a notice in a manner and form determined by the regulator to be most appropriate in the circumstances, inviting written submissions on the matters under review within a reasonable time specified for the purpose in the notice.

Part 39—Repeal of *Redundant Officers Fund Act 1936*

82—Repeal of *Redundant Officers Fund Act 1936*

The *Redundant Officers Fund Act 1936* is repealed.

Part 40—Amendment of *Road Traffic Act 1961*

83—Amendment of section 33—Road closing and exemptions for certain events

15

(1) Section 33(1)—delete subsection (1) and substitute:

- (1) On the application of any person interested, the Minister may declare an event to be an event to which this section applies and may do either or both of the following:
- 20 (a) make an order directing that specified roads (being roads on which the event is to be held or roads that, in the Minister's opinion, should be closed for the purposes of the event) be closed to traffic for a period specified in, or determined in accordance with, the order;
- 25 (b) make an order directing that persons participating in the event be exempted, in relation to specified roads, from the duty to observe an enactment, regulation or by-law prescribing a rule to be observed on roads by pedestrians or drivers of vehicles.

30 (2) Section 33(3)—delete "to close a road"

Part 41—Amendment of *Serious and Organised Crime (Control) Act 2008*

84—Amendment of section 10—Publication of notice of application

- 35 (1) Section 10(1)—delete "in the Gazette and a newspaper circulating generally throughout the State"

(2) Section 10—after subsection (1) insert:

(1a) A notice under subsection (1)—

(a) must be published in the Gazette; and

(b) may also be published—

(i) on the Commissioner's website; or

(ii) in a newspaper circulating generally throughout the State.

85—Amendment of section 12—Notice of declaration

(1) Section 12(1)—delete "in the Gazette and in a newspaper circulating generally throughout the State"

(2) Section 12—after subsection (1) insert:

(1a) Notice of the declaration—

(a) must be published in the Gazette; and

(b) may also be published—

(i) on the Commissioner's website; or

(ii) in a newspaper circulating generally throughout the State.

86—Amendment of section 14—Revocation of declaration

(1) Section 14(7)—delete "in the Gazette and a newspaper circulating generally throughout the State"

(2) Section 14(10)(b)—delete "in the Gazette and in a newspaper circulating generally throughout the State"

(3) Section 14—after subsection (10) insert:

(10a) A notice under subsection (7) or (10)(b)—

(a) must be published in the Gazette; and

(b) may also be published—

(i) on the Commissioner's website; or

(ii) in a newspaper circulating generally throughout the State.

87—Amendment of section 38—Service

Section 38(2)—after "State" insert:

or on the Commissioner's website

88—Amendment of section 39B—Notice of registration

(1) Section 38B(2)—delete "in the Gazette and in a newspaper circulating generally throughout the State"

(2) Section 38B—after subsection (2) insert:

(3) Notice of the registration of the declaration—

(a) must be published in the Gazette; and

(b) may also be published—

(i) on the Commissioner's website; or

(ii) in a newspaper circulating generally throughout the State.

89—Amendment of section 39G—Notice of cancellation or expiry of registration of corresponding declaration

(1) Section 39G—delete "in the Gazette and in a newspaper circulating generally throughout the State"

(2) Section 39G—after its present contents as amended by this section (now to be designated as subsection (1)) insert:

(2) Notice of the cancellation or expiry—

(a) must be published in the Gazette; and

(b) may also be published—

(i) on the Commissioner's website; or

(ii) in a newspaper circulating generally throughout the State.

Part 42—Repeal of *Sex Disqualification (Removal) Act 1921*

90—Repeal of *Sex Disqualification (Removal) Act 1921*

The *Sex Disqualification (Removal) Act 1921* is repealed.

Part 43—Repeal of *Snowy Mountains Engineering Corporation (South Australia) Act 1971*

91—Repeal of *Snowy Mountains Engineering Corporation (South Australia) Act 1971*

The *Snowy Mountains Engineering Corporation (South Australia) Act 1971* is repealed.

Part 44—Amendment of *Stamp Duties Act 1923*

92—Amendment of section 71CC—Interfamilial transfer of farming property

(1) Section 71CC(1)—delete subsection (1) and substitute:

5 (1) A transfer of an interest in land used for the business of primary production is exempt from stamp duty if a familial relationship exists between the transferor and the transferee and the Commissioner is satisfied—

10 (a) that the land to which the transfer relates is used wholly or mainly for the business of primary production and is not less than 0.8 hectares in area; and

(b) that the sole or principal business of—

15 (i) the natural person who, or whose trustee, is the transferor; or

(ii) if the transferor is a company, at least 1 shareholder of the company,

is (immediately before the instrument) the business of primary production; and

20 (c) that for a period of 12 months immediately before the instrument there was a business relationship between—

25 (i) at least 1 of the shareholders of the company or natural person (A) who, or whose trustee, is the transferor; and

(ii) at least 1 of the shareholders of the company or natural person (B) who, or whose trustee, is the transferee, or a lineal ancestor or spouse or domestic partner of B,

with respect to the use of the property for the business of primary production; and

30 (d) in the case of a transfer where either or both parties are trustees, that no person is a beneficiary of the trust or trusts other than—

(i) the natural person (A) who, or whose trustee, is transferor; or

35 (ii) the natural person (B) who, or whose trustee, is transferee; or

(iii) a relative (or relatives) of A or B; and

(e) that the transfer does not arise from arrangements or a scheme devised for the principal purpose of taking advantage of the benefit of this section.

(1aaa) For the purposes of subsection (1), a familial relationship exists between a transferor and a transferee if—

- (a) the transferor is a natural person, or a trustee for a natural person, and the transferee is a relative of, or a trustee for a relative of, that natural person; or
- (b) the transferor is a natural person, or a trustee for a natural person, and the transferee is a family company the shareholders of which are relatives of that natural person; or
- (c) the transferor is a family company and the transferee is a relative of the shareholders of the company, or a trustee for a relative of the shareholders of the company; or
- (d) the transferor and the transferee are family companies and the shareholders of the transferor are relatives of the shareholders of the transferee.

(2) Section 71CC(5)—before the definition of *natural person* insert:

family company—a company is a family company if each shareholder of the company is a relative of all other shareholders of the company;

93—Transitional provision

The amendments made by section 92 to section 71CC of the *Stamp Duties Act 1923* apply only in relation to instruments executed after the commencement of this Part.

Part 45—Amendment of *State Procurement Act 2004*

94—Amendment of section 4—Interpretation

(1) Section 4, definition of *procurement operations*, (a)—after subparagraph (ii) insert:

(iii) the delivery of a service by a third party on behalf of the authority; or

(2) Section 4, definition of *procurement operations*—delete "operations excluded from this definition by the regulations;" and substitute:

(e) the provision of funding to a third party by the authority that, in accordance with Treasurer's instructions, is classified as a grant; or

(f) operations excluded from this definition by the regulations;

(3) Section 4—after the definition of *responsible Minister* insert:

Treasurer's instructions means instructions issued by the Treasurer under Part 4 of the *Public Finance and Audit Act 1987*.

Part 46—Repeal of *Statistics Act 1935*

95—Repeal of *Statistics Act 1935*

The *Statistics Act 1935* is repealed.

Part 47—Repeal of *Statutory Salaries and Fees Act 1947*

96—Repeal of *Statutory Salaries and Fees Act 1947*

The *Statutory Salaries and Fees Act 1947* is repealed.

Part 48—Amendment of *Summary Offences Act 1953*

5 97—Amendment of section 72A—Power to conduct metal detector searches etc

Section 72A(5)—after "State" insert:

or on the Commissioner's website

Part 49—Repeal of *War Service Rights (State Employees) Act 1945*

10 98—Repeal of *War Service Rights (State Employees) Act 1945*

The *War Service Rights (State Employees) Act 1945* is repealed.

Part 50—Repeal of *Westpac/Challenge Act 1996*

99—Repeal of *Westpac/Challenge Act 1996*

The *Westpac/Challenge Act 1996* is repealed.

15 Part 51—Amendment of *Wilderness Protection Act 1992*

100—Amendment of section 3—Interpretation

Section 3(1), definition of *public notice*—delete "in the Gazette" and substitute:

on a website determined by the Minister

101—Amendment of section 12—Wilderness code of management

20 Section 12(9)—delete subsection (9) and substitute:

- (9) The Minister must, by notice in the Gazette, declare that a revised or substituted code of management has been adopted under this section.

102—Amendment of section 16—Prevention of certain activities

Section 16(7)(b)—delete paragraph (b) and substitute:

- 25** (b) if the whereabouts of the person are unknown—by publishing the notice—
- (i) in a newspaper circulating generally throughout the State; or
 - (ii) on a website determined by the Minister,
- (as the Minister considers appropriate in the circumstances).

103—Amendment of section 31—Plans of management

Section 31(14)—delete subsection (14) and substitute:

- (14) The Minister must, by notice in the Gazette, declare that a plan of management has been adopted under this section.

5 **104—Amendment of section 33—Prohibited areas**

- (1) Section 33(1)—delete "public notice" and substitute:

notice published in the Gazette and on a website determined by the Minister

- (2) Section 33(5)—delete "public notice" and substitute:

subsequent notice published in the Gazette and on a website determined by
the Minister

10

Part 52—Amendment of *Work Health and Safety Act 2012*

105—Amendment of section 274—Approved codes of practice

Section 274(6)—after "Gazette and" insert:

on a website determined by the Minister or in