

South Australia

Outback Communities (Administration and Management) Regulations 2010

under the *Outback Communities (Administration and Management) Act 2009*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Outback Communities (Administration and Management) Regulations 2010*.

2—Commencement

These regulations will come into operation on the day on which the *Outback Communities (Administration and Management) Act 2009* comes into operation.

3—Interpretation

In these regulations—

Act means the *Outback Communities (Administration and Management) Act 2009*.

Part 2—Definition of outback

4—Definition of outback (section 3 of Act)

The following areas are declared not to be part of the outback:

- (a) Yalata Reserve, being the following Sections:
 - Sections 11 and Sections 24 to 30 (inclusive), Hundred of Bice
 - Section 43, Hundred of Caldwell
 - Sections 14 and 23 to 35 (inclusive), Hundred of Lucy
 - Sections 2, 5 and 9 to 13 (inclusive) Hundred of May
 - Sections 17, 18, 23, 24 and 35 to 37 (inclusive), Hundred of Sturdee
 - Sections 3, 4, 6 and 8 to 13 (inclusive), Hundred of Trunch
 - Section 728 Out of Hundreds (Nullarbor);
- (b) the Gerard Community area, being Sections 72, 80, 83 and 84, Hundred of Katarapko;
- (c) the Nepabunna, Iga Warta and Nantawarrina areas, being Sections 439 and 488, Out of Hundreds (Copley) and Block 1219, Out of Hundreds (Copley);
- (d) the following islands:
 - Althorpe Islands, Out of Hundreds (Kingscote)
 - Ball Island, Hundred of Moorook
 - Beatrice Islet, Hundred of Menzies
 - Bikini Islets, Out of Hundreds (Maitland)
 - Bird Island, Out of Hundreds (Whyalla)
 - Black Rocks, Out of Hundreds (Lincoln)
 - Boat Creek Island, Out of Hundreds (Chowilla)
 - Boston Island, Hundred of Lincoln
 - Bulyong Island, Out of Hundreds (Renmark)
 - Busby Islet, Out of Hundreds (Kingscote)
 - Cap Island, Out of Hundreds (Kimba)
 - Chain Islet, Out of Hundreds (Kingscote)
 - Chowilla Island, Out of Hundreds (Chowilla)
 - Cowrie Island, Out of Hundreds (Penola)
 - Cumlell Island, Out of Hundreds (Renmark)
 - Dog Island, Out of Hundreds (Nuyts)
 - Dorothee Island, Out of Hundreds (Elliston)
 - Egg Island, Out of Hundreds (Nuyts)

Erna Island, Out of Hundreds (Torrens)
Evans Island, Out of Hundreds (Nuyts)
Eyre Island, Out of Hundreds (Streaky Bay)
Fenelon Island, Out of Hundreds (Nuyts)
Flinders Island, Out of Hundreds (Elliston)
Forbys Island, Hundred of Pyap
Four Hummocks, Out of Hundreds (Lincoln)
Franklin Islands, Out of Hundreds (Streaky Bay)
Freeling Island, Out of Hundreds (Nuyts)
Gambier Islands, Out of Hundreds (Neptune)
Garden Island, Hundred of Port Adelaide
Goat Island, Out of Hundreds (Streaky Bay)
Goat Island, Out of Hundreds (Penola)
Goat Island, Hundred of Paringa
Goose Island, Out of Hundreds (Maitland)
Grand Junction Island, Out of Hundreds (Chowilla)
Grantham Island, Hundred of Lincoln
Green Island, Out of Hundreds (Maitland)
Greenly Island, Out of Hundreds (Greenly)
Hart Island, Out of Hundreds (Nuyts)
Haystack Island, Out of Hundreds (Kingscote)
Hunchee Island, Out of Hundreds (Renmark)
Hypurna Island, Out of Hundreds (Renmark)
Investigator Group, Out of Hundreds (Elliston)
Isle of Man, Out of Hundreds (Chowilla)
Isles of St Francis, Out of Hundreds (Nuyts)
Kylie Island, Out of Hundreds (Renmark)
Lacy Islands, Out of Hundreds (Nuyts)
Lipson Island, Out of Hundreds (Lincoln)
Little Eyre Island, Out of Hundreds (Streaky Bay)
Little Goose Island, Out of Hundreds (Maitland)
Little Hunchee Island, Out of Hundreds (Renmark)
Longwang Island, Out of Hundreds (Renmark)
Lound Island, Out of Hundreds (Nuyts)
Louth Island, Hundred of Louth

Masillon Island, Out of Hundreds (Nuyts)
Media Island, Hundred of Gordon
Middle Island, Out of Hundreds (Kingscote)
Monoman Island, Out of Hundreds (Chowilla)
Mystery Island, Hundred of Crozier
Nelbuck Island, Out of Hundreds (Renmark)
Neptune Islands, Out of Hundreds (Neptune)
Newena Island, Out of Hundreds (Chowilla)
Nobby Island, Out of Hundreds (Kingscote)
North Neptune Islands, Out of Hundreds (Neptune)
North Page, Out of Hundreds (Barker)
Nynes Island, Hundred of Loveday
Pearson Isles, Out of Hundreds (Elliston)
Penguin Island, Out of Hundreds (Penola)
Perforated Island, Out of Hundreds (Lincoln)
Pigface Island, Out of Hundreds (Streaky Bay)
Punkah Island, Out of Hundreds (Chowilla)
Purdie Islands, Out of Hundreds (Nuyts)
Rabbit Island, Out of Hundreds (Lincoln)
Reevesby Island, Out of Hundreds (Lincoln)
Reny Island, Out of Hundreds (Renmark)
Rocky Island, Out of Hundreds (Maitland)
Royston Island, Out of Hundreds (Kingscote)
Seal Island, Out of Hundreds (Kingscote)
Shag Island, Out of Hundreds (Whyalla)
Sinclair Island, Out of Hundreds (Nuyts)
Sir Joseph Banks Group, Out of Hundreds (Lincoln)
Slaney Island, Out of Hundreds (Chowilla)
Smooth Island, Out of Hundreds (Nuyts)
South Neptune Islands, Out of Hundreds (Neptune)
South Page, Out of Hundreds (Barker)
Spilsby Island, Out of Hundreds (Lincoln)
St Francis Island, Out of Hundreds (Nuyts)
St Peter Island, Out of Hundreds (Streaky Bay)
The Brothers, Out of Hundreds (Lincoln)

The Four Hummocks, Out of Hundreds (Lincoln)
The Monuments, Out of Hundreds (Kingscote)
The Pages, Out of Hundreds (Barker)
Thistle Island, Out of Hundreds (Lincoln)
Thurk Island, Hundred of Moorook
Torrens Island, Hundred of Port Adelaide
Tumby Island, Out of Hundreds (Lincoln)
Veteran Isles, Out of Hundreds (Elliston)
Waldegrave Islands, Out of Hundreds (Elliston)
Ward Islands, Out of Hundreds (Elliston)
Wardang Island, Out of Hundreds (Maitland)
Wedge Island, Out of Hundreds (Neptune)
West Island, Out of Hundreds (Elliston)
West Island, Out of Hundreds (Nuyts)
Western Isles, Out of Hundreds (Kingscote)
Whidbey Isles, Out of Hundreds (Lincoln)
Wilperna Island, Out of Hundreds (Chowilla)
Wilperna Island, Out of Hundreds (Renmark)

Part 3—Application of Local Government Act to outback

5—Rates on land—asset sustainability levies and community contributions (section 21(6)(g) of Act)

Chapter 10 Part 1 of the *Local Government Act 1999* applies as if it formed part of Part 3 of the Act subject to the following modifications (in addition to the modifications set out in section 21(6)(a) to (f) of the Act):

- (a) heading to Chapter 10—delete "and charges"
- (b) heading to Part 1—delete "and charges"
- (c) before section 146 insert:

145A—References to Minister

In this Part—

Minister means the Minister responsible for the administration of the *Outback Communities (Administration and Management) Act 2009*.

- (d) section 146—delete "and charges"
- (e) section 146(c) and (d)—delete paragraphs (c) and (d)

- (f) section 147(2)(e)—delete "within the area of the District Council of Coober Pedy"
- (g) section 147(2)(g)—delete paragraph (g)
- (h) section 147(2)(h)—delete paragraph (h)
- (i) section 147(3) to (7) (inclusive)—delete subsections (3) to (7)
- (j) section 151(1) to (4) (inclusive)—delete subsections (1) to (4)
- (k) section 151(5)(b)—delete paragraph (b)
- (l) section 151(5)(c)—delete ", service rate or service charge"
- (m) section 151(6)(b)—delete paragraph (b)
- (n) section 151(10) and (11)—delete subsections (10) and (11)
- (o) heading to Chapter 10 Part 1 Division 3—delete "and charges"
- (p) section 152(1)—delete subsection (1)
- (q) section 152(2)—delete "under subsection (1)(c)" and substitute:
 - comprising an asset sustainability levy
- (r) section 152(2)(a)—delete "in the area"
- (s) section 152(2)(d)—delete "within the area of the council"
- (t) section 153(2)—delete subsection (2)
- (u) section 153(3) and (4)—delete subsections (3) and (4)
- (v) section 154(1) and (2)—delete subsections (1) and (2)
- (w) section 155—delete the section
- (x) section 156(1)(d)—delete paragraph (d) and substitute:
 - (c) according to any other factor (but not one based on a valuation of the land),
 - as approved by the Minister.
- (y) section 156(2)—delete subsection (2)
- (z) section 156(14a)—delete "either paragraph (a), (b) or (c)" and substitute:
 - a paragraph
- (za) section 156(14b)(b)—delete paragraph (b)
- (zb) section 158—delete the section
- (zc) section 159(6)—delete "in its area"
- (zd) section 166(1)—delete "or service charges"
- (ze) section 166(1)(l)(i)—delete "council's"
- (zf) section 166(1)(l)(ii)—delete subparagraph (ii)
- (zg) section 166(1)(n)—delete paragraph (n)
- (zh) section 166(1a)(a)—delete "council"

- (zi) section 166(2), (3) and (3a)—delete "or charges" wherever occurring
- (zj) section 166(4)—delete "or service charge"
- (zk) Division 6—delete the Division
- (zl) section 170—delete "or service charge"
- (zm) section 172(1)(a)(i)—delete "in the area"
- (zn) section 172(1)(a)(ii)—delete subparagraph (ii)
- (zo) section 172(1)(b)—delete paragraph (b)
- (zp) section 175(1)—delete "the council for the area within which the land is situated" and substitute:

the Authority

- (zq) heading to Division 9—delete "and charges"
- (zr) section 176—delete the section
- (zs) section 177(2) and (3)—delete subsections (2) and (3)
- (zt) section 179(2) and (3)—delete subsections (2) and (3)
- (zu) section 180(1)(b)—delete paragraph (b)
- (zv) section 180(1)—delete "or, in the case of a service charge, the owner or occupier of the relevant land,"
- (zw) section 180(2)—delete subsection (2)
- (zx) section 181(13)—delete "or service rates"
- (zy) section 182(3)(b)—delete paragraph (b)
- (zz) section 184(18)—delete subsection (18)
- (zza) section 185(1)—delete "current valuation of land under this Part" and substitute:

capital value of the land

- (zzb) section 186(1)(a)—delete paragraph (a)
- (zzc) section 186(2)—delete ", review" twice occurring
- (zzd) section 186(2)—delete "of a valuation or"
- (zze) section 186(2)(b)—delete "valuation or"
- (zzf) section 187—delete "or charges" wherever occurring
- (zzg) section 187—delete "and charges" wherever occurring
- (zzh) section 187(3)(e)—delete "under this Act" and substitute:

by the Authority

- (zzi) section 187A(1)—delete "1 or more councils" and substitute:

the Authority

- (zzj) section 187A(4)—delete "or councils"
- (zzk) section 187A(5)(b)—delete paragraph (b) and substitute:

- (b) the Authority,
- (zzl) section 187B(1)—delete "or service charge"
- (zzm) section 187B(7)—delete "or service charge"

6—Anti-pollution measures (section 22(d) of Act)

Chapter 11 Part 3 of the *Local Government Act 1999* applies as if it formed part of Part 3 of the Act subject to the following modifications (in addition to the modifications set out in section 22(a) to (c) of the Act):

- (a) section 235(1)—after "public place" twice occurring insert:
in the outback
- (b) section 235(4)—delete "a council in whose area the offence was committed" and substitute:
the Authority
- (c) section 236(1)—after "public place" insert:
in the outback
- (d) section 237(1)—after "place" first occurring insert:
in the outback

7—Anti-nuisance measures (section 23(e) of Act)

Chapter 12 Part 2 of the *Local Government Act 1999* applies as if it formed part of Part 3 of the Act subject to the following modifications (in addition to the modifications set out in section 23(a) to (d) of the Act):

- (a) section 254—after "doing" insert:
, in the outback,
- (b) section 256(1)—delete "Act" and substitute:
section
- (c) section 257(1)—delete "application for review" and substitute:
appeal
- (d) section 257(1)—delete "review" second and third occurring and substitute in each case:
appeal
- (e) section 257(5)(b)—delete "Schedule 6" and substitute:
Schedule 6 of the *Local Government Act 1999* as if it were a council

8—Authorised persons (section 24(2)(c) of Act)

Chapter 12 Part 3 of the *Local Government Act 1999* applies as if it formed part of Part 3 of the Act subject to the following modifications (in addition to the modifications set out in section 24(2)(a) and (b) of the Act):

- (a) section 260(6) and (7)—delete subsections (6) and (7)
- (b) section 261(1)—delete " or a by-law under this Act" wherever occurring

- (c) section 262(1)—delete " or a by-law under this Act"

9—Service of documents

The provisions of the *Local Government Act 1999* that apply as if they formed part of Part 3 of the Act are further modified as necessary so that service of documents required or authorised to be served or given under those provisions is to be in accordance with sections 279 and 280 of the *Local Government Act 1999* subject to the modification that a reference to a council in those sections is to be read as a reference to the Authority.

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 24 June 2010

No 161 of 2010

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