

## House of Assembly

As passed all stages and awaiting assent.

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South Australia

# Statutes Amendment and Repeal (Simplify) 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An Act to amend various Acts to simplify administrative and other processes or to remove obsolete or out of date matter or practices; to repeal various obsolete Acts; and for other purposes.

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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) Act 2017*.

**2—Commencement**

- (1) Subject to subsection (2), this Act will come into operation on the day on which it is assented to by the Governor.
- (2) Part 2, Part 4, section 18, section 20, Part 6, Part 8, Part 9, Part 16, Part 17, Part 19, Part 25, Part 28, Part 30 and Part 31 of this Act will come into operation on a day to be fixed by proclamation.

### **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 *Aquaculture Act 2001***

### **4—Amendment of section 3—Interpretation**

Section 3, definition of *vary licence conditions*—delete the definition and substitute:

*variation of licence conditions* includes the revocation of licence conditions or the imposition of further licence conditions, but does not include a matter of a kind excluded from the ambit of this definition by the regulations;

### **5—Amendment of section 12—Procedure for making policies**

- (1) Section 12(5)—delete "in the Gazette and in a newspaper circulating generally in the State" and substitute:

in accordance with subsection (5a)

- (2) Section 12—after subsection (5) insert:

(5a) The advertisement referred to in subsection (5) must be published—

- (a) in the Gazette; and
- (b) in 1 or both of the following forms (as the Minister considers appropriate in the circumstances):
  - (i) in a newspaper circulating generally in the State;
  - (ii) on a website determined by the Minister.

### **6—Amendment of section 25A—Variation of lease or lease conditions by or with consent of lessee**

Section 25A(3)(d)—after "licence area and" insert:

, in the case of a matter that is required to be referred to the EPA under section 59, the matter has been so referred and

### **7—Amendment of section 52—Licence conditions**

Section 52(4)—delete "the matter has been referred to the EPA under Part 8" and substitute:

, in the case of a matter that is required to be referred to the EPA under section 59, the matter has been so referred

### **8—Amendment of section 59—Reference of matters to EPA**

- (1) Section 59(1)—delete "The following" and substitute:

Subject to subsection (1a), the following

(2) Section 59—after subsection (1) insert:

- (1a) Subsection (1) does not apply, in the case of a specified condition referred to in subsection (1)(a) or (b), or a variation of the conditions of an aquaculture licence referred to in subsection (1)(c) if—
- (a) the Minister is satisfied that the condition or variation is administrative in nature; or
  - (b) the condition or variation is of a class approved by the EPA as not having, or being unlikely to have, an adverse effect on the environment.

## **9—Transitional provision**

If an application for an aquaculture lease, aquaculture licence or variation to the conditions of an aquaculture licence has been made but not yet determined under the *Aquaculture Act 2001* immediately before the commencement of this clause, the application is to be determined under the *Aquaculture Act 2001* as in force immediately before that commencement.

## **Part 3—Amendment of *Authorised Betting Operations Act 2000***

### **10—Substitution of sections 54 to 59**

Sections 54 to 59 (inclusive)—delete the sections and substitute:

#### **54—Places at which bets may be accepted by bookmakers**

- (1) It is a condition of a bookmaker's licence that the licensee may only accept bets (not being bets made by telephone, Internet or other electronic means)—
- (a) at a racecourse on a day on which a licensed racing club is authorised to conduct on-course totalisator betting within that racecourse; or
  - (b) at a licensed betting shop; or
  - (c) at a place of a class declared by the Commissioner by notice in the Gazette (and in accordance with any other conditions specified in the declaration).
- (2) The Commissioner may, by subsequent notice in the Gazette, vary or revoke a declaration under subsection (1)(c).

### **11—Amendment of section 61—Prohibition of certain information as to racing or betting**

Section 61(1)—delete "authorised by permit"

### **12—Amendment of section 77—Review of Commissioner's decision**

Section 77(2)—delete subsection (2)

### **13—Amendment of section 89—Evidence**

Section 89—delete ", permit" wherever occurring



## **Part 4—Amendment of *Building Work Contractors Act 1995***

### **14—Amendment of section 6—Obligation of building work contractors to be licensed**

Section 6—after subsection (2) insert:

- (3) The Commissioner may, on application, exempt a person from compliance with this section subject to such conditions as the Commissioner thinks fit.
- (4) The Commissioner may vary or revoke an exemption granted under subsection (3) as the Commissioner thinks fit.

### **15—Amendment of section 11—Duration of licence and periodic fee and return etc**

Section 11(3)—delete "and, in addition, to pay to the Commissioner the amount fixed by regulation as a penalty for default"

### **16—Amendment of section 18—Duration of registration and periodic fee and return etc**

Section 18(3)—delete "and, in addition, to pay to the Commissioner the amount fixed by regulation as a penalty for default"

### **17—Amendment of section 45—Exemptions**

Section 45(1)—delete "(other than a provision in relation to which the Commissioner has a power of exemption specifically conferred by this Act)"

## **Part 5—Amendment of *Conveyancers Act 1994***

### **18—Amendment of section 8—Duration of registration and annual fee and return**

Section 8(3)—delete "and, in addition, to pay to the Commissioner the amount fixed by regulation as a penalty for default"

### **19—Repeal of section 12**

Section 12—delete the section

### **20—Amendment of section 24—Audit of trust accounts**

- (1) Section 24(4)—delete "and, in addition, to pay to the Commissioner the amount fixed by the regulations as a civil penalty for the default"
- (2) Section 24(7)—delete subsection (7)

## **Part 6—Amendment of *Crown Land Management Act 2009***

### **21—Amendment of section 14—Minister's power to dispose of surplus lands of a Crown agency**

Section 14(1)—delete subsection (1) and substitute:

- (1) If land owned by a Crown agency has been declared surplus by the agency, the Minister may dispose of the land by transfer of the fee simple (and Part 3 Division 3 applies to such a transfer as if the land were Crown land that had been declared surplus by the Minister).

### **22—Amendment of section 18—Dedicated land**

Section 18—after subsection (1) insert:

- (1a) The purposes for which land may be dedicated under this section include (without limitation) the management of land in accordance with a specified management plan.

### **23—Amendment of section 19—Revocation of dedication**

Section 19—after subsection (1) insert:

- (1a) If a Minister who is the custodian of dedicated land grants a lease in relation to the land, the Minister must not revoke the dedication under this section during the term of the lease without obtaining the consent, in writing, of the Minister who is the custodian.

### **24—Substitution of section 21**

Section 21—delete the section and substitute:

#### **21—Operation of instruments**

An instrument under this Division takes effect on the day specified in the instrument.

### **25—Amendment of section 22—Lease of dedicated land**

- (1) Section 22(1)—delete "A lease" and substitute:

Subject to this section, a lease

- (2) Section 22—after subsection (3) insert:
  - (4) A Minister who is the custodian of dedicated land may grant a lease in relation to the land without obtaining the consent of the Minister under this section if the Minister who is the custodian of the dedicated land is satisfied that the grant of the lease—
    - (a) would not detract from any existing public use and enjoyment of the land; and
    - (b) would not prevent the land being used for the purpose for which it was dedicated; and
    - (c) would not otherwise, in the opinion of that Minister, be improper or undesirable.

- (5) If a council is granting a lease in relation to dedicated land in accordance with section 202 of the *Local Government Act 1999*, this section does not apply to the grant of that lease if—
- (a) native title in the land has been extinguished or the council is satisfied that the grant of the lease will not affect native title; and
  - (b) the lease will not cause any development (within the meaning of the *Planning, Development and Infrastructure Act 2016*); and
  - (c) the council is satisfied that the grant of the lease—
    - (i) would not detract from any existing public use and enjoyment of the land; and
    - (ii) would not prevent the land being used for the purpose for which it was dedicated; and
    - (iii) would not otherwise, in the opinion of the council, be improper or undesirable.

## **26—Insertion of section 22A**

After section 22 insert:

### **22A—Licences granted in relation to dedicated land**

The custodian of dedicated land may grant a licence in relation to the land if satisfied that the grant of the licence—

- (a) would not detract from any existing public use and enjoyment of the land; and
- (b) would not prevent the land being used for the purpose for which it was dedicated; and
- (c) would not otherwise, in the opinion of the custodian of the dedicated land, be improper or undesirable,

(and for the avoidance of doubt the consent of the Minister is not required in relation to the grant of a licence in relation to dedicated land).

## **27—Amendment of section 24—Minister may dispose of Crown land to which Division applies**

Section 24(2)—after paragraph (b) insert:

or

- (c) the land is being disposed of in fulfilment of a condition on surrender of a perpetual lease relating to the land.

## **28—Amendment of section 25—Disposal by transfer or grant of fee simple**

- (1) Section 25(1)—after paragraph (c) insert:
  - (ca) the land is disposed of to a lessee, or former lessee, of the land and that lessee or former lessee has constructed or made significant improvements on the land; or
  - (cb) the land is disposed of in fulfilment of a condition on surrender of a perpetual lease relating to the land; or
  - (cc) the land is disposed of on condition that the purchaser or donee enter into a Crown condition agreement; or
- (2) Section 25(2)—after paragraph (a) insert:
  - (ab) the land is disposed of in fulfilment of a condition on surrender of a perpetual lease relating to the land; or

## **29—Insertion of section 37A**

After section 37 insert:

### **37A—Consent process for conversion of perpetual lease to freehold**

- (1) A lessee under a perpetual lease who seeks to surrender the lease on condition that the land is disposed of by transfer or grant of the fee simple to the lessee or a person nominated by the lessee, must first apply to the Minister, in such manner as the Minister thinks fit, for consent to the surrender in accordance with this section.
- (2) On receipt of an application under this section, the Minister must—
  - (a) determine whether or not to consent to the surrender and the terms on which the land may be disposed of (including the amount for which the fee simple of the land may be purchased and any other requirements of the Minister relating to the disposal); and
  - (b) give notice of that determination, in writing, to the applicant.
- (3) The applicant must, within 3 months after notice is given under subsection (2) or such longer period as may be allowed by the Minister, notify the Minister whether the applicant wishes to proceed with the surrender of the lease on the terms offered (and thereafter the applicant may surrender the lease in accordance with section 37 and any terms agreed with the Minister under this section).

## **30—Amendment of section 51—Cancellation of licences**

- (1) Section 51(1)(a)—after "if" insert:

the licensee has requested the cancellation or
- (2) Section 51—after subsection (2) insert:
  - (3) The Minister will not cancel a licence at the request of the licensee unless the Minister is satisfied that is appropriate to do so.

- (4) A licensee who requests the cancellation of a licence is not entitled to a refund of any licence fees that have been paid in respect of the licence.

### **31—Amendment of section 52—Renewal of licence without application or on late application**

Section 52—before subsection (1) insert:

- (a1) If, before the expiry of a licence under this Act—
- (a) the Minister sends to the licensee an invoice for payment of a fee for renewal of the licence; and
  - (b) the licensee pays the fee specified in the invoice,
- the licensee will be taken to have applied for renewal of the licence and the Minister may renew the licence for a term of 12 months or for such other term as may have been specified in the invoice (and the conditions fixed in relation to the renewed licence will be the conditions that were fixed in relation to the licence immediately before renewal or such other conditions as may have been specified in the invoice).
- (b1) For the purposes of subsection (a1), an invoice may specify a term of a licence or conditions of a licence by referring to a website on which the terms or conditions are published.

### **32—Amendment of heading to Part 4 Division 2**

Heading to Part 4 Division 2—after "responsibilities" insert:

and powers

### **33—Insertion of section 56A**

After section 56 insert:

#### **56A—Minister may consent to activities on land**

- (1) Without derogating from the Minister's powers to deal with Crown land, the Minister may, in such manner as the Minister thinks fit, grant consent to a person to conduct an activity on any Crown land (not being an activity that should, in the opinion of the Minister, require a lease or licence under this Act).
- (2) A consent of the Minister granted under this section—
- (a) is subject to such conditions as the Minister may specify; and
  - (b) may be revoked by the Minister at any time by notice in writing.

**34—Amendment of section 59—Waterfront land cannot be leased or disposed of without public consultation**

- (1) Section 59(1)—delete "in a newspaper circulating throughout the State" and substitute:
- on a website determined by the Minister
- (2) Section 59(3)—before paragraph (a) insert:
- (aa) waterfront land is divided and the lease or disposal is only of a portion of the land that does not, after such division, constitute waterfront land; or

**35—Amendment of Schedule 1—Related amendments, repeals and transitional provisions**

Schedule 1, clause 10—after subclause (2) insert:

- (2a) If land referred to in subclause (2) is dedicated land by virtue of clause 9—
- (a) the dedication will be taken to be revoked if the Crown condition agreement is revoked in accordance with this Act (and section 19 does not apply to the revocation of the dedication); and
- (b) section 22 does not apply in relation to a lease granted in relation to the land.

**Part 7—Repeal of *Debits Tax Act 1994***

**36—Repeal of *Debits Tax Act 1994***

The *Debits Tax Act 1994* is repealed.

**Part 8—Amendment of *Electronic Transactions Act 2000***

**37—Amendment of long title**

Long title—delete "transactions" and substitute:

communications

**38—Amendment of section 1—Short title**

Section 1—delete "*Transactions*" and substitute:

*Communications*

**39—Amendment of section 3—Object**

Section 3(b) and (c)—delete "transactions" wherever occurring and substitute in each case:

communications

#### 40—Amendment of section 4—Simplified outline

- (1) Section 4(1)—after paragraph (a) insert:
  - (ab) for the purposes of the law of this jurisdiction, a government document is not invalid because it was issued by means of 1 or more electronic communications; and
- (2) Section 4—after subsection (2) insert:
  - (3) Part 3 contains provisions applying to the issue of a government document by means of an approved information system and enables the issue of a government document by means of electronic communication in circumstances where an Act provides for the issue of the document only in the form of a physical document or item.

#### 41—Amendment of section 5—Interpretation

- (1) Section 5(1)—after the definition of *addressee* insert:

*approved information system* means an information system approved under section 16(1)(a);
- (2) Section 5(1)—after the definition of *electronic communication* insert:

*government agency* means—

  - (a) a Minister of the Crown; or
  - (b) a person who holds an office established by an Act; or
  - (c) an administrative unit of the Public Service; or
  - (d) South Australia Police; or
  - (e) a council; or
  - (f) an incorporated or unincorporated body—
    - (i) established or continued in existence for a public purpose by an Act; or
    - (ii) established or continued in existence for a public purpose under an Act (other than an Act providing for the incorporation of companies or associations, co-operatives, societies or other voluntary organisations); or
    - (iii) subject to control or direction by the Governor, a Minister of the Crown or other instrumentality or agency of the Crown or a council (whether or not the body is established or continued in existence by or under an Act); or
  - (g) a person or body declared by the regulations to be a government agency;

**government document** means a document issued by or on behalf of a government agency that does not itself constitute a transaction (whether or not the document is issued as a result of a transaction or in connection with 1 or more transactions);

**Examples—**

Government documents would include licences, permits and certificates

- (3) Section 5(1)—after the definition of **place of business** insert:

**responsible Minister** means—

- (a) in relation to a government document issued under an Act—the Minister to whom the administration of that Act is committed; or
- (b) in relation to any other government document—the Minister responsible for the relevant government agency;

- (4) Section 5(1), definition of **transaction**—after paragraph (c) insert:

and

- (d) any application or request made, or notice or information provided, by a person seeking the issue of a government document or who has been issued a government document;

- (5) Section 5(1)—after the definition of **transaction** insert:

**usage rules** means rules approved under section 16(1)(b);

- (6) Section 5—after subsection (2) insert:

- (3) Usage rules are not statutory instruments for the purposes of the law of the State and are not regulations for the purposes of the *Subordinate Legislation Act 1978*.

#### **42—Amendment of section 6A—Exemptions**

Section 6A(1)—after paragraph (a) insert:

- (ab) to government documents specified, or of classes specified, in the regulations for the purposes of this section; or

#### **43—Amendment of heading to Part 2 Division 1**

Heading to Part 2 Division 1—delete "transactions" and substitute:

electronic communications

#### **44—Amendment of section 7—Validity of electronic transactions and government documents**

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

- (2) For the purposes of a law of this jurisdiction, a government document is not invalid because it was issued wholly or partly by means of 1 or more electronic communications.



- (3) The general rules in this section do not apply in relation to the validity of a transaction or government document to the extent to which another, more specific, provision of this Act deals with the validity of the transaction or document.

#### **45—Amendment of section 8—Writing**

Section 8(3)—delete subsection (3) and substitute:

- (3) For the purposes of subsections (1)(b) and (2)(b), a person who is required to be given a government document under any Act or law will be taken to have consented to the document being given by means of an electronic communication if the person has provided an email address to the relevant government agency for that purpose.
- (3a) This section does not affect the operation of usage rules applicable under Part 3 or of any other law of this jurisdiction that makes provision for or in relation to requiring or permitting information to be given, in accordance with particular information technology requirements—
- (a) on a particular kind of data storage device; or
  - (b) by means of a particular kind of electronic communication,
- (and the usage rules or other law will be taken to apply to the exclusion of this section).

#### **46—Amendment of section 9—Signatures**

Section 9(2)—delete subsection (2) and substitute:

- (2) For the purposes of subsection (1)(c), a person who is required to be given a signed government document under any Act or law will be taken to have consented to the signature requirement being met by way of the use of the method mentioned in subsection (1)(a).
- (2a) This section does not affect the operation of usage rules applicable under Part 3 or of any other law of this jurisdiction that makes provision for or in relation to requiring—
- (a) an electronic communication to contain an electronic signature (however described); or
  - (b) an electronic communication to contain a unique identification in an electronic form; or
  - (c) a particular method to be used in relation to an electronic communication to identify the originator of the communication and to indicate the originator's intention in respect of the information communicated,
- (and the usage rules or other law will be taken to apply to the exclusion of this section).

#### **47—Amendment of section 10—Production of document**

Section 10(4)—delete subsection (4) and substitute:

- (4) For the purposes of subsections (1)(c) and (2)(c), a person to whom a government document is required to be produced for inspection will be taken to have consented to the document being produced by means of an electronic communication.
- (4a) This section does not affect the operation of usage rules applicable under Part 3 or of any other law of this jurisdiction that makes provision for or in relation to requiring or permitting electronic forms of documents to be produced, in accordance with particular information technology requirements—
  - (a) on a particular kind of data storage device; or
  - (b) by means of a particular kind of electronic communication,(and the usage rules or other law will be taken to apply to the exclusion of this section).

#### **48—Substitution of Part 3**

Part 3—delete the Part and substitute:

### **Part 3—Issue of government documents by approved information system**

#### **15—Application of Part**

- (1) Subject to subsection (2), a government document may be issued by means of electronic communication in accordance with this Part or in any other manner that is not prohibited by law.
- (2) If an Act provides for the issue of a government document only in the form of a physical document or item, the document may only be issued by means of electronic communication in accordance with this Part.
- (3) For the purposes of subsection (2), an Act will be taken to provide for the issue of a government document only in the form of a physical document or item if (and only if)—
  - (a) the Act expressly provides (by whatever form of words) that the government document may not be issued in electronic form; or
  - (b) it is only possible to deal with the government document in the manner required by the Act if the document is in the form of a physical document or item.
- (4) Subject to subsection (5), this Part has effect despite the provisions of any other Act.
- (5) If an Act specifically provides for the application of this Part to government documents issued under the Act, this Part has effect subject to the provisions of that Act.

## **16—Minister may approve means of issue**

- (1) The Minister may approve—
  - (a) 1 or more information systems for the issue, by means of electronic communication, of government documents in accordance with this Part; and
  - (b) rules relating to the use of an approved information system.
- (2) Nothing prevents an approved information system from being used for the purposes of other electronic communications of a class approved by the Minister.
- (3) If the Minister approves an information system under this section, the Minister must specify in the approval the kinds of modifications or updates to the information system that will require further approval of the Minister.
- (4) Except as provided in an approval in accordance with subsection (3), any modifications or updates to an approved information system will not require a further approval of the Minister (and the information system will be taken to continue to be an approved information system regardless of the modifications or updates).
- (5) The Minister may vary or revoke usage rules as the Minister thinks fit.

## **17—Approval for electronic issue of government document**

A responsible Minister in relation to a government document may approve the issue of such a document by means of an approved information system in accordance with this Part.

## **18—Electronic issue authorised if approved and consent given**

A government document may be issued by means of an approved information system if—

- (a) the responsible Minister in relation to the document has given approval under section 17 for the document being issued by such means; and
- (b) the person to whom the document is to be issued has requested or consented to the document being issued by such means.

## **19—Usage rules must be complied with**

A government document that is issued by means of an approved information system may be displayed, carried, produced, surrendered, updated and otherwise dealt with in accordance with the usage rules applying to that approved information system at the time the document is displayed, carried, produced, surrendered, updated and otherwise dealt with.

## **20—Prescribed modifications**

The regulations may provide, in relation to a government document issued under an Act, that the provisions of that Act apply with prescribed modifications in a case where the document is or is to be, issued by means of an approved information system in accordance with this Part.

## **21—Evidentiary**

- (1) In any proceedings, a certificate apparently signed by a Minister and certifying as to any approval given by that Minister under this Part is conclusive proof of the matters so certified.
- (2) In any proceedings, a certificate apparently signed by the Minister to whom the administration of this Act is committed and certifying that on a specified date a specified person requested or consented to a specified kind of government document being issued by means of an approved information system is proof, in the absence of proof to the contrary, of the matter so certified.

## **Part 4—Miscellaneous**

### **22—Delegation**

- (1) The Minister may delegate any of the Minister's functions or powers under this Act.
- (2) A delegation under this section—
  - (a) must be in writing; and
  - (b) may be conditional or unconditional; and
  - (c) is revocable at will; and
  - (d) may, subject to any conditions of the instrument of delegation, be further delegated; and
  - (e) does not prevent the delegator from acting in any matter.

### **23—Regulations**

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) Regulations under this Act may—
  - (a) be of general application or limited application;
  - (b) make different provision according to the matters or circumstances to which they are expressed to apply;
  - (c) provide that a matter or thing in respect of which regulations may be made is to be determined according to the discretion of the Minister or another specified person.

## **Part 9—Amendment of *Environment Protection Act 1993***

### **49—Amendment of section 3—Interpretation**

Section 3(1), after the definition of *waste*—insert:

*waste transport business* means a waste transport business (category A) or a waste transport business (category B), each within the meaning of Schedule 1 Part A clause 3;

### **50—Amendment of section 39—Notice and submissions in respect of applications for environmental authorisations**

- (1) Section 39(3)(a)—delete paragraph (a)
- (2) Section 39(3)(b)—delete "(category B) as described in Part A of Schedule 1"

### **51—Amendment of section 46—Notice and submissions in respect of proposed variations of conditions**

Section 46(5)(a)—delete paragraph (a)

### **52—Amendment of section 57—Criteria for decisions of Authority in relation to development authorisations**

- (1) Section 57(a)—delete paragraph (a)
- (2) Section 57(c)—after "response" insert:  
(if any)

## **Part 10—Amendment of *Evidence Act 1929***

### **53—Insertion of section 25A**

After section 25 insert:

#### **25A—Abolition of oath belief rule**

The rule of law or practice known as the oath belief rule that allows a witness in a trial to be questioned and express an opinion about whether the evidence given on oath by another witness in court is credible is abolished.

Note—

See R v J, SM [2013] SASFC 96

## **Part 11—Repeal of *Financial Institutions Duty Act 1983***

### **54—Repeal of *Financial Institutions Duty Act 1983***

The *Financial Institutions Duty Act 1983* is repealed.

## **Part 12—Amendment of *Fisheries Management Act 2007***

### **55—Amendment of section 21—Continuation of Fund**

- (1) Section 21(3)—after paragraph (c) insert:
  - (ca) voluntary payments from persons and organisations involved in the fishing industry; and
- (2) Section 21(5)—after paragraph (c) insert:
  - (ca) in payment of the costs of—
    - (i) projects relating to the management of aquatic resources; and
    - (ii) research or development relating to the fishing industry; and

### **56—Amendment of section 44—Procedure for preparing management plans**

- (1) Section 44(3)(b)—delete "cause an advertisement to be published in a newspaper circulating generally in the State" and substitute:

publish a notice in a manner determined by the Minister
- (2) Section 44(5)—delete "an advertisement" and substitute:

a notice

### **57—Amendment of section 56—Duration of authority and periodic fee and return etc**

- Section 56—after subsection (7) insert:
- (7a) Subject to subsection (7b), if—
    - (a) an authority has been suspended by the Minister under subsection (7); and
    - (b) the suspension has been in effect for more than 6 months; and
    - (c) the Minister cannot locate the holder of the authority after making a reasonable attempt to do so,

the Minister may cancel the authority.
  - (7b) The Minister must, before cancelling an authority under subsection (7a), make a reasonable attempt to give notice of the Minister's intention to cancel the authority to any person noted on the register of authorities as having an interest in the authority.

### **58—Amendment of section 72—Sale, purchase or possession of aquatic resources without authority prohibited**

- Section 72—after subsection (6) insert:
- (7) Subsection (2) does not apply where a person has possession or control of an aquatic resource of a protected species pursuant to a permit issued by the Minister.

- (8) The Minister must not issue a permit for the purposes of subsection (7) unless of the opinion that it is in the public interest to do so.

**59—Amendment of section 74—Unauthorised trafficking in fish of priority species prohibited**

Section 74(2)—delete subsection (2) and substitute:

- (2) In proceedings for an offence against subsection (1), if it is proved that a person had a commercial quantity of an aquatic resource of any species in his or her possession or control, it will be presumed, in the absence of proof to the contrary, that the person had that aquatic resource in his or her possession or control for the purposes of trafficking.
- (3) In this section—  
*traffic* in fish includes—
- (a) sell fish; and
  - (b) take fish for sale; and
  - (c) receive fish; and
  - (d) process fish; and
  - (e) engage in any act preparatory to an act referred to in a preceding paragraph.

**60—Amendment of section 78—Unauthorised activities relating to exotic organisms or noxious species prohibited**

Section 78(1)—delete subsection (1) and substitute:

- (1) A person must not, except as authorised by a permit issued by the Minister—
- (a) bring, or cause to be brought, into the State; or
  - (b) take from any waters; or
  - (c) sell, purchase or deliver; or
  - (d) have possession or control of,
- aquatic resources of a noxious species.

Maximum penalty:

- (a) in the case of a body corporate—\$250 000;
- (b) in the case of a natural person—\$120 000.

## 61—Insertion of Part 7 Division 4

Part 7—after Division 3 insert:

### Division 4—Miscellaneous

#### 79A—Permits

- (1) A permit issued by the Minister for the purposes of this Part—
  - (a) is not transferable; and
  - (b) is subject to such conditions as the Minister thinks fit and specifies in the permit.
- (2) The Minister may at any time, by written notice given to the holder of a permit, vary or revoke a condition of the authority, or impose a further condition.
- (3) The holder of a permit issued for the purposes of this Part must not contravene a condition of the permit.

Maximum penalty:

- (a) in the case of a body corporate—\$250 000;
- (b) in the case of a natural person—\$120 000.

## 62—Amendment of section 124—Confidentiality

- (1) Section 124(1)(d)—delete paragraph (d) and substitute:
  - (d) to a law enforcement, prosecution or administrative authority of any Australian jurisdiction, where the information is required for the proper administration or enforcement of an Act or law of such a jurisdiction; or
- (2) Section 124—after subsection (4) insert:
  - (5) In this section—

*Australian jurisdiction* means the Commonwealth or a State or Territory of the Commonwealth.

## Part 13—Repeal of *Gift Duty Act 1968*

### 63—Repeal of *Gift Duty Act 1968*

The *Gift Duty Act 1968* is repealed.



## Part 14—Amendment of *Heritage Places Act 1993*

### 64—Amendment of section 7—Proceedings of Council

- (1) Section 7—delete subsection (5) and substitute:
- (5) A conference by telephone or other electronic means between the members of the Council will, for the purposes of this section, be taken to be a meeting of the Council at which the participating members are present if—
    - (a) notice of the conference is given to all members in the manner determined by the Council for the purpose; and
    - (b) each participating member is capable of communicating with every other participating member during the conference.
  - (5a) A proposed resolution of the Council in connection with a prescribed urgent matter becomes a valid decision of the Council despite the fact that it is not voted on at a meeting of the Council if—
    - (a) notice of the proposed resolution is given to all members of the Council in accordance with procedures determined by the Council; and
    - (b) a majority of the members express concurrence in the proposed resolution by letter, fax, e-mail or other written communication setting out the terms of the resolution.
- (2) Section 7(6)—delete "The Council may order that the public be excluded from a meeting" and substitute:
- A meeting of the Council is to be open to the public unless the Council considers it necessary and appropriate to exclude the public
- (3) Section 7—after subsection (8) insert:
- (9) In this section—

***prescribed urgent matter*** means—

    - (a) the provisional entry of a place in the Register under section 17(2)(b); or
    - (b) the making of an order under section 30(1).

## Part 15—Repeal of *Industries Development Act 1941*

### 65—Repeal of *Industries Development Act 1941*

The *Industries Development Act 1941* is repealed.

## **Part 16—Amendment of *Land Agents Act 1994***

### **66—Amendment of section 9—Duration of registration and annual fee and return**

Section 9(3)—delete "and, in addition, to pay to the Commissioner the amount fixed by regulation as a penalty for default"

### **67—Amendment of section 22—Audit of trust accounts**

- (1) Section 22(4)—delete "and, in addition, to pay to the Commissioner the amount fixed by the regulations as a civil penalty for the default"
- (2) Section 22(7)—delete subsection (7)

## **Part 17—Amendment of *Local Nuisance and Litter Control Act 2016***

### **68—Amendment of section 50—Evidentiary provisions**

Section 50(1)—delete "(1)(a) or section 17(1)(b)"

### **69—Amendment of section 51—Regulations**

- (1) Section 51(2)—after paragraph (e) insert:
  - (ea) include evidentiary provisions to facilitate proof of breaches of the Act or the regulations for the purposes of proceedings for offences;
  - (eb) contain provisions of a savings or transitional nature;
- (2) Section 51(4)(e) and (f)—delete paragraphs (e) and (f)

## **Part 18—Amendment of *Major Events Act 2013***

### **70—Amendment of section 4—Interpretation**

- (1) Section 4(1), definition of *controlled area*—delete "section" and substitute:  
sections 6B(2) and
- (2) Section 4(1)—after the definition of *controlled area* insert:  
*council* has the same meaning as in the *Local Government Act 1999*;  
*declaration*, of a major event, means a declaration under Part 2—
  - (a) made by the Minister by notice in the Gazette under section 6B; or
  - (b) made by the Governor by regulation under section 7;
- (3) Section 4(1), definition of *event organiser*—delete "regulations" and substitute:  
declaration relating to the event
- (4) Section 4(1), definition of *major event*—delete "the regulations" and substitute:  
a declaration under Part 2

- (5) Section 4(1), definition of *major event period*—delete the definition and substitute:

*major event period*, for a major event, means the period specified in the declaration relating to the event as the period during which the declaration is in force;

## **71—Substitution of section 5**

Section 5—delete the section and substitute:

### **5—Meaning of major event venue**

For the purposes of this Act, a *major event venue* is—

- (a) any of the following that is, in the declaration of a major event under Part 2, declared to be a major event venue:
  - (i) a venue or facility used for the conduct of the event (including ancillary, service or related areas used in connection with such a venue or facility);
  - (ii) a media centre or other communications facility for the media for the event;
  - (iii) physical infrastructure associated with the event; and
- (b) a public place, or any part of a public place, that is within 50 metres of a major event venue, being a public place, or part of a public place, specified in the declaration for the purposes of this paragraph; and
- (c) any other place specified in the declaration for the purposes of this definition,

but is only such a venue during the relevant declared period.

## **72—Substitution of heading to Part 2**

Heading to Part 2—delete the heading and substitute:

### **Part 2—Declaration of major events**

## **73—Insertion of sections 6A and 6B**

Before section 7 insert:

### **6A—Declaration of major events**

A declaration of an event as a major event for the purposes of this Act may be made—

- (a) by the Minister by notice in the Gazette under section 6B; or
- (b) by the Governor by regulation under section 7.

## 6B—Declaration of major event by Minister

- (1) The Minister may, by notice in the Gazette—
  - (a) declare an event to be a major event for the purposes of this Act; and
  - (b) specify the major event period for the event; and
  - (c) declare a major event venue for the purposes of the event; and
  - (d) designate a person as the event organiser for the event; and
  - (e) declare that specified roads will be closed to traffic for a specified period—
    - (i) for the purposes of the event; and
    - (ii) for the purposes of maintaining good order, or preventing interference with events or activities conducted, at the major event venue; and
  - (f) declare that Part 3, or a provision of Part 3, applies to any (or all) of the following:
    - (i) the event;
    - (ii) the major event venue for the event;
    - (iii) a specified controlled area for the event; and
  - (g) declare an area described, or shown on a map, in the notice to be a ***controlled area*** for the event; and
  - (h) declare an article of a prescribed class to be a ***prescribed article*** in relation to the event; and
  - (i) declare a prescribed period to be a ***sales control period*** in relation to the event; and
  - (j) declare airspace that is within unaided sight of a major event venue for the event to be ***advertising controlled airspace*** for the period specified in the notice for the purposes of this paragraph; and
  - (k) make any other declaration in relation to the event as is contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) A controlled area declared for a major event may include—
  - (a) a road or road-related area; and
  - (b) a bridge, footpath or other thoroughfare; and
  - (c) any other public place, or part of any other public place, within the vicinity of a major event venue for the event.
- (3) Before making a declaration under this section, the Minister must consult with the council in whose area the event is to be held or whose area will be directly affected by the holding of the event.

- (4) Without limiting subsection (1)(b), a major event period may include a period to set up or prepare for the major event and to pack up or clean up after the event and to replace, restore or remove any infrastructure or equipment.
- (5) A notice under this section may be varied or revoked by further notice in the Gazette.

#### **74—Amendment of section 7—Declaration of major event by regulation**

- (1) Section 7(1)—delete subsection (1)
- (2) Section 7(2)—delete "Without limiting the generality of subsection (1), the regulations may" and substitute:

The Governor may, by regulation—
- (3) Section 7(2)(h)—delete "close specified roads" and substitute:

declare that specified roads will be closed
- (4) Section 7(3)—delete "Without limiting the generality of the previous subsections, regulations" and substitute:

Regulations
- (5) Section 7(3)(b)—delete paragraph (b) and substitute:
  - (b) declare an area described, or shown on a map, in the regulations to be a *controlled area* for the event; and
- (6) Section 7(7) and (8)—delete subsections (7) and (8)
- (7) Section 7(10)—delete subsection (10)

#### **75—Insertion of section 28**

After section 27 insert:

##### **28—Regulations**

- (1) The Governor may make such regulations as are contemplated by, or necessary or expedient for the purposes of, this Act.
- (2) The regulations may—
  - (a) be of general or limited application; and
  - (b) make different provision according to the persons, things or circumstances to which they are expressed to apply; and
  - (c) provide that any matter or thing is to be determined, dispensed with, regulated or prohibited according to the discretion of the Minister or another prescribed person or authority.

- (3) In proceedings for an offence against a regulation dealing with the driving, parking or standing of vehicles—
  - (a) an allegation in a complaint that a person named in the complaint was the owner of a specified vehicle on a specified day will be taken to be proved in the absence of proof to the contrary; and
  - (b) if it is proved that a vehicle was parked in contravention of a regulation, it will be presumed, in the absence of proof to the contrary, that the vehicle was so parked by the owner of the vehicle.

## Part 19—Amendment of *Motor Vehicles Act 1959*

### 76—Amendment of section 5—Interpretation

- (1) Section 5(1), definition of *voluntary alcohol interlock scheme conditions*—delete the definition
- (2) Section 5—after subsection (4) insert:
  - (5) Subject to subsection (6), a licence, permit, exemption or other authorisation or document issued under this Act may be issued—
    - (a) in the form of a physical document or item; or
    - (b) in electronic form; or
    - (c) in both the form of a physical document or item and in electronic form.
  - (6) Part 3 of the *Electronic Communications Act 2000* applies in relation to the issue of a licence, permit, exemption or other authorisation or document under this Act in electronic form (and a licence, permit, exemption or other authorisation or document under this Act will only be issued in electronic form if the requirements of section 18 of that Act are satisfied).
  - (6a) The regulations may provide that specified provisions of this Act apply with modifications prescribed by the regulations to a licence, permit, exemption or other authorisation or document issued under this Act—
    - (a) in electronic form; or
    - (b) in the form of a physical document or item where the licence, permit, exemption or other authorisation or document has also been issued in electronic form.

## **77—Amendment of section 9—Duty to register**

- (1) Section 9(1a)—delete subsection (1a) and substitute:
- (1a) However, subsection (1) does not apply to a person who drives a motor vehicle, or causes a motor vehicle to stand, if the person proves that the person—
    - (a) drove the motor vehicle, or caused the motor vehicle to stand, in prescribed circumstances; and
    - (b) did not know that the motor vehicle was unregistered.
- (2) Section 9(1c) and (2)—delete subsections (1c) and (2) and substitute:
- (1c) It is a defence to a charge of an offence against subsection (1) if the defendant was not a registered owner or the registered operator of the vehicle and the defendant proves that the defendant did not know, and could not reasonably be expected to have known, that the vehicle was unregistered.

## **78—Amendment of section 16—Permits to drive vehicles without registration**

Section 16(7)—delete subsection (7) and substitute:

- (7) A permit issued under this section will cease to have any force or effect—
- (a) in the case of a permit issued under subsection (1)—
    - (i) when information becomes publicly available (in a manner prescribed by regulation) that the motor vehicle has been registered; or
    - (ii) when the period specified in the permit expires, whichever occurs first;
  - (b) in the case of a permit issued under subsection (2)—
    - (i) when information becomes publicly available (in a manner prescribed by regulation) that the motor vehicle has been registered; or
    - (ii) on the expiration of the prescribed period, whichever occurs first.

## **79—Repeal of Part 2 Division 9**

Part 2 Division 9—delete Division 9

## **80—Amendment of heading**

Heading to Part 2 Division 12—delete ", labels"

## **81—Amendment of section 71A—Property in plates and documents**

Section 71A—delete ", registration labels"

## **82—Amendment of section 71B—Replacement of plates and documents**

- (1) Section 71B(1)—delete ", prescribed document or registration label" and substitute:  
or prescribed document
- (2) Section 71B(1)—delete "or a duplicate registration label"
- (3) Section 71B(2)—delete "or duplicate label"
- (4) Section 71B(2)—delete ", document or label" and substitute:  
or document

## **83—Amendment of section 75AA—Only 1 licence to be held at any time**

Section 75AA—after subsection (6) insert:

- (7) A requirement to surrender a permit or licence under this section only applies in relation to a permit or licence that is held in the form of a physical document or item.
- (8) Nothing in this section affects the ability of the Registrar to issue—
  - (a) to a person who holds a permit or licence issued in the form of a physical document or item the same permit or licence in electronic form (without surrender of the permit or licence issued in the form of a physical document or item); or
  - (b) to a person who holds a permit or licence issued in electronic form the same permit or licence in the form of a physical document or item (without surrender of the permit or licence issued in electronic form).

## **84—Amendment of section 102—Duty to insure against third party risks**

- (1) Section 102(1a)—delete subsection (1a) and substitute:
  - (1a) However, subsection (1) does not apply to a person who drives a motor vehicle, or causes a motor vehicle to stand, if the person proves that the person—
    - (a) drove the motor vehicle, or caused the motor vehicle to stand, in prescribed circumstances; and
    - (b) did not know that the motor vehicle was uninsured.
- (2) Section 102(1c)—delete subsection (1c) and substitute:
  - (1c) It is a defence to a charge of an offence against subsection (1) if the defendant was not a registered owner or the registered operator of the vehicle and the defendant proves that the defendant did not know, and could not reasonably be expected to have known, that the vehicle was uninsured.

## **85—Amendment of section 138B—Effect of dishonoured cheques etc on transactions under the Act**

- (1) Section 138B(4)—delete "label," wherever occurring
- (2) Section 138B(6)—delete "label," wherever occurring



**86—Amendment of section 141—Evidence by certificate etc**

Section 141(h)—delete paragraph (h)

**87—Amendment of section 142—Facilitation of proof**

Section 142(a)—delete paragraph (a) and substitute:

- (a) proof that a motor vehicle does not bear a distinguishing number as prescribed by this Act, or that a motor vehicle bears a number other than the number issued under this Act in respect of that motor vehicle is, in the absence of proof to the contrary, proof that the motor vehicle is not registered;

**88—Amendment of section 145—Regulations**

Section 145(1)(b)—delete "or a registration label or permit" and substitute:

or a permit

**89—Repeal of Schedule 6**

Schedule 6—delete the Schedule

**90—Transitional provision**

A registration label issued under section 48 of the *Motor Vehicles Act 1959* (the Act) in relation to a heavy vehicle (within the meaning of the Act) is not, after the commencement of section 79 of this Act, taken to be a registration label for the purposes of the Act.

**Part 20—Repeal of *Mount Gambier Hospital Hydrotherapy Pool Fund Act 2009***

**91—Repeal of *Mount Gambier Hospital Hydrotherapy Pool Fund Act 2009***

The *Mount Gambier Hospital Hydrotherapy Pool Fund Act 2009* is repealed.

**Part 21—Repeal of *Naracoorte Town Square Act 2005***

**92—Repeal of *Naracoorte Town Square Act 2005***

The *Naracoorte Town Square Act 2005* is repealed.

**Part 22—Amendment of *National Parks and Wildlife Act 1972***

**93—Amendment of section 34A—Constitution of regional reserves by proclamation**

Section 34A(5)—delete subsection (5)

**Part 23—Amendment of *Natural Gas Authority Act 1967***

**94—Repeal of section 22**

Section 22—delete the section

## **Part 24—Amendment of *Plant Health Act 2009***

### **95—Amendment of section 21—Periodic fees and returns**

Section 21(1)—delete "for each period fixed by regulation and not later than the date fixed by regulation"

in each year, on or before the first day of the month following the anniversary of the date on which the person was granted accreditation

### **96—Amendment of section 29—Periodic fees and returns**

Section 29(1)—delete "for each period fixed by regulation and not later than the date fixed by regulation"

in each year, on or before the first day of the month following the anniversary of the date on which the person was granted registration

## **Part 25—Amendment of *Plumbers, Gas Fitters and Electricians Act 1995***

### **97—Amendment of section 6—Obligation of contractors to be licensed**

Section 6—after subsection (2) insert:

- (3) The Commissioner may, on application, exempt a person from compliance with this section subject to such conditions as the Commissioner thinks fit.
- (4) The Commissioner may vary or revoke an exemption granted under subsection (3) as the Commissioner thinks fit.

### **98—Amendment of section 11—Duration of licence and periodic fee and return etc**

Section 11(3)—delete "and, in addition, to pay to the Commissioner the amount fixed by regulation as a penalty for default"

### **99—Amendment of section 18—Duration of registration and periodic fee and return etc**

Section 18(3)—delete "and, in addition, to pay to the Commissioner the amount fixed by regulation as a penalty for default"

## **Part 26—Amendment of *Public Corporations Act 1993***

### **100—Amendment of section 38B—Exclusion of operation of Commonwealth industrial relations legislation in specified cases**

Section 38B(1)(c)—delete paragraph (c) and substitute:

- (c) the *Urban Renewal Authority*.

## **Part 27—Amendment of *Rail Commissioner Act 2009***

### **101—Insertion of section 16A**

After section 16 insert:

#### **16A—Standing approvals etc**

If a provision of this Act confers a power on the Commissioner the exercise of which requires the approval or consent of the Minister, the Minister may, if the Minister thinks fit, give a standing approval or consent, subject to such conditions (if any) as the Minister thinks fit to impose, to cover the exercise of that power from time to time.

## **Part 28—Amendment of *Road Traffic Act 1961***

### **102—Repeal of section 83A**

Section 83A—delete the section

## **Part 29—Amendment of *Rural Advances Guarantee Act 1963***

### **103—Amendment of section 2—Interpretation**

- (1) Section 2, definition of *bank*, (b)—delete ", on the recommendation of the Committee"
- (2) Section 2, definition of *the Committee*—delete the definition

### **104—Amendment of section 3—Treasurer may guarantee repayment of loan**

Section 3(2)(e)—delete paragraph (e)

### **105—Repeal of section 5**

Section 5—delete the section

### **106—Amendment of section 7—Treasurer may agree to deferment of interest or principal**

Section 7(b)—delete paragraph (b)

## **Part 30—Amendment of *Second-hand Vehicle Dealers Act 1995***

### **107—Amendment of section 3—Interpretation**

- (1) Section 3—after the definition of *model designation* insert:

*notified premises*, in relation to a dealer, means premises in relation to which the dealer has given notice to the Commissioner as required by section 14;
- (2) Section 3, definition of *registered premises*—delete the definition

**108—Amendment of section 11—Duration of licence and annual fee and return**

Section 11(3)—delete "and, in addition, to pay to the Commissioner the amount fixed by regulation as a penalty for default"

**109—Substitution of Part 2 Division 2**

Part 2 Division 2—delete Division 2 and substitute:

**Division 2—Notification of dealer's business premises**

**14—Notification of business premises**

- (1) A licensed dealer must, before commencing to carry on business as a dealer at any premises, give the Commissioner notice in relation to the premises as required by this section.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) A licensed dealer may carry on business as a dealer at—

- (a) a motor show; or  
(b) any other organised event at which motor vehicles are exhibited,

for a period not exceeding 7 days without complying with subsection (1) in relation to the premises at which the motor show or other event is being held provided that the dealer also carries on business as a dealer at premises in relation to which the dealer has given notice under that subsection.

- (3) A licensed dealer is not required to comply with subsection (1) in relation to premises in relation to which information was provided to the Commissioner by the dealer as part of an application for a licence to carry on business as a dealer.

- (4) A licensed dealer must, within 14 days after ceasing to carry on business as a dealer at premises in relation to which the dealer has given notice under subsection (1), give the Commissioner notice of that fact.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (5) Notice under this section must be given in a manner and form approved by the Commissioner.

**110—Amendment of section 17—Form of contract**

Section 17(1)(d)(viii)—delete "registered" and substitute:

business

**111—Amendment of section 24—Enforcement of duty to repair**

Section 24(1)(b)—delete "registered" and substitute:

business

**112—Amendment of section 27—Cause for disciplinary action**

Section 27(1)(g)—delete paragraph (g)

**113—Amendment of section 31—Disciplinary action**

Section 31(1)(c)(iii) and (iv)—delete subparagraphs (iii) and (iv)

**114—Amendment of section 39—Register of dealers**

(1) Section 39(1)—delete subsection (1) and substitute:

(1) The Commissioner must keep a register of persons licensed as dealers under this Act.

(2) Section 39(2)—after paragraph (b) insert:

(c) details of premises in relation to which licensed dealers have given notice as required by section 14.

**115—Amendment of section 50—Evidence**

Section 50(2)(b)—delete paragraph (b) and substitute:

(b) that premises were or were not notified premises on a specified date,

**116—Amendment of Schedule 3—Second-hand Vehicles Compensation Fund**

(1) Schedule 3, clauses 2 and 2A—delete the clauses and substitute:

**2—Claim against Fund**

(1) A person (not being a dealer) who has—

- (a) purchased a second-hand vehicle from a dealer; or
- (b) made a payment to a dealer in respect of the purchase of a second-hand vehicle under a contract that has been rescinded in accordance with section 18B; or
- (c) sold a second-hand vehicle to a dealer; or
- (d) left a second-hand vehicle in a dealer's possession to be offered for sale by the dealer on behalf of the person,

may make a claim for compensation from the Fund in respect of an unsatisfied claim against the dealer arising out of or in connection with the transaction.

(2) A claim for compensation from the Fund must—

- (a) be made to the Commissioner; and
- (b) be made in a manner and form determined by the Commissioner.

- (3) This Schedule—
- (a) applies to a claim relating to a transaction only if the dealer was licensed, or the claimant reasonably believed the dealer to have been licensed, at the time of the transaction;
  - (b) does not apply to a claim arising out of or in connection with—
    - (i) the sale of a second-hand vehicle by auction; or
    - (ii) the sale of a second-hand vehicle negotiated immediately after an auction for the sale of the vehicle was conducted,  
  
if the auctioneer who conducted the auction or negotiated such a sale (as the case may be) was acting as an agent only and was selling the vehicle on behalf of another person who was not a licensed dealer;
  - (c) does not apply to a claim prescribed by regulation.
- (4) The Commissioner may require a person making a claim—
- (a) to furnish further information specified by the Commissioner; and
  - (b) to verify, by statutory declaration, information furnished for the purposes of making or establishing a claim.
- (5) The Commissioner must, on receipt of a claim for compensation—
- (a) give the claimant and the dealer or former dealer concerned notice of the claim; and
  - (b) allow the claimant and the dealer or former dealer a reasonable opportunity to make submissions as to the claim.
- (6) The Commissioner must, on making a determination on a claim, give the claimant and the dealer or former dealer written notice of the determination.
- (7) In determining a claim for compensation under this clause, any possible reduction to which the claimant's entitlement may be subject because of insufficiency of the Fund must be disregarded.
- (8) In determining a claim for compensation under this clause, questions of fact are to be decided on the balance of probabilities.
- (9) If the Commissioner is satisfied that—
- (a) the claimant has a valid unsatisfied claim against the dealer arising out of or in connection with the transaction; and
  - (b) the claimant has no reasonable prospect of recovering the amount of the claim (except under this Schedule),

the Commissioner may make a determination authorising a payment to the claimant from the Fund.

- (10) The claimant or the dealer or former dealer concerned may, within 3 months after receiving notice of the Commissioner's determination, appeal to the Magistrates Court against the determination.
  - (11) If an appeal is not instituted within the time allowed, the claimant's entitlement to compensation is finally determined for the purposes of this Schedule.
- (2) Schedule 3, clause 5(1)—delete "Magistrates Court" and substitute:  
Commissioner
- (3) Schedule 3, clause 5(1)—delete "order or"

### **117—Transitional provision**

A person licensed under the *Second-hand Vehicle Dealers Act 1995* (the *Act*) as a dealer immediately before the commencement of this section is not required to give notice under section 14(1) of the Act in relation to premises that were, immediately before that commencement, registered under the Act in the name of that person.

## **Part 31—Amendment of *Security and Investigation Industry Act 1995***

### **118—Amendment of section 7C—Annual fee and return**

Section 7C(2)—delete "and, in addition, to pay to the Commissioner the amount fixed by regulation as a penalty for default"

### **119—Amendment of section 11A—Power of Commissioner to require photograph and information**

Section 11A(3)—delete "and, in addition, to pay to the Commissioner the amount fixed by regulation as a penalty for default"

### **120—Amendment of section 23AAA—Entitlement to provide security industry training**

Section 23AAA(11)(b)—delete "and, in addition, to pay to the Commissioner the amount fixed by regulation as a penalty for default"

### **121—Amendment of section 23S—Security agents, security industry trainers or directors may be required to provide fingerprints**

Section 23S(3)—delete "and, in addition, to pay to the Commissioner the amount fixed by regulation as a penalty for default"

### **122—Amendment of section 23T—Security agent authorised to control crowds may be required to take part in psychological assessment or to undertake training**

Section 23T(2)—delete "and, in addition, to pay to the Commissioner the amount fixed by regulation as a penalty for default"

## **Part 32—Repeal of *Software Centre Inquiry (Powers and Immunities) Act 2001***

### **123—Repeal of *Software Centre Inquiry (Powers and Immunities) Act 2001***

The *Software Centre Inquiry (Powers and Immunities) Act 2001* is repealed.

## **Part 33—Repeal of *South Australian Meat Corporation (Sale of Assets) Act 1996***

### **124—Repeal of *South Australian Meat Corporation (Sale of Assets) Act 1996***

The *South Australian Meat Corporation (Sale of Assets) Act 1996* is repealed.

## **Part 34—Repeal of *South Australian Meat Corporation Act 1936***

### **125—Repeal of *South Australian Meat Corporation Act 1936***

The *South Australian Meat Corporation Act 1936* is repealed.

## **Part 35—Amendment of *Stamp Duties Act 1923***

### **126—Amendment of section 2—Interpretation**

- (1) Section 2(1), definition of *intellectual property*—delete the definition
- (2) Section 2(1), definition of *property*, (a)—delete paragraph (a)
- (3) Section 2(1), definition of *recognised financial market*, (a)—delete "Australian Stock Exchange Limited" and substitute:

Australian Securities Exchange Limited

### **127—Repeal of section 3C**

Section 3C—delete the section

### **128—Amendment of section 31—Certain contracts to be chargeable as conveyances on sale**

- (1) Section 31(1)(b)—delete paragraph (b)
- (2) Section 31(1)(c)—delete "or financial products"

### **129—Repeal of Part 3 Division 2**

Part 3 Division 2—delete Division 2

### **130—Amendment of section 67—Computation of duty where instruments are interrelated**

Section 67(2)(b) and (c)—delete paragraphs (b) and (c)

### **131—Amendment of section 71—Instruments chargeable as conveyances**

- (1) Section 71(4)—delete ", a financial product" wherever occurring



- (2) Section 71(5)(c)—delete paragraph (c)
- (3) Section 71(11) and (11a)—delete subsections (11) and (11a)

**132—Repeal of section 71C**

Section 71C—delete the section

**133—Repeal of Part 3 Division 7**

Part 3 Division 7—delete Division 7

**134—Repeal of Part 3 Division 10**

Part 3 Division 10—delete Division 10

**135—Repeal of Part 3A**

Part 3A—delete the Part

**136—Repeal of Part 4A Divisions 1 and 2**

Part 4A Divisions 1 and 2—delete Divisions 1 and 2

**137—Amendment of section 104B—Application of Division**

Section 104B(2)—delete "financial product,"

**138—Repeal of Part 4A Divisions 4 and 5**

Part 4A Divisions 4 and 5—delete Divisions 4 and 5

**139—Amendment of Schedule 2—Stamp duties and exemptions**

- (1) Schedule 2, clause 3(1)—after "including contract or agreement for sale" insert:
  - , or conveyance operating as a voluntary disposition *inter vivos* of any property (including a statement under Part 4)
- (2) Schedule 2, clause 3(1)(a)—delete paragraph (a)
- (3) Schedule 2, clause 3(1)(b)—delete "in any other case (not being a conveyance or transfer on sale of any financial product)—"
- (4) Schedule 2, clause 3(2)—after exemption 2 insert:
  - 3. Conveyance operating as a voluntary disposition *inter vivos* by an employer of any property for the purpose of providing individual personal benefits, pensions or retiring allowances for the employer's employees.
- (5) Schedule 2, clause 4—delete the clause
- (6) Schedule 2, clause 11—delete the clause

**140—Transitional provision**

An amendment to the *Stamp Duties Act 1923* made by this Part does not affect any liability to pay duty that existed under that Act as in force immediately before the commencement of the amendment.

## **Part 36—Amendment of *Survey Act 1992***

### **141—Amendment of section 4—Interpretation**

Section 4(1), definition of *Survey Advisory Committee*—delete the definition

### **142—Repeal of Part 2 Division 2**

Part 2 Division 2—delete Part 2 Division 2

### **143—Amendment of section 10—Functions of Institution of Surveyors under Act**

Section 10(1)—delete subsection (1) and substitute:

- (1) The Institution of Surveyors is responsible for—
  - (a) monitoring the operation of this Act and the law relating to surveying; and
  - (b) exercising a general oversight over surveying, and the keeping of survey records, in this State; and
  - (c) monitoring the operation of survey instructions in force under this Act; and
  - (d) exercising a general oversight over the professional practice of surveyors; and
  - (e) monitoring the standards of courses of instruction and training available to—
    - (i) those seeking licensing or registration as surveyors; and
    - (ii) surveyors seeking to maintain or improve their skills in surveying practice; and
  - (f) consulting with educational authorities in relation to the establishment, maintenance or improvement of courses referred to in paragraph (e); and
  - (g) making recommendations to the Minister with respect to the matters referred to in the preceding paragraphs; and
  - (h) providing financial and other assistance for the conduct by a university of, or participation of a student in, a course of instruction and training that provides qualifications for licensing or registration as a surveyor, and otherwise promoting surveying as a career, as agreed with the Minister; and
  - (i) carrying out such other functions as are assigned to it by this Act.

**144—Amendment of section 43—Survey instructions**

Section 43(4)—delete "*Survey Advisory Committee*" and substitute:

Institution of Surveyors

**Part 37—Repeal of *Wilpena Station Tourist Facility Act 1990***

**145—Repeal of *Wilpena Station Tourist Facility Act 1990***

The *Wilpena Station Tourist Facility Act 1990* is repealed.

**Part 38—Repeal of *Year 2000 Information Disclosure Act 1999***

**146—Repeal of *Year 2000 Information Disclosure Act 1999***

The *Year 2000 Information Disclosure Act 1999* is repealed.