



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

ALL PUBLIC ACTS appearing in this GAZETTE are to be considered official, and obeyed as such

ADELAIDE, THURSDAY, 2 DECEMBER 1999

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## GOVERNMENT GAZETTE NOTICES

ALL poundkeepers' and private advertisements forwarded for publication in the *South Australian Government Gazette* must be PAID FOR PRIOR TO INSERTION; and all notices, from whatever source, should be legibly written on one side of the paper only and sent to Riverside 2000 so as to be **received no later than 4 p.m. Tuesday preceding the day of publication. Phone 8207 1045 or Fax 8207 1040. E-mail: [govgaz@riv.ssa.sa.gov.au](mailto:govgaz@riv.ssa.sa.gov.au)** Send as attachments in Word format and please confirm your transmission with a faxed copy of your document, including the date the notice is to be published and to whom the notice will be charged.

Department of the Premier and Cabinet  
Adelaide, 2 December 1999

HIS Excellency the Governor directs it to be notified for general information that he has in the name and on behalf of Her Majesty The Queen, this day assented to the undermentioned Acts passed by the Legislative Council and House of Assembly in Parliament assembled, viz.:

No. 76 of 1999—An Act to amend the Alice Springs to Darwin Railway Act 1997.

No. 77 of 1999—An Act to amend the Barley Marketing Act 1993.

No. 78 of 1999—An Act to amend the Building Work Contractors Act 1995.

No. 79 of 1999—An Act to amend the Criminal Law (Sentencing) Act 1988.

No. 80 of 1999—An Act to amend the Criminal Law Consolidation Act 1935; and to make a related amendment to the Summary Procedure Act 1921.

No. 81 of 1999—An Act to amend the Heritage Act 1993.

No. 82 of 1999—An Act to ensure payment to the Crown of certain amounts on account of the construction of a bridge between Goolwa and Hindmarsh Island; and for other purposes.

No. 83 of 1999—An Act to amend the Land Tax Act 1936.

No. 84 of 1999—An Act to amend the Legal Practitioners Act 1981.

No. 85 of 1999—An Act to amend the Prevention of Cruelty to Animals Act 1985.

No. 86 of 1999—An Act to amend the Southern State Superannuation Act 1994.

No. 87 of 1999—An Act to amend the Southern State Superannuation Act 1994 and the Superannuation (Visiting Medical Officers) Act 1993.

No. 88 of 1999—An Act to amend The Flinders University of South Australia Act 1966, the Ombudsman Act 1972, the University of Adelaide Act 1971 and the University of South Australia Act 1990.

By command,

IAIN EVANS, for Premier

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STATUTES AMENDMENT (ELECTRICITY) ACT 1999  
(Act No. 74 of 1999): DAY OF COMMENCEMENT

*Proclamation By The Governor*

(L.S.) E. J. NEAL

WITH the advice and consent of the Executive Council, I:

(a) fix 2 December 1999 as the day on which the *Statutes Amendment (Electricity) Act 1999* will come into operation; and

(b) suspend the operation of sections 5 to 11 (inclusive), 12(2) and (3), 14 and 20 of that Act until a day to be fixed by subsequent proclamation.

Given under my hand and the Public Seal of South Australia, at Adelaide, 2 December 1999.

By command,

IAIN EVANS, for Premier

T&F 108/99 CS

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ASSOCIATIONS INCORPORATION ACT 1985

*Order pursuant to Subsection 42 (2)*

WHEREAS the Corporate Affairs Commission ('the Commission') pursuant to subsection 42 (1) of the Associations Incorporation Act 1985 ('the Act') is of the opinion that the undertaking of Electronics Association of South Australia Incorporated ('the association') being an incorporated association under the Act would more appropriately be carried on by a body corporate incorporated under the Corporations Law of South Australia and whereas the Commission was on 7 September 1999 requested by the association to transfer its undertaking to Electronics Industry Association (ACN 081 177 326) the Commission pursuant to subsection 42 (2) of the Act doth hereby order that the undertaking of Electronics Association of South Australia Incorporated be transferred to Electronics Industry Association.

Given at Adelaide, 25 November 1999.

A. J. GRIFFITHS, Delegate of the Corporate Affairs Commission

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FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00060  
(PREVIOUS LICENCE NO. F717)

*Licence to Farm Fish under section 53 of the Fisheries Act 1982*

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Item 1 of Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the undermentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

Evans Oysters Pty Ltd (7618)  
79 Wells Street  
Streaky Bay, S.A. 5606,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 1999 and ending, subject to any earlier termination under this licence, on 30 June 2000 ('the term') subject to the following terms and conditions:

CONDITIONS OF THIS LICENCE

1. *Licence*

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

2. *Marked-off Areas*

For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site is that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

### 3. *Permitted Species*

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

### 4. *Permitted Use*

The licensee must not use the site for any purpose other than the permitted use.

### 5. *Permitted Methods*

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Item 2 of Schedule 2 of this licence.

### 6. *Marking and Maintaining the Site*

The licensee:

- 6.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 6.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 6.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 6.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

### 7. *Site Inspection and Supervision*

The licensee:

- 7.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 7.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

### 8. *Fees and Returns*

The licensee:

- 8.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 8.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

### 9. *Compliance With Relevant Laws*

- 9.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 9.2 in particular, without derogating from the general requirement under condition 9 of this licence:
  - 9.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and

- 9.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

### 10. *Public Risk Liability*

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

### 11. *Release*

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

### 12. *Public Risk Insurance*

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

### 13. *Guarantee or Indemnity Scheme*

The licensee must either:

- 13.1 provide a guarantee from its bankers; or
- 13.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

### 14. *No Assignment*

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

### 15. *Default by Licensee and Termination*

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 15.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or

- 15.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 15.1 notwithstanding rectification of the previous breach or default; or
- 15.3 the licence fee referred to in condition 8 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 15.4 if the licensee is a body corporate, any of the following occur:
- 15.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 15.4.2 an order is made for the winding up or liquidation of the licensee;
- 15.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 15.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 15.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 15.5 if the licensee is an individual, the licensee:
- 15.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 15.5.2 is convicted of an indictable offence.

Termination of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

#### 16. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 16.1 any word importing the plural includes the singular and *vice versa*;
- 16.2 any wording importing a gender shall include all other genders;
- 16.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 16.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 16.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 16.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 16.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 16.8 time is of the essence in respect of any obligation relating to time in this licence.

#### 17. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

#### 18. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

#### 19. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

#### 20. Waiver

- 20.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 20.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 20.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

#### 21. Notices

- 21.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
- 21.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
- 21.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
- 21.1.3 deemed to be duly served or made in the following circumstances:
- (a) if delivered, upon delivery;
- (b) if sending by mail, upon posting;
- (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,
- but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.
- 21.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 26 November 1999.

G. R. MORGAN, Director of Fisheries

The licensee hereby acknowledges and agrees to the terms and conditions of this licence.

The Common Seal of Evans Oysters Pty Ltd was hereunto affixed in the presence of:

(L.S.) T. P. EVANS, Director  
R. A. EVANS, Witness

#### SCHEDULE 1

##### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
424950E 6372505N	5
425139E 6372573N	
425050E 6372807N	
424861E 6372738N	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.
- (3) Posts and crosses to be painted yellow.
- (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
- (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
- (6) All buoys, posts, crosses and markers must be maintained in good condition.

or

- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
- (2) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (3) All buoys, posts, crosses and markers must be maintained in good condition.

*When the site is in navigable water and possible danger to navigation, lights must be placed on the top of each St Andrews cross that is located at each corner of the site and these lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.*

##### Item 2—Marked-Off Areas

[Co-ordinates of developed areas within the site to be provided by the licensee.]

White buoys of at least 12 inches in diameter must be placed around the whole of the perimeter of the developed areas within the site at a distance of no less than 50 m from one another.

#### SCHEDULE 2

##### Item 1—Permitted Species

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Pacific Oysters (*Crassostrea gigas*)

##### Item 2—Permitted Farming Methods

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

#### Longlines

Each unit must not exceed 100 m in length and 2 m in width, and each unit must be at least 6 m from any other unit.

##### Item 3—Stocking Rates

Size (mm)	Number per Hectare
3	2 500 000
10	1 600 000
20	1 100 000
30	750 000
40	500 000
50	350 000
60	200 000
70	150 000
80	100 000

#### SCHEDULE 3

##### Item 1—Fees

Annual licence fees are:

	\$
FRDC levy per hectare (4 months at 10 ha and 8 months at 5 ha) at \$12.50 each.....	83.33
EMP fee per hectare (4 months at 10 ha and 8 months at 5 ha) at \$22.96 each.....	153.07
Base Licence Fee per hectare (4 months at 10 ha and 8 months at 5 ha) at \$57 each.....	380.00
SASQAP (Classified Area) per hectare (4 months at 10 ha and 8 months at 5 ha) at \$60 each.....	400.00
<b>Total Annual Licence Fee.....</b>	<b>1 016.40</b>
Quarterly instalments.....	254.10

##### Item 2—Public Risk Insurance

Five million dollars (\$5 000 000).

#### SCHEDULE 4

##### Returns

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

1. Name of licensee.
2. Address of licensee.
3. Species of fish farmed and held on the site.
4. Location of aquaculture operation.
5. Period covered by return.
6. Number of life stage of each species of fish held.
7. Number, weight and value of each species of fish held.
8. Details of any disease detected in any fish kept.
9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

## FISHERIES ACT 1982: SECTION 48G (2)

TAKE notice that pursuant to section 48G (2) of the Fisheries Act 1982, I hereby authorise Evans Oysters Pty Ltd, 79 Wells Street, Streaky Bay, S.A. 5606 (hereinafter referred to as the 'permit holder') to disturb the seabed of the site specified in Item 1 of the Schedule for the purpose only of installing the structures specified in Item 2 of the Schedule in accordance with Marine Mollusc Farming Licence Number FM00060, (such structures not to be installed on the seabed itself) for the period commencing 1 July 1999 and ending upon the expiration or earlier termination of Marine Mollusc Farming Licence Number FM00060, issued pursuant to section 53 of the Fisheries Act 1982.

## SCHEDULE 1

## Item 1—Location Co-ordinates

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
424950E 6372505N	5
425139E 6372573N	
425050E 6372807N	
424861E 6372738N	

## Item 2—Structures to be installed

## Longlines

Each unit must not exceed 100 m in length and 2 m in width and each unit must be at least 6 m from any other unit.

Dated 26 November 1999.

G. R. MORGAN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 50 (2)

TAKE notice that pursuant to section 50 (2) of the Fisheries Act 1982, I hereby Evans Oysters Pty Ltd, 79 Wells Street, Streaky Bay, S.A. 5606 (hereinafter referred to as the 'permit holder') to engage in the activities and to do the acts specified in Schedule 1, subject to the conditions specified in Schedule 2 from the date of this permit ending upon the expiration or earlier termination of Licence Number FM00060.

## SCHEDULE 1

The importation and release of Pacific Oysters (*Crassostrea gigas*) within the waters defined by the following co-ordinates:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
424950E 6372505N	5
425139E 6372573N	
425050E 6372807N	
424861E 6372738N	

## SCHEDULE 2

1. Fish obtained within South Australia for use in the fish farm shall only be obtained from registered fish farmers, licensed fishers or other persons approved by the Director of Fisheries.

2. The permit holder shall not import any live fish (ova, fry or adult) into South Australia unless the shipment has certification from an appropriate authority in the State from which they are obtained that they are free from all relevant notifiable diseases listed in Schedule 4 of the Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 1984.

3. Any oysters brought into South Australia must undergo a soakage process whereby they are completely submerged in fresh water for a period of not less than 2 hours before being placed in the approved structures. Fresh water is deemed to be water suitable for human consumption or horticultural or agricultural use.

4. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically permitted by this notice.

5. The permit holder must retain the copy of this permit which has been supplied by the Director of Fisheries, and if requested by a Fisheries and Aquaculture Officer, produce that permit for inspection.

Dated 26 November 1999.

G. R. MORGAN, Director of Fisheries

## FISHERIES ACT 1982

MARINE MOLLUSC FARMING LICENCE FM00179  
(PREVIOUS LICENCE NO. F767)

## Licence to Farm Fish under section 53 of the Fisheries Act 1982

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Item 1 of Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the undermentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

I. and C. Otto and G. and P. Owen  
Part Section 143  
Hundred of Lincoln  
Port Lincoln, S.A. 5606,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 1999 and ending, subject to any earlier termination under this licence, on 30 June 2000 ('the term') subject to the following terms and conditions:

## CONDITIONS OF THIS LICENCE

## 1. Licence

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

## 2. Marked-off Areas

For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site is that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

## 3. Permitted Species

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

## 4. Permitted Use

The licensee must not use the site for any purpose other than the permitted use.

## 5. Permitted Methods

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;

- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Item 2 of Schedule 2 of this licence.

#### 6. *Marking and Maintaining the Site*

The licensee:

- 6.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 6.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 6.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 6.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

#### 7. *Site Inspection and Supervision*

The licensee:

- 7.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 7.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

#### 8. *Fees and Returns*

The licensee:

- 8.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 8.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

#### 9. *Compliance With Relevant Laws*

- 9.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 9.2 in particular, without derogating from the general requirement under condition 9 of this licence:
- 9.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
- 9.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

#### 10. *Public Risk Liability*

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

#### 11. *Release*

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

#### 12. *Public Risk Insurance*

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

#### 13. *Guarantee or Indemnity Scheme*

The licensee must either:

- 13.1 provide a guarantee from its bankers; or
- 13.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

#### 14. *No Assignment*

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

#### 15. *Default by Licensee and Termination*

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 15.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 15.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 15.1 notwithstanding rectification of the previous breach or default; or
- 15.3 the licence fee referred to in condition 8 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 15.4 if the licensee is a body corporate, any of the following occur:
- 15.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
- 15.4.2 an order is made for the winding up or liquidation of the licensee;

- 15.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
- 15.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
- 15.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or
- 15.5 if the licensee is an individual, the licensee:
- 15.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 15.5.2 is convicted of an indictable offence.
- Termination of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

#### 16. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 16.1 any word importing the plural includes the singular and *vice versa*;
- 16.2 any wording importing a gender shall include all other genders;
- 16.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 16.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 16.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 16.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 16.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 16.8 time is of the essence in respect of any obligation relating to time in this licence.

#### 17. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

#### 18. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

#### 19. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

#### 20. Waiver

- 20.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 20.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 20.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

#### 21. Notices

- 21.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
- 21.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
- 21.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
- 21.1.3 deemed to be duly served or made in the following circumstances:
- (a) if delivered, upon delivery;
- (b) if sending by mail, upon posting;
- (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,
- but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.
- 21.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 26 November 1999.

G. R. MORGAN, Director of Fisheries

The licensee hereby acknowledges and agrees to the terms and conditions of this licence.

Signed by the said:

I. C. OTTO and G. M. OWEN  
S. LAKIN, Witness

#### SCHEDULE 1

##### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
538207E 6177493N	
538093E 6177380N	
538243E 6177302N	
538388E 6177138N	
538548E 6177296N	
538423E 6177451N	8

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.
- (3) Posts and crosses to be painted yellow.
- (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
- (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
- (6) All buoys, posts, crosses and markers must be maintained in good condition.
- or
- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
- (2) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
- (3) All buoys, posts, crosses and markers must be maintained in good condition.

*When the site is in navigable water and possible danger to navigation, lights must be placed on the top of each St Andrews cross that is located at each corner of the site and these lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.*

*Item 2—Marked-Off Areas*

[Co-ordinates of developed areas within the site to be provided by the licensee.]

White buoys of at least 12 inches in diameter must be placed around the whole of the perimeter of the developed areas within the site at a distance of no less than 50 m from one another.

SCHEDULE 2

*Item 1—Permitted Species*

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Native Oysters (*Ostrea angasi*)

Pacific Oysters (*Crassostrea gigas*)

*Item 2—Permitted Farming Methods*

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

*BST Longlines*

*Racks*

Each unit must not exceed 100 m in length and 2 m in width, and each unit must be at least 6 m from any other unit.

*Item 3—Stocking Rates*

*Oysters*

Size (mm)	Number per Hectare
3	2 500 000
10	1 600 000
20	1 100 000
30	750 000
40	500 000
50	350 000
60	200 000
70	150 000
80	100 000

SCHEDULE 3

*Item 1—Fees*

Annual licence fees are:

	\$
FRDC levy per hectare 8 at \$12.50 each .....	100.00
EMP fee per hectare 8 at \$22.96 each.....	183.68
Base Licence Fee per hectare 8 at \$57 each.....	456.00
SASQAP (Classified Area) per hectare 8 at \$60 each .....	480.00
<b>Total Annual Licence Fee.....</b>	<b>1 219.68</b>
Quarterly instalments .....	304.92

*Item 2—Public Risk Insurance*

Five million dollars (\$5 000 000).

SCHEDULE 4

*Returns*

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

1. Name of licensee.
2. Address of licensee.
3. Species of fish farmed and held on the site.
4. Location of aquaculture operation.
5. Period covered by return.
6. Number of life stage of each species of fish held.
7. Number, weight and value of each species of fish held.
8. Details of any disease detected in any fish kept.
9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

FISHERIES ACT 1982: SECTION 48G (2)

TAKE notice that pursuant to section 48G (2) of the Fisheries Act 1982, I hereby authorise I. and C. Otto and G. and P. Owen, Part Section 143, Hundred of Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to disturb the seabed of the site specified in Item 1 of the Schedule for the purpose only of installing the structures specified in Item 2 of the Schedule in accordance with Marine Mollusc Farming Licence Number FM00179, (such structures not to be installed on the seabed itself) for the period commencing 1 July 1999 and ending upon the expiration or earlier termination of Marine Mollusc Farming Licence Number FM00179, issued pursuant to section 53 of the Fisheries Act 1982.

## SCHEDULE 1

## Item 1—Location Co-ordinates

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
538207E 6177493N	8
538093E 6177380N	
538243E 6177302N	
538388E 6177138N	
538548E 6177296N	
538423E 6177451N	

## Item 2—Structures to be installed

AQB BST Longlines  
Racks

Each unit must not exceed 100 m in length and 2 m in width and each unit must be at least 6 m from any other unit.

Dated 26 November 1999.

G. R. MORGAN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 50 (2)

TAKE notice that pursuant to section 50 (2) of the Fisheries Act 1982, I hereby I. and C. Otto and G. and P. Owen, Part Section 143, Hundred of Port Lincoln, S.A. 5606 (hereinafter referred to as the 'permit holder') to engage in the activities and to do the acts specified in Schedule 1, subject to the conditions specified in Schedule 2 from the date of this permit ending upon the expiration or earlier termination of Licence Number FM00179.

## SCHEDULE 1

The importation and release of Native Oysters (*Ostrea angasi*) and Pacific Oysters (*Crassostrea gigas*) within the waters defined by the following co-ordinates:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
538207E 6177493N	8
538093E 6177380N	
538243E 6177302N	
538388E 6177138N	
538548E 6177296N	
538423E 6177451N	

## SCHEDULE 2

1. Fish obtained within South Australia for use in the fish farm shall only be obtained from registered fish farmers, licensed fishers or other persons approved by the Director of Fisheries.

2. The permit holder shall not import any live fish (ova, fry or adult) into South Australia unless the shipment has certification from an appropriate authority in the State from which they are obtained that they are free from all relevant notifiable diseases listed in Schedule 4 of the Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 1984.

3. Any oysters brought into South Australia must undergo a soakage process whereby they are completely submerged in fresh water for a period of not less than 2 hours before being placed in the approved structures. Fresh water is deemed to be water suitable for human consumption or horticultural or agricultural use.

4. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically permitted by this notice.

5. The permit holder must retain the copy of this permit which has been supplied by the Director of Fisheries, and if requested by a Fisheries and Aquaculture Officer, produce that permit for inspection.

Dated 26 November 1999.

G. R. MORGAN, Director of Fisheries

## FISHERIES ACT 1982

## MARINE MOLLUSC FARMING LICENCE FM00319

## Licence to Farm Fish under section 53 of the Fisheries Act 1982

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Item 1 of Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the undermentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

K. R. and H. M. Greatbatch  
3 Tremaine Street  
Smoky Bay, S.A. 5680,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 1999 and ending, subject to any earlier termination under this licence, on 30 June 2000 ('the term') subject to the following terms and conditions:

## CONDITIONS OF THIS LICENCE

## 1. Licence

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

## 2. Marked-off Areas

For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site is that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

## 3. Permitted Species

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

## 4. Permitted Use

The licensee must not use the site for any purpose other than the permitted use.

## 5. Permitted Methods

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Item 2 of Schedule 2 of this licence.
- 5.5 must conduct an environmental monitoring program as set out in Schedule 5 of this licence.

#### 6. *Marking and Maintaining the Site*

The licensee:

- 6.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 6.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 6.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 6.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

#### 7. *Site Inspection and Supervision*

The licensee:

- 7.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 7.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

#### 8. *Fees and Returns*

The licensee:

- 8.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 8.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

#### 9. *Compliance With Relevant Laws*

- 9.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 9.2 in particular, without derogating from the general requirement under condition 9 of this licence:
  - 9.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
  - 9.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

#### 10. *Public Risk Liability*

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

#### 11. *Release*

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

#### 12. *Public Risk Insurance*

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

#### 13. *Guarantee or Indemnity Scheme*

The licensee must either:

- 13.1 provide a guarantee from its bankers; or
- 13.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

#### 14. *No Assignment*

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

#### 15. *Default by Licensee and Termination*

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 15.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 15.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 15.1 notwithstanding rectification of the previous breach or default; or
- 15.3 the licence fee referred to in condition 8 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 15.4 if the licensee is a body corporate, any of the following occur:
  - 15.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
  - 15.4.2 an order is made for the winding up or liquidation of the licensee;
  - 15.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;
  - 15.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or
  - 15.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or

- 15.5 if the licensee is an individual, the licensee:
- 15.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or
- 15.5.2 is convicted of an indictable offence.

Termination of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

#### 16. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 16.1 any word importing the plural includes the singular and *vice versa*;
- 16.2 any wording importing a gender shall include all other genders;
- 16.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 16.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 16.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 16.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 16.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 16.8 time is of the essence in respect of any obligation relating to time in this licence.

#### 17. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

#### 18. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

#### 19. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

#### 20. Waiver

- 20.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 20.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 20.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

#### 21. Notices

- 21.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
- 21.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
- 21.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
- 21.1.3 deemed to be duly served or made in the following circumstances:
- (a) if delivered, upon delivery;
- (b) if sending by mail, upon posting;
- (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,
- but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.
- 21.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 26 November 1999.

G. R. MORGAN, Director of Fisheries

The licensee hereby acknowledges and agrees to the terms and conditions of this licence.

Signed by the said K. R. GEATBATCH

In the presence of: W. A. GREEN, Witness

SCHEDULE 1

#### Item 1—The Site

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
395969E 6423773N	
396420E 6423404N	10
396302E 6423278N	
395852E 6423649N	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.
- (3) Posts and crosses to be painted yellow.
- (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
- (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
- (6) All buoys, posts, crosses and markers must be maintained in good condition.
- or
- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
- (2) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).

- (3) All buoys, posts, crosses and markers must be maintained in good condition.

*When the site is in navigable water and possible danger to navigation, lights must be placed on the top of each St Andrews cross that is located at each corner of the site and these lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.*

*Item 2—Marked-Off Areas*

[Co-ordinates of developed areas within the site to be provided by the licensee.]

White buoys of at least 12 inches in diameter must be placed around the whole of the perimeter of the developed areas within the site at a distance of no less than 50 m from one another.

SCHEDULE 2

*Item 1—Permitted Species*

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Pacific Oysters (*Crassostrea gigas*)

*Item 2—Permitted Farming Methods*

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

*BST Longlines*

*Item 3—Stocking Rates*

*Oysters*

Size (mm)	Number per Hectare
3	2 500 000
10	1 600 000
20	1 100 000
30	750 000
40	500 000
50	350 000
60	200 000
70	150 000
80	100 000

SCHEDULE 3

*Item 1—Fees*

Annual licence fees are:

	\$
FRDC levy per hectare 10 at \$12.50 each.....	125.00
EMP fee per hectare 10 at \$22.96 each .....	229.60
Base Licence Fee per hectare 10 at \$57 each.....	570.00
SASQAP (Classified Area) per hectare 10 at \$60 each.....	600.00
<b>Total Annual Licence Fee .....</b>	<b>1 524.60</b>
Quarterly instalments.....	381.15

*Item 2—Public Risk Insurance*

Five million dollars (\$5 000 000).

SCHEDULE 4

*Returns*

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

1. Name of licensee.
2. Address of licensee.
3. Species of fish farmed and held on the site.
4. Location of aquaculture operation.
5. Period covered by return.
6. Number of life stage of each species of fish held.
7. Number, weight and value of each species of fish held.
8. Details of any disease detected in any fish kept.
9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).

10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

FISHERIES ACT 1982: SECTION 48G (2)

TAKE notice that pursuant to section 48G (2) of the Fisheries Act 1982, I hereby authorise K. R. and H. M. Greatbatch, 3 Tremaine Street, Smoky Bay, S.A. 5680 (hereinafter referred to as the 'permit holder') to disturb the seabed of the site specified in Item 1 of the Schedule for the purpose only of installing the structures specified in Item 2 of the Schedule in accordance with Marine Mollusc Farming Licence Number FM00319, (such structures not to be installed on the seabed itself) for the period commencing 1 July 1999 and ending upon the expiration or earlier termination of Marine Mollusc Farming Licence Number FM00319, issued pursuant to section 53 of the Fisheries Act 1982.

SCHEDULE 1

*Item 1—Location Co-ordinates*

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
395969E 6423773N	10
396420E 6423404N	
396302E 6423278N	
395852E 6423649N	

*Item 2—Structures to be installed*

*BST Longlines*

Dated 26 November 1999.

G. R. MORGAN, Director of Fisheries

FISHERIES ACT 1982: SECTION 50 (2)

TAKE notice that pursuant to section 50 (2) of the Fisheries Act 1982, I hereby K. R. and H. M. Greatbatch, 3 Tremaine Street, Smoky Bay, S.A. 5680 (hereinafter referred to as the 'permit holder') to engage in the activities and to do the acts specified in Schedule 1, subject to the conditions specified in Schedule 2 from the date of this permit ending upon the expiration or earlier termination of Licence Number FM00319.

SCHEDULE 1

The importation and release of Pacific Oysters (*Crassostrea gigas*) within the waters defined by the following co-ordinates:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
395969E 6423773N	10
396420E 6423404N	
396302E 6423278N	
395852E 6423649N	

SCHEDULE 2

1. Fish obtained within South Australia for use in the fish farm shall only be obtained from registered fish farmers, licensed fishers or other persons approved by the Director of Fisheries.

2. The permit holder shall not import any live fish (ova, fry or adult) into South Australia unless the shipment has certification from an appropriate authority in the State from which they are obtained that they are free from all relevant notifiable diseases listed in Schedule 4 of the Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 1984.

3. Any oysters brought into South Australia must undergo a soakage process whereby they are completely submerged in fresh water for a period of not less than 2 hours before being placed in the approved structures. Fresh water is deemed to be water suitable for human consumption or horticultural or agricultural use.

4. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically permitted by this notice.

5. The permit holder must retain the copy of this permit which has been supplied by the Director of Fisheries, and if requested by a Fisheries and Aquaculture Officer, produce that permit for inspection.

Dated 26 November 1999.

G. R. MORGAN, Director of Fisheries

#### FISHERIES ACT 1982

##### MARINE MOLLUSC FARMING LICENCE FM00327

##### *Licence to Farm Fish under section 53 of the Fisheries Act 1982*

WHEREAS the Director of Fisheries has, pursuant to section 50 (2) of the Fisheries Act 1982 ('the Act'), issued a permit to the undermentioned licensee to release the fish specified in Item 1 of Schedule 2 of this licence ('the permitted species') and, pursuant to section 48G (2) of the Act, the Director of Fisheries has also issued a permit to disturb the seabed for the purpose of installing structures necessary for the licensed activity at the undermentioned site, the Minister for Primary Industries, Natural Resources and Regional Development ('the Minister') hereby grants to:

K. R. and H. M. Greatbatch (14166)  
3 Tremaine Street  
Smoky Bay, S.A. 5680,

a non-exclusive licence to occupy and use the waters specified in Item 1 of Schedule 1 of this licence ('the site') for the purpose of farming and taking the permitted species ('the permitted use') for the period commencing on 1 July 1999 and ending, subject to any earlier termination under this licence, on 30 June 2000 ('the term') subject to the following terms and conditions:

#### CONDITIONS OF THIS LICENCE

##### 1. Licence

The parties acknowledge and agree that:

- 1.1 the rights, powers and privileges granted to or vested in the licensee under this licence are contractual only and shall not create or vest in the licensee any estate, interest or right of a proprietary nature in the site; and
- 1.2 that, subject to section 53A of the Fisheries Act 1982, this licence does not entitle the licensee to exclusive rights of entry to and occupation of the site and that the rights granted by this licence are exercisable by the licensee in common with any other occupiers of the site from time to time.

##### 2. Marked-off Areas

For the purposes of section 53A of the Fisheries Act 1982, the marked-off areas within the site is that area or those areas marked-off or indicated in the manner set out in Item 2 of Schedule 1 of this licence.

##### 3. Permitted Species

The licensee:

- 3.1 must not farm or introduce any species at the site other than the permitted species; and
- 3.2 must not take any wild fish from the site except for recreational purposes.

##### 4. Permitted Use

The licensee must not use the site for any purpose other than the permitted use.

##### 5. Permitted Methods

The licensee:

- 5.1 must not stock the permitted species at a rate greater than that specified in Schedule 2 of this licence;
- 5.2 must not use the anti-fouling chemical tributyltin (TBT) on any equipment used at the site;
- 5.3 must not use any chemical or drug for either therapeutic or prophylactic purpose except with the prior approval of the Minister;
- 5.4 must apply the permitted farming methods set out in Item 2 of Schedule 2 of this licence.

##### 6. Marking and Maintaining the Site

The licensee:

- 6.1 must ensure that the site is maintained in a good, tidy and safe condition to the satisfaction of the Minister;
- 6.2 must remove and lawfully dispose of any waste or debris on the site as soon as is reasonably practicable and in particular must comply with any guidelines issued from time to time by the Minister in relation to the removal from the site of any unhealthy or dead fish;
- 6.3 must maintain all buoys, crosses, and markers on the site in good condition and in accordance with the colours specified in Schedule 1 of this licence; and
- 6.4 must mark the site boundary in accordance with the specifications in Schedule 1 of this licence.

##### 7. Site Inspection and Supervision

The licensee:

- 7.1 must at all times permit the Minister, his employees, agents or contractors or any employees, agents or contractors of the Crown to enter the site for the purposes of inspecting the site, the sea floor and the flora and fauna on or in the vicinity of the site; and
- 7.2 must comply with all reasonable directions of any such person authorised by the Director of Fisheries to inspect the conduct of the licensee's activities at the site.

##### 8. Fees and Returns

The licensee:

- 8.1 must pay to the Minister the licence fee in accordance with Item 1 of Schedule 3 of this licence;
- 8.2 must on or before 31 January and 31 July during the term, submit to the Minister a return supplying all of the information described in Schedule 4 of this licence.

##### 9. Compliance With Relevant Laws

- 9.1 the licensee must at all times comply with all laws, by-laws or regulations in force which relate to the site or the activities conducted in the site and with all notices, orders or requirements lawfully given or made by any authority or authorities in respect of the site;
- 9.2 in particular, without derogating from the general requirement under condition 9 of this licence:
  - 9.2.1 the licensee must not do or permit to be done in upon or about the site anything which in the opinion of the Minister would cause or contribute to the degradation or pollution of any coastal land or the surrounding marine environment; and
  - 9.2.2 in the event that the Minister is satisfied, on reasonable grounds, that the fish taken from the waters are not fit for human consumption or that consumption of fish taken from the waters could present a danger to the health of the consumer, the licensee must, in accordance with a written notice from the Minister, cease or suspend the conduct of the permitted use or else conduct the permitted use as directed within the notice.

### 10. Public Risk Liability

The licensee must at all times indemnify the Minister, his officers, employees, contractors and agents from and against all claims, demands, actions, judgments, proceedings, damages, losses, costs, charges and expenses in respect of any loss of life, personal injury and/or damage to property caused or suffered in any manner in or about the site.

### 11. Release

The licensee must use and keep the site at the risk in all things of the licensee and the licensee must release to the full extent permitted by law the Minister, his agents, contractors and servants in the absence of any wilful act, omission, default or neglect on their part from all claims and demands of every kind resulting from any accident damage or injury to persons or property occurring at the site, including loss or damage to the licensee's fixtures or personal property of the licensee.

### 12. Public Risk Insurance

The licensee shall at its own cost and expense during the term effect and keep in full force and effect in respect of the site and the permitted use a policy of public risk insurance in the joint names of the licensee and the Minister in which the limits of public risk shall not be less than the amount specified in Item 2 of Schedule 3 of this licence, or such further amount as the Minister may from time to time reasonably require, as the amount which may be paid out in respect of any one single claim and a policy of insurance or copy thereof or a certificate of insurance shall be produced by the licensee to the Minister on request in writing being made by the Minister for its production.

### 13. Guarantee or Indemnity Scheme

The licensee must either:

- 13.1 provide a guarantee from its bankers; or
- 13.2 contribute to an indemnity scheme established for the aquaculture and fisheries industry and approved by the Minister,

to and in favour of and for the benefit of the Minister by way of security for the due and punctual performance by the licensee of the terms and conditions of this licence and in particular the obligations of the licensee to rehabilitate the site immediately prior to the expiration or sooner determination of the term of this licence. Such guarantee or indemnity scheme must have effect from the date of commencement of the term.

### 14. No Assignment

The licensee acknowledges that this licence is personal and it must not assign or sublet or deal in any other way with any interest in this licence.

### 15. Default by Licensee and Termination

The Minister may terminate this licence immediately by notice in writing served on the licensee if:

- 15.1 the licensee commits or permits any breach or default of the obligations imposed on the licensee by this licence, and following the giving by the Minister of written notice of such breach or default, the licensee either fails to rectify such breach or default within one calendar month of the date of such notice (or earlier if the circumstances require) or fails to make diligent progress towards rectifying any such breach which is incapable of rectification within the time so limited; or
- 15.2 the licensee commits or permits any further breach or default of the obligations imposed on the licensee by this licence for which the Minister has previously given notice in writing of such breach or default pursuant to paragraph 1 of condition 15.1 notwithstanding rectification of the previous breach or default; or
- 15.3 the licence fee referred to in condition 8 is unpaid for a period of 14 days after notice has been given to the licensee that it is outstanding; or
- 15.4 if the licensee is a body corporate, any of the following occur:
  - 15.4.1 the licensee is unable to pay its debts as and when they fall due or is otherwise insolvent;
  - 15.4.2 an order is made for the winding up or liquidation of the licensee;

15.4.3 the licensee enters into a scheme of arrangement, compromise, moratorium or other form of composition with its creditors or any class of its creditors;

15.4.4 a receiver, a manager or a receiver and manager, a company administrator or other insolvency administrator is appointed to the licensee; or

15.4.5 a mortgagee, chargee or other encumbrancee is appointed over or takes possession of or appoints an agent to take possession of all or any of the licensee's assets; or

15.5 if the licensee is an individual, the licensee:

15.5.1 becomes bankrupt or assigns its estate or enters into a deed of arrangement or other form of composition for the benefit of the licensee's creditors; or

15.5.2 is convicted of an indictable offence.

Termination of this licence by the Minister shall be without prejudice to any rights, remedies or actions that the Minister may have against the licensee in respect of any antecedent breach by the licensee of the terms and conditions contained in this licence.

### 16. Interpretation

Subject to any inconsistency of subject or context, the following rules of construction shall be used in the interpretation of this licence:

- 16.1 any word importing the plural includes the singular and *vice versa*;
- 16.2 any wording importing a gender shall include all other genders;
- 16.3 a reference to a body corporate shall include a natural person and *vice versa*;
- 16.4 a reference to a recital, party, clause, Schedule or Annexure is a reference to a recital, party, clause, Schedule or Annexure of this licence;
- 16.5 the captions, headings, section numbers and clause numbers appearing in this licence are inserted only as a matter of convenience and in no way affect the construction of this licence;
- 16.6 a reference to a statute shall include all statutes amending, consolidating or replacing the statutes referred to;
- 16.7 where two or more persons are named as licensees, this licence shall bind the licensees jointly and each of them severally; and
- 16.8 time is of the essence in respect of any obligation relating to time in this licence.

### 17. Delegation

Any consent, notice, any consultation or any other thing which is pursuant to the terms of this licence either required to be given, done or performed or which may be given, done or performed by the Minister may for the purposes of this licence be properly given, done or performed by any duly authorised agent or employee of the Minister.

### 18. Severance

If any term or condition of this licence should be for any reason unlawful, void, invalid or unenforceable then the offending term or condition shall be severed from this licence without affecting the validity or enforceability of the remainder of this licence.

### 19. Modification

No variation of or addition to any provision of this licence shall be binding upon the Minister and the licensee unless such variation or addition is made in writing, signed by both the Minister and the licensee and expressed to be either supplemental to or in substitution for the whole or a part of this licence.

20. *Waiver*

- 20.1 A waiver of any provision of this licence by the Minister must both be in writing and be signed by the Minister or by persons duly authorised to execute such a document on the Minister's part.
- 20.2 No waiver by the Minister of a breach of a term or condition contained in this licence shall operate as a waiver of any breach of the same or any other term or condition contained in this licence.
- 20.3 No forbearance, delay or indulgence by the Minister in enforcing the provisions of this licence shall prejudice or restrict the rights of the Minister.

21. *Notices*

- 21.1 Notices may be served by delivering the same personally, by mail or facsimile transmission and shall be:
  - 21.1.1 in writing addressed to the Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 (in the case of the Minister) and to the address of the licensee set out above (in the case of the licensee);
  - 21.1.2 signed by or on behalf of the sender or by a person duly authorised in that regard by the sender;
  - 21.1.3 deemed to be duly served or made in the following circumstances:
    - (a) if delivered, upon delivery;
    - (b) if sending by mail, upon posting;
    - (c) if sent by facsimile transmission, upon the sender's facsimile producing a transmission report that the facsimile was satisfactorily sent in its entirety to the addressee's facsimile number,
 but if delivery is not made before 5 p.m. on any day it shall be deemed to be received at 9 a.m. on the next day in that place.
- 21.2 The Minister and the licensee may each vary their address or facsimile number at any time by written notice.

Granted on behalf of the Minister by Director of Fisheries, delegate of the Minister, on 26 November 1999.

G. R. MORGAN, Director of Fisheries

The licensee hereby acknowledges and agrees to the terms and conditions of this licence.

Signed by the said K. R. GEATBATCH

In the presence of: W. A. GREEN, Witness

SCHEDULE 1

*Item 1—The Site*

Area applicable to this licence:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
396366E 6423189N	10
396544E 6423338N	
396771E 6422954N	
396598E 6422812N	

All structures, equipment, buoys and flotations (except for that required by the Department for Transport, Urban Planning and the Arts) must be black, dark grey, dark blue, dark brown, or dark green coloured materials.

The boundary of the site to be marked either with:

- (a) (1) At the corners with posts extending 900 mm above mean high water springs. Such posts to be marked with a St Andrews cross, each cross arm measuring 900 mm from tip to tip, minimum width 75 mm.
- (2) Posts to be not less than 125 mm in diameter.

- (3) Posts and crosses to be painted yellow.
  - (4) The ends of each cross to be marked with a 200 mm strip of yellow retro-reflective tape.
  - (5) Between the corner posts at intervals not exceeding 50 m, buoys not less than 300 mm in diameter.
  - (6) All buoys, posts, crosses and markers must be maintained in good condition.
- or
- (b) (1) At each corner, yellow spar buoys with a St Andrews cross as a top mark placed at least 900 mm above the buoy, cross arms 900 mm long x 75 mm wide.
  - (2) The buoys and topmarks must all be coloured yellow and marked with a yellow retro-reflective as in (a) (4).
  - (3) All buoys, posts, crosses and markers must be maintained in good condition.

*When the site is in navigable water and possible danger to navigation, lights must be placed on the top of each St Andrews cross that is located at each corner of the site and these lights must be yellow in colour and flashing once every 4 seconds and visible over an arc of 360 degrees for a distance of at least one mile.*

*Item 2—Marked-Off Areas*

[Co-ordinates of developed areas within the site to be provided by the licensee.]

White buoys of at least 12 inches in diameter must be placed around the whole of the perimeter of the developed areas within the site at a distance of no less than 50 m from one another.

SCHEDULE 2

*Item 1—Permitted Species*

The Director of Fisheries has, pursuant to section 50 (2) of the Act, issued a permit for the release of the fish specified in this Schedule.

Pacific Oysters (*Crassostrea gigas*)

*Item 2—Permitted Farming Methods*

The Director of Fisheries has, pursuant to section 48G (2) of the Act, issued a permit to disturb the seabed for the purpose of installing the structures specified in this Schedule.

*BST Longlines*

Each unit must not exceed 100 m in length and 2 m in width, and each unit must be at least 6 m from any other unit.

*Item 3—Stocking Rates*

*Oysters*

Size (mm)	Number per Hectare
3	2 500 000
10	1 600 000
20	1 100 000
30	750 000
40	500 000
50	350 000
60	200 000
70	150 000
80	100 000

SCHEDULE 3

*Item 1—Fees*

Annual licence fees are:

	\$
FRDC levy per hectare 10 at \$12.50 each .....	93.75
EMP fee per hectare 10 at \$22.96 each.....	172.20
Base Licence Fee per hectare 10 at \$57 each.....	427.00
SASQAP (Classified Area) per hectare 10 at \$60 each .....	450.00
<b>Total Annual Licence Fee.....</b>	<b>1 143.450</b>
Quarterly instalments .....	285.86

*Item 2—Public Risk Insurance*

Five million dollars (\$5 000 000).

## SCHEDULE 4

*Returns*

The licensee must submit the following information to the Minister, c/o Director of Fisheries, PIRSA, 16th Floor, 25 Grenfell Street, Adelaide, S.A. 5000 on or before 31 January and 31 July during the term of this licence:

1. Name of licensee.
2. Address of licensee.
3. Species of fish farmed and held on the site.
4. Location of aquaculture operation.
5. Period covered by return.
6. Number of life stage of each species of fish held.
7. Number, weight and value of each species of fish held.
8. Details of any disease detected in any fish kept.
9. Source (whether interstate or intrastate) of any stock acquired and date of acquisition (if relevant, include name of authority that provided certification that stock was free from disease).
10. If any fish were brought into the state, the number of fish and the life stage of the fish.
11. If fish were brought into the state, the purpose for which they were brought in.
12. Method of disposal of water and packaging use for transporting the fish.
13. If any disease or symptom of disease occurred in the acquired fish.
14. Method of disposal of diseased or dead fish and the number disposed of.
15. Signature, date and telephone number.
16. Use of any chemicals for fish husbandry—type of chemical and quantity used, purpose and date of use.

## FISHERIES ACT 1982: SECTION 48G (2)

TAKE notice that pursuant to section 48G (2) of the Fisheries Act 1982, I hereby authorise K. R. and H. M. Greatbatch, 3 Tremaine Street, Smoky Bay, S.A. 5680 (hereinafter referred to as the 'permit holder') to disturb the seabed of the site specified in Item 1 of the Schedule for the purpose only of installing the structures specified in Item 2 of the Schedule in accordance with Marine Mollusc Farming Licence Number FM00327, (such structures not to be installed on the seabed itself) for the period commencing 1 July 1999 and ending upon the expiration or earlier termination of Marine Mollusc Farming Licence Number FM00327, issued pursuant to section 53 of the Fisheries Act 1982.

## SCHEDULE 1

*Item 1—Location Co-ordinates*

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
396366E 6423189N	10
396544E 6423338N	
396771E 6422954N	
396598E 6422812N	

*Item 2—Structures to be installed**BST Longlines*

Each unit must not exceed 100 m in length and 2 m in width, and each unit must be at least 6 m from any other unit.

Dated 26 November 1999.

G. R. MORGAN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 50 (2)

TAKE notice that pursuant to section 50 (2) of the Fisheries Act 1982, I hereby K. R. and H. M. Greatbatch, 3 Tremaine Street, Smoky Bay, S.A. 5680 (hereinafter referred to as the 'permit holder') to engage in the activities and to do the acts specified in Schedule 1, subject to the conditions specified in Schedule 2 from the date of this permit ending upon the expiration or earlier termination of Licence Number FM00327.

## SCHEDULE 1

The importation and release of Pacific Oysters (*Crassostrea gigas*) within the waters defined by the following co-ordinates:

Licensed Area	Licensed Hectares
AGD 66—Zone 53	
396366E 6423189N	10
396544E 6423338N	
396771E 6422954N	
396598E 6422812N	

## SCHEDULE 2

1. Fish obtained within South Australia for use in the fish farm shall only be obtained from registered fish farmers, licensed fishers or other persons approved by the Director of Fisheries.

2. The permit holder shall not import any live fish (ova, fry or adult) into South Australia unless the shipment has certification from an appropriate authority in the State from which they are obtained that they are free from all relevant notifiable diseases listed in Schedule 4 of the Fisheries (Exotic Fish, Fish Farming and Fish Diseases) Regulations 1984.

3. Any oysters brought into South Australia must undergo a soakage process whereby they are completely submerged in fresh water for a period of not less than 2 hours before being placed in the approved structures. Fresh water is deemed to be water suitable for human consumption or horticultural or agricultural use.

4. The permit holder shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under the Act, except where specifically permitted by this notice.

5. The permit holder must retain the copy of this permit which has been supplied by the Director of Fisheries, and if requested by a Fisheries and Aquaculture Officer, produce that permit for inspection.

Dated 26 November 1999.

G. R. MORGAN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982 those persons specified in Schedule 1 (hereinafter referred to as the 'permit holders'), are exempted from the notice made under section 43 of the Fisheries Act 1982 on page 2376 of the *South Australian Government Gazette* of 29 April 1999, such being the first notice made on that page, in that the permit holders shall not be guilty of an offence when using recreational fish nets in the waters of Lake George (hereinafter referred to as the 'permitted activity'), subject to the conditions specified in Schedule 2, from the date of gazettal of this notice until 5 December 1999.

## SCHEDULE 1

Chris Hoffman	Wayne Peters	Trevor Osborne
Eric Chambers	Colin Croser	Ray Bishop
Tom Morello	Garry Clifford	Steve Burton
Peter Smith	Trevor Sinel	Dave Bellinger

## SCHEDULE 2

1. All fish taken pursuant to this notice must be disposed of as directed by an officer of the South Australian Research and Development Institute (SARDI).

2. The permit holders must follow all directions relating to the permitted activity given by an officer of the South Australian Research and Development Institute (SARDI).

3. Whilst engaged in the permitted activity the permit holders must be in possession of a copy of this notice. Such notice must be produced to a PIRSA Fisheries and Aquaculture Compliance Officer if such an officer requests that it be produced.

4. The permit holders shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act except where specifically exempted by this notice.

Dated 1 December 1999.

W. ZACHARIN, Principal Fisheries Manager

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Mark Waller, 9 Kestral Place, Port Lincoln, S.A. 5606, or his nominated replacement approved by the Director of Fisheries (hereinafter referred to as the 'fisher') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1 to this exemption, in that they shall not be guilty of an offence when using a fine mesh purse seine net as described in Schedule 2 for the taking of pilchards (*Sardinops neopilchardus*) and other species within the Families Clupeidae and Engraulididae (hereinafter referred to as the 'permitted species') for the purpose of trade or business in marine waters of South Australia as described in Schedule 3 as Area A and Area B (hereinafter referred to as the 'permitted activity').

#### SCHEDULE 1

1. The fisher may engage in the permitted activity from the date of gazettal of this notice until 31 December 1999, or until revoked by the Director of Fisheries.

2. This exemption is valid only in respect of the fishing vessel *Rhylan* (hereinafter referred to as the 'permitted boat') registered on the fisher's Marine Scalefish Fishery Licence No. M491.

3. The fisher must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.

4. Whilst using a nominated master to take pilchards pursuant to this notice, no other fishing activity shall be undertaken by the licence holder pursuant to Marine Scalefish Fishery Licence No. M491.

5. Whilst engaged in the permitted activity the fisher shall not use any of the devices registered on the fisher's Marine Scalefish Fishery Licence.

6. The fisher must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

7. Any fish, which are not permitted species, taken as by-catch by the fisher during the permitted activity must be immediately returned to the water.

8. The fisher shall not, during the period 1 January 1999 to 31 December 1999, take a quantity of permitted species which exceeds their quota of 43.45 units at 7.712 tonnes per unit (which is equal to 335.09 tonnes).

9. The fisher may with the prior approval of the Director of Fisheries transfer uncaught units of quota during the period of this notice.

10. Fish taken pursuant to this notice as the result of a transfer of quota must be taken in the area as described (and disposed of as described) in the permit conditions of the holder of the initial allocation.

11. The fisher may transfer catch taken pursuant to this notice to a carrier boat at sea subject to nominating the boats in advance.

12. The fisher may nominate no more than two carrier boats at any one time. Notification of boat name must be provided to the person or agency responsible for conducting quota monitoring operations.

13. Where the fisher transfers all or part of their catch to a carrier boat that portion of the catch must be accompanied by a South Australian Pilchard Fishery Log Book, completed as required by condition 16 of this notice.

14. The fisher must notify the person nominated for quota monitoring, by telephone, of the intended place of any unloading and the estimated weight of the catch at least one hour prior to the unloading taking place.

15. The fisher must provide the person nominated for quota monitoring with reasonable access to boats and vehicles for the purpose of enabling inspection of the catch and any record relating to the South Australian Pilchard Fishery Log Book required to be completed under this notice.

16. The fisher must complete the South Australian Pilchard Fishery Log Book as described below:

#### (a) Unloading to a shore based processing plant:

- (i) The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book **up to but not including** the column titled **PILCHARD TONNAGE CAUGHT**.

The fish can then be dispatched to the shore based processing plant. It is the responsibility of the fisher to make certain that all fish are accurately weighed within 24 hours of the consignment to the processor:

- (ii) The fisher shall upon being notified by the processor of the total weight of fish unloaded complete the columns headed, **PILCHARD TONNAGE CAUGHT, OTHER SPECIES, TONNAGE CAUGHT (This refers to other species) and REMARKS**.

For any unloading, if fishing has taken place on more than one day then this should be noted and the verified weight split as close as possible to reflect the actual quantities taken on each day of fishing.

#### (b) Unloading at sea or direct to a tuna cage:

The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book immediately after capture and include an **estimated** tonnage in the column marked **PILCHARD TONNAGE CAUGHT**. The estimated tonnage should be based on a recorded number of boxes of a certain capacity (weight) filled.

17. The fisher then shall either by **facsimile or in person** deliver the completed (South Australian Pilchard Fishery Log Book) form to the person nominated for quota monitoring within **48 hours** of the unloading.

18. The fisher must provide regular samples of the permitted species for research analysis and assist in any other South Australian Research and Development Institute (SARDI) sponsored pilchard fishery research program as required by the Chief Scientist, Aquatic Sciences, SARDI.

19. The fisher must complete a monthly return within 14 days of the end of the previous month and forward it to SARDI. This return must be completed regardless of whether the fisher took fish or not, i.e. nil returns are required.

20. While engaged in the permitted activity the fisher must:

- (a) have in their possession the copy of this notice with which the Director of Fisheries has supplied them; and  
(b) produce that notice to a Fisheries Officer forthwith, if and when a Fisheries Officer requests them to produce it.

21. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

## SCHEDULE 2

In waters described as **Area A**: one purse seine net having a maximum length of 600 m, a maximum depth of 100 m and a mesh size of between 16 mm and 20 mm.

In waters described as **Area B**: one purse seine net having a mesh size of between 16 mm and 20 mm.

## SCHEDULE 3

For the purposes of this notice, **Area A** is defined as:

Coastal waters within 3 nautical miles of high water mark or within 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

For the purposes of this notice, **Area B** is defined as:

Coastal waters more than 3 nautical miles to seaward of high water mark or more than 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

Dated 29 November 1999.

W. ZACHARIN, Principal Fisheries Manager

TABLE 1

*Base Lines and Bay Closure Lines of South Australia*

Location	From		to	Location
<i>Base Lines</i>				
Newland Head	35°38.68'S	138°31.32'E	to	35°45.63'S 138°18.17'E The Pages
	35°45.63'S	138°18.17'E	to	35°46.65'S 138°17.57'E
	35°46.88'S	138°17.43'E	to	35°47.10'S 138°17.33'E
The Pages	35°47.25'S	138°17.15'E	to	35°50.70'S 138°07.95'E Cape Willoughby
Vennachar Point	35°53.25'S	136°31.97'E	to	34°57.20'S 135°37.37'E Cape Carnot
	34°57.20'S	135°37.37'E	to	34°56.90'S 135°37.40'E
Pt Westall	32°54.38'S	134°03.53'E	to	32°43.60'S 133°57.77'E Olives Island
Olives Island	32°43.60'S	133°57.77'E	to	32°35.18'S 133°17.07'E Fenelon Island
Fenelon Island	32°34.92'S	133°16.73'E	to	32°33.80'S 133°16.58'E Masillon Island
Masillon Island	32°33.80'S	133°16.58'E	to	32°30.90'S 133°15.03'E West Island
West Island	32°30.47'S	133°14.87'E	to	32°13.52'S 133°06.62'E Island 1 mile SW Pt Bell
	32°13.52'S	133°06.62'E	to	32°08.75'S 132°59.32'E Sinclair Island
Sinclair Island	32°08.67'S	132°59.28'E	to	32°07.62'S 132°58.72'E
	32°07.62'S	132°58.72'E	to	32°01.87'S 132°28.27'E Point Fowler
Anxious Bay	33°12.05'S	134°19.63'E	to	33°35.68'S 134°45.05'E
	33°35.83'S	134°45.90'E	to	33°35.98'S 134°46.50'E
	33°36.72'S	134°48.33'E	to	33°37.47'S 134°49.67'E
Encounter Bay	35°35.80'S	138°36.10'E	to	35°35.80'S 138°57.40'E
Lacepede Bay	36°35.80'S	139°50.00'E	to	36°56.60'S 139°40.40'E
Rivoli Bay	37°34.02'S	140°06.33'E	to	37°30.05'S 140°00.80'E
	37°29.95'S	140°00.68'E	to	37°29.87'S 140°00.63'E
<i>Bay Closure Lines</i>				
Coffin Bay	34°09.07'S	135°14.39'E	to	34°25.86'S 135°12.41'E
Avoid Bay	34°35.49'S	135°06.75'E	to	34°41.78'S 135°19.65'E

## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Vic Valcic, 6 The Mews Lincoln Cove, Port Lincoln, S.A. 5606, or his nominated replacement approved by the Director of Fisheries (hereinafter referred to as the 'fisher') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1 to this exemption, in that they shall not be guilty of an offence when using a fine mesh purse seine net as described in Schedule 2 for the taking of pilchards (*Sardinops neopilchardus*) and other species within the Families Clupeidae and Engraulididae (hereinafter referred to as the 'permitted species') for the purpose of trade or business in marine waters of South Australia as described in Schedule 3 as Area A and Area B (hereinafter referred to as the 'permitted activity').

## SCHEDULE 1

1. The fisher may engage in the permitted activity from the date of gazettal of this notice until 31 December 1999, or until revoked by the Director of Fisheries.

2. This exemption is valid only in respect of the fishing vessel *Irene A* (hereinafter referred to as the 'permitted boat') registered on the fisher's Marine Scalefish Fishery Licence No. M488.

3. The fisher must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.

4. Whilst using a nominated master to take pilchards pursuant to this notice, no other fishing activity shall be undertaken by the licence holder pursuant to Marine Scalefish Fishery Licence No. M488.

5. Whilst engaged in the permitted activity the fisher shall not use any of the devices registered on the fisher's Marine Scalefish Fishery Licence.

6. The fisher must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

7. Any fish, which are not permitted species, taken as by-catch by the fisher during the permitted activity must be immediately returned to the water.

8. The fisher shall not, during the period 1 January 1999 to 31 December 1999, take a quantity of permitted species which exceeds their quota of 36.97 units at 7.712 tonnes per unit (which is equal to 285.11 tonnes).

9. The fisher may with the prior approval of the Director of Fisheries transfer uncaught units of quota during the period of this notice.

10. Fish taken pursuant to this notice as the result of a transfer of quota must be taken in the area as described (and disposed of as described) in the permit conditions of the holder of the initial allocation.

11. The fisher may transfer catch taken pursuant to this notice to a carrier boat at sea subject to nominating the boats in advance.

12. The fisher may nominate no more than two carrier boats at any one time. Notification of boat name must be provided to the person or agency responsible for conducting quota monitoring operations.

13. Where the fisher transfers all or part of their catch to a carrier boat that portion of the catch must be accompanied by a South Australian Pilchard Fishery Log Book, completed as required by condition 16 of this notice.

14. The fisher must notify the person nominated for quota monitoring, by telephone, of the intended place of any unloading and the estimated weight of the catch at least one hour prior to the unloading taking place.

15. The fisher must provide the person nominated for quota monitoring with reasonable access to boats and vehicles for the purpose of enabling inspection of the catch and any record relating to the South Australian Pilchard Fishery Log Book required to be completed under this notice.

16. The fisher must complete the South Australian Pilchard Fishery Log Book as described below:

**(a) Unloading to a shore based processing plant:**

- (i) The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book **up to but not including** the column titled **PILCHARD TONNAGE CAUGHT**.

The fish can then be dispatched to the shore based processing plant. It is the responsibility of the fisher to make certain that all fish are accurately weighed within 24 hours of the consignment to the processor:

- (ii) The fisher shall upon being notified by the processor of the total weight of fish unloaded complete the columns headed, **PILCHARD TONNAGE CAUGHT, OTHER SPECIES, TONNAGE CAUGHT (This refers to other species) and REMARKS**.

For any unloading, if fishing has taken place on more than one day then this should be noted and the verified weight split as close as possible to reflect the actual quantities taken on each day of fishing.

**(b) Unloading at sea or direct to a tuna cage:**

The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book immediately after capture and include an **estimated** tonnage in the column marked **PILCHARD TONNAGE CAUGHT**. The estimated tonnage should be based on a recorded number of boxes of a certain capacity (weight) filled.

17. The fisher then shall either by **facsimile or in person** deliver the completed (South Australian Pilchard Fishery Log Book) form to the person nominated for quota monitoring within **48 hours** of the unloading.

18. The fisher must provide regular samples of the permitted species for research analysis and assist in any other South Australian Research and Development Institute (SARDI) sponsored pilchard fishery research program as required by the Chief Scientist, Aquatic Sciences, SARDI.

19. The fisher must complete a monthly return within 14 days of the end of the previous month and forward it to SARDI. This return must be completed regardless of whether the fisher took fish or not, i.e. nil returns are required.

20. While engaged in the permitted activity the fisher must:

- (a) have in their possession the copy of this notice with which the Director of Fisheries has supplied them; and  
 (b) produce that notice to a Fisheries Officer forthwith, if and when a Fisheries Officer requests them to produce it.

21. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

**SCHEDULE 2**

In waters described as **Area A**: one purse seine net having a maximum length of 600 m, a maximum depth of 100 m and a mesh size of between 16 mm and 20 mm.

In waters described as **Area B**: one purse seine net having a mesh size of between 16 mm and 20 mm.

**SCHEDULE 3**

For the purposes of this notice, **Area A** is defined as:

Coastal waters within 3 nautical miles of high water mark or within 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

For the purposes of this notice, **Area B** is defined as:

Coastal waters more than 3 nautical miles to seaward of high water mark or more than 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

Dated 29 November 1999.

W. ZACHARIN, Principal Fisheries Manager

TABLE 1  
Base Lines and Bay Closure Lines of South Australia

Location	From		to	to Location		
<i>Base Lines</i>						
Newland Head	35°38.68'S	138°31.32'E	to	35°45.63'S	138°18.17'E	The Pages
	35°45.63'S	138°18.17'E	to	35°46.65'S	138°17.57'E	
	35°46.88'S	138°17.43'E	to	35°47.10'S	138°17.33'E	
The Pages	35°47.25'S	138°17.15'E	to	35°50.70'S	138°07.95'E	Cape Willoughby
Vennachar Point	35°53.25'S	136°31.97'E	to	34°57.20'S	135°37.37'E	Cape Carnot
	34°57.20'S	135°37.37'E	to	34°56.90'S	135°37.40'E	
Pt Westall	32°54.38'S	134°03.53'E	to	32°43.60'S	133°57.77'E	Olives Island
Olives Island	32°43.60'S	133°57.77'E	to	32°35.18'S	133°17.07'E	Fenelon Island
Fenelon Island	32°34.92'S	133°16.73'E	to	32°33.80'S	133°16.58'E	Masillon Island
Masillon Island	32°33.80'S	133°16.58'E	to	32°30.90'S	133°15.03'E	West Island
West Island	32°30.47'S	133°14.87'E	to	32°13.52'S	133°06.62'E	Island 1 mile SW Pt Bell
	32°13.52'S	133°06.62'E	to	32°08.75'S	132°59.32'E	Sinclair Island
Sinclair Island	32°08.67'S	132°59.28'E	to	32°07.62'S	132°58.72'E	
	32°07.62'S	132°58.72'E	to	32°01.87'S	132°28.27'E	Point Fowler
Anxious Bay	33°12.05'S	134°19.63'E	to	33°35.68'S	134°45.05'E	
	33°35.83'S	134°45.90'E	to	33°35.98'S	134°46.50'E	
	33°36.72'S	134°48.33'E	to	33°37.47'S	134°49.67'E	
Encounter Bay	35°35.80'S	138°36.10'E	to	35°35.80'S	138°57.40'E	
Lacepede Bay	36°35.80'S	139°50.00'E	to	36°56.60'S	139°40.40'E	
Rivoli Bay	37°34.02'S	140°06.33'E	to	37°30.05'S	140°00.80'E	
	37°29.95'S	140°00.68'E	to	37°29.87'S	140°00.63'E	
<i>Bay Closure Lines</i>						
Coffin Bay	34°09.07'S	135°14.39'E	to	34°25.86'S	135°12.41'E	
Avoid Bay	34°35.49'S	135°06.75'E	to	34°41.78'S	135°19.65'E	

## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Joe Puglisi (jnr), P.O. Box 1607, Port Lincoln, S.A. 5606, or his nominated replacement approved by the Director of Fisheries (hereinafter referred to as the 'fisher') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1 to this exemption, in that they shall not be guilty of an offence when using a fine mesh purse seine net as described in Schedule 2 for the taking of pilchards (*Sardinops neopilchardus*) and other species within the Families Clupeidae and Engraulididae (hereinafter referred to as the 'permitted species') for the purpose of trade or business in marine waters of South Australia as described in Schedule 3 as Area A and Area B (hereinafter referred to as the 'permitted activity').

## SCHEDULE 1

1. The fisher may engage in the permitted activity from the date of gazettal of this notice until 31 December 1999, or until revoked by the Director of Fisheries.

2. This exemption is valid only in respect of the fishing vessel *Sardinops* (hereinafter referred to as the 'permitted boat') registered on the fisher's Marine Scalefish Fishery Licence No. M429.

3. The fisher must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.

4. Whilst using a nominated master to take pilchards pursuant to this notice, no other fishing activity shall be undertaken by the licence holder pursuant to Marine Scalefish Fishery Licence No. M429.

5. Whilst engaged in the permitted activity the fisher shall not use any of the devices registered on the fisher's Marine Scalefish Fishery Licence.

6. The fisher must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

7. Any fish, which are not permitted species, taken as by-catch by the fisher during the permitted activity must be immediately returned to the water.

8. The fisher shall not, during the period 1 January 1999 to 31 December 1999, take a quantity of permitted species which exceeds their quota of 43.45 units at 7.712 tonnes per unit (which is equal to 335.09 tonnes).

9. The fisher may with the prior approval of the Director of Fisheries transfer uncaught units of quota during the period of this notice.

10. Fish taken pursuant to this notice as the result of a transfer of quota must be taken in the area as described (and disposed of as described) in the permit conditions of the holder of the initial allocation.

11. The fisher may transfer catch taken pursuant to this notice to a carrier boat at sea subject to nominating the boats in advance.

12. The fisher may nominate no more than two carrier boats at any one time. Notification of boat name must be provided to the person or agency responsible for conducting quota monitoring operations.

13. Where the fisher transfers all or part of their catch to a carrier boat that portion of the catch must be accompanied by a South Australian Pilchard Fishery Log Book, completed as required by condition 16 of this notice.

14. The fisher must notify the person nominated for quota monitoring, by telephone, of the intended place of any unloading and the estimated weight of the catch at least one hour prior to the unloading taking place.

15. The fisher must provide the person nominated for quota monitoring with reasonable access to boats and vehicles for the purpose of enabling inspection of the catch and any record relating to the South Australian Pilchard Fishery Log Book required to be completed under this notice.

16. The fisher must complete the South Australian Pilchard Fishery Log Book as described below:

## (a) Unloading to a shore based processing plant:

- (i) The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book **up to** but not including the column titled **PILCHARD TONNAGE CAUGHT**.

The fish can then be dispatched to the shore based processing plant. It is the responsibility of the fisher to make certain that all fish are accurately weighed within 24 hours of the consignment to the processor:

- (ii) The fisher shall upon being notified by the processor of the total weight of fish unloaded complete the columns headed, **PILCHARD TONNAGE CAUGHT, OTHER SPECIES, TONNAGE CAUGHT (This refers to other species) and REMARKS.**

For any unloading, if fishing has taken place on more than one day then this should be noted and the verified weight split as close as possible to reflect the actual quantities taken on each day of fishing.

**(b) Unloading at sea or direct to a tuna cage:**

The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book immediately after capture and include an **estimated** tonnage in the column marked **PILCHARD TONNAGE CAUGHT**. The estimated tonnage should be based on a recorded number of boxes of a certain capacity (weight) filled.

17. The fisher then shall either by **facsimile or in person** deliver the completed (South Australian Pilchard Fishery Log Book) form to the person nominated for quota monitoring within **48 hours** of the unloading.

18. The fisher must provide regular samples of the permitted species for research analysis and assist in any other South Australian Research and Development Institute (SARDI) sponsored pilchard fishery research program as required by the Chief Scientist, Aquatic Sciences, SARDI.

19. The fisher must complete a monthly return within 14 days of the end of the previous month and forward it to SARDI. This return must be completed regardless of whether the fisher took fish or not, i.e. nil returns are required.

20. While engaged in the permitted activity the fisher must:

- (a) have in their possession the copy of this notice with which the Director of Fisheries has supplied them; and  
(b) produce that notice to a Fisheries Officer forthwith, if and when a Fisheries Officer requests them to produce it.

21. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

**SCHEDULE 2**

In waters described as **Area A**: one purse seine net having a maximum length of 600 m, a maximum depth of 100 m and a mesh size of between 16 mm and 20 mm.

In waters described as **Area B**: one purse seine net having a mesh size of between 16 mm and 20 mm.

**SCHEDULE 3**

For the purposes of this notice, **Area A** is defined as:

Coastal waters within 3 nautical miles of high water mark or within 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

For the purposes of this notice, **Area B** is defined as:

Coastal waters more than 3 nautical miles to seaward of high water mark or more than 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

Dated 29 November 1999.

W. ZACHARIN, Principal Fisheries Manager

TABLE 1

*Base Lines and Bay Closure Lines of South Australia*

Location	From		to	Location
<i>Base Lines</i>				
Newland Head	35°38.68'S	138°31.32'E	to	35°45.63'S 138°18.17'E The Pages
	35°45.63'S	138°18.17'E	to	35°46.65'S 138°17.57'E
	35°46.88'S	138°17.43'E	to	35°47.10'S 138°17.33'E
The Pages	35°47.25'S	138°17.15'E	to	35°50.70'S 138°07.95'E Cape Willoughby
Vennachar Point	35°53.25'S	136°31.97'E	to	34°57.20'S 135°37.37'E Cape Carnot
	34°57.20'S	135°37.37'E	to	34°56.90'S 135°37.40'E
Pt Westall	32°54.38'S	134°03.53'E	to	32°43.60'S 133°57.77'E Olives Island
Olives Island	32°43.60'S	133°57.77'E	to	32°35.18'S 133°17.07'E Fenelon Island
Fenelon Island	32°34.92'S	133°16.73'E	to	32°33.80'S 133°16.58'E Masillon Island
Masillon Island	32°33.80'S	133°16.58'E	to	32°30.90'S 133°15.03'E West Island
West Island	32°30.47'S	133°14.87'E	to	32°13.52'S 133°06.62'E Island 1 mile SW Pt Bell
	32°13.52'S	133°06.62'E	to	32°08.75'S 132°59.32'E Sinclair Island
Sinclair Island	32°08.67'S	132°59.28'E	to	32°07.62'S 132°58.72'E
	32°07.62'S	132°58.72'E	to	32°01.87'S 132°28.27'E Point Fowler
Anxious Bay	33°12.05'S	134°19.63'E	to	33°35.68'S 134°45.05'E
	33°35.83'S	134°45.90'E	to	33°35.98'S 134°46.50'E
	33°36.72'S	134°48.33'E	to	33°37.47'S 134°49.67'E
Encounter Bay	35°35.80'S	138°36.10'E	to	35°35.80'S 138°57.40'E
Lacepede Bay	36°35.80'S	139°50.00'E	to	36°56.60'S 139°40.40'E
Rivoli Bay	37°34.02'S	140°06.33'E	to	37°30.05'S 140°00.80'E
	37°29.95'S	140°00.68'E	to	37°29.87'S 140°00.63'E
<i>Bay Closure Lines</i>				
Coffin Bay	34°09.07'S	135°14.39'E	to	34°25.86'S 135°12.41'E
Avoid Bay	34°35.49'S	135°06.75'E	to	34°41.78'S 135°19.65'E

## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Branko Sarunic, P.O. Box 993, Port Lincoln, S.A. 5606, or his nominated replacement approved by the Director of Fisheries (hereinafter referred to as the 'fisher') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1 to this exemption, in that they shall not be guilty of an offence when using a fine mesh purse seine net as described in Schedule 2 for the taking of pilchards (*Sardinops neopilchardus*) and other species within the Families Clupeidae and Engraulididae (hereinafter referred to as the 'permitted species') for the purpose of trade or business in marine waters of South Australia as described in Schedule 3 as Area A and Area B (hereinafter referred to as the 'permitted activity').

## SCHEDULE 1

1. The fisher may engage in the permitted activity from the date of gazettal of this notice until 31 December 1999, or until revoked by the Director of Fisheries.

2. This exemption is valid only in respect of the fishing vessel *Lidia C* (hereinafter referred to as the 'permitted boat') registered on the fisher's Marine Scalefish Fishery Licence No. M354.

3. The fisher must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.

4. Whilst using a nominated master to take pilchards pursuant to this notice, no other fishing activity shall be undertaken by the licence holder pursuant to Marine Scalefish Fishery Licence No. M354.

5. Whilst engaged in the permitted activity the fisher shall not use any of the devices registered on the fisher's Marine Scalefish Fishery Licence.

6. The fisher must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

7. Any fish, which are not permitted species, taken as by-catch by the fisher during the permitted activity must be immediately returned to the water.

8. The fisher shall not, during the period 1 January 1999 to 31 December 1999, take a quantity of permitted species which exceeds their quota of 43.45 units at 7.712 tonnes per unit (which is equal to 335.09 tonnes).

9. The fisher may with the prior approval of the Director of Fisheries transfer uncaught units of quota during the period of this notice.

10. Fish taken pursuant to this notice as the result of a transfer of quota must be taken in the area as described (and disposed of as described) in the permit conditions of the holder of the initial allocation.

11. The fisher may transfer catch taken pursuant to this notice to a carrier boat at sea subject to nominating the boats in advance.

12. The fisher may nominate no more than two carrier boats at any one time. Notification of boat name must be provided to the person or agency responsible for conducting quota monitoring operations.

13. Where the fisher transfers all or part of their catch to a carrier boat that portion of the catch must be accompanied by a South Australian Pilchard Fishery Log Book, completed as required by condition 16 of this notice.

14. The fisher must notify the person nominated for quota monitoring, by telephone, of the intended place of any unloading and the estimated weight of the catch at least one hour prior to the unloading taking place.

15. The fisher must provide the person nominated for quota monitoring with reasonable access to boats and vehicles for the purpose of enabling inspection of the catch and any record relating to the South Australian Pilchard Fishery Log Book required to be completed under this notice.

16. The fisher must complete the South Australian Pilchard Fishery Log Book as described below:

**(a) Unloading to a shore based processing plant:**

- (i) The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book **up to** but not including the column headed, **PILCHARD TONNAGE CAUGHT**.

The fish can then be dispatched to the shore based processing plant. It is the responsibility of the fisher to make certain that all fish are accurately weighed within 24 hours of the consignment to the processor:

- (ii) The fisher shall upon being notified by the processor of the total weight of fish unloaded complete the columns headed, **PILCHARD TONNAGE CAUGHT, OTHER SPECIES, TONNAGE CAUGHT (This refers to other species) and REMARKS**.

For any unloading, if fishing has taken place on more than one day then this should be noted and the verified weight split as close as possible to reflect the actual quantities taken on each day of fishing.

**(b) Unloading at sea or direct to a tuna cage:**

The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book immediately after capture and include an **estimated** tonnage in the column marked **PILCHARD TONNAGE CAUGHT**. The estimated tonnage should be based on a recorded number of boxes of a certain capacity (weight) filled.

17. The fisher then shall either by **facsimile or in person** deliver the completed (South Australian Pilchard Fishery Log Book) form to the person nominated for quota monitoring within **48 hours** of the unloading.

18. The fisher must provide regular samples of the permitted species for research analysis and assist in any other South Australian Research and Development Institute (SARDI) sponsored pilchard fishery research program as required by the Chief Scientist, Aquatic Sciences, SARDI.

19. The fisher must complete a monthly return within 14 days of the end of the previous month and forward it to SARDI. This return must be completed regardless of whether the fisher took fish or not, i.e. nil returns are required.

20. While engaged in the permitted activity the fisher must:

- (a) have in their possession the copy of this notice with which the Director of Fisheries has supplied them; and  
(b) produce that notice to a Fisheries Officer forthwith, if and when a Fisheries Officer requests them to produce it.

21. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

## SCHEDULE 2

In waters described as **Area A**: one purse seine net having a maximum length of 600 m, a maximum depth of 100 m and a mesh size of between 16 mm and 20 mm.

In waters described as **Area B**: one purse seine net having a mesh size of between 16 mm and 20 mm.

## SCHEDULE 3

For the purposes of this notice, **Area A** is defined as:

Coastal waters within 3 nautical miles of high water mark or within 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

For the purposes of this notice, **Area B** is defined as:

Coastal waters more than 3 nautical miles to seaward of high water mark or more than 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

Dated 29 November 1999.

W. ZACHARIN, Principal Fisheries Manager

TABLE 1  
Base Lines and Bay Closure Lines of South Australia

Location	From			to Location		
<i>Base Lines</i>						
Newland Head	35°38.68'S	138°31.32'E	to	35°45.63'S	138°18.17'E	The Pages
	35°45.63'S	138°18.17'E	to	35°46.65'S	138°17.57'E	
	35°46.88'S	138°17.43'E	to	35°47.10'S	138°17.33'E	
The Pages	35°47.25'S	138°17.15'E	to	35°50.70'S	138°07.95'E	Cape Willoughby
Vennachar Point	35°53.25'S	136°31.97'E	to	34°57.20'S	135°37.37'E	Cape Carnot
	34°57.20'S	135°37.37'E	to	34°56.90'S	135°37.40'E	
Pt Westall	32°54.38'S	134°03.53'E	to	32°43.60'S	133°57.77'E	Olives Island
Olives Island	32°43.60'S	133°57.77'E	to	32°35.18'S	133°17.07'E	Fenelon Island
Fenelon Island	32°34.92'S	133°16.73'E	to	32°33.80'S	133°16.58'E	Masillon Island
Masillon Island	32°33.80'S	133°16.58'E	to	32°30.90'S	133°15.03'E	West Island
West Island	32°30.47'S	133°14.87'E	to	32°13.52'S	133°06.62'E	Island 1 mile SW Pt Bell
	32°13.52'S	133°06.62'E	to	32°08.75'S	132°59.32'E	Sinclair Island
Sinclair Island	32°08.67'S	132°59.28'E	to	32°07.62'S	132°58.72'E	
	32°07.62'S	132°58.72'E	to	32°01.87'S	132°28.27'E	Point Fowler
Anxious Bay	33°12.05'S	134°19.63'E	to	33°35.68'S	134°45.05'E	
	33°35.83'S	134°45.90'E	to	33°35.98'S	134°46.50'E	
	33°36.72'S	134°48.33'E	to	33°37.47'S	134°49.67'E	
Encounter Bay	35°35.80'S	138°36.10'E	to	35°35.80'S	138°57.40'E	
Lacepede Bay	36°35.80'S	139°50.00'E	to	36°56.60'S	139°40.40'E	
Rivoli Bay	37°34.02'S	140°06.33'E	to	37°30.05'S	140°00.80'E	
	37°29.95'S	140°00.68'E	to	37°29.87'S	140°00.63'E	
<i>Bay Closure Lines</i>						
Coffin Bay	34°09.07'S	135°14.39'E	to	34°25.86'S	135°12.41'E	
Avoid Bay	34°35.49'S	135°06.75'E	to	34°41.78'S	135°19.65'E	

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Mark Forster, P.O. Box 154, Port Lincoln, S.A. 5606, or his nominated replacement approved by the Director of Fisheries (hereinafter referred to as the 'fisher') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1 to this exemption, in that they shall not be guilty of an offence when using a fine mesh purse seine net as described in Schedule 2 for the taking of pilchards (*Sardinops neopilchardus*) and other species within the Families Clupeidae and Engraulididae (hereinafter referred to as the 'permitted species') for the purpose of trade or business in marine waters of South Australia as described in Schedule 3 as Area A and Area B (hereinafter referred to as the 'permitted activity').

#### SCHEDULE 1

1. The fisher may engage in the permitted activity from the date of gazettal of this notice until 31 December 1999, or until revoked by the Director of Fisheries.

2. This exemption is valid only in respect of the fishing vessel *Pinta 3* (hereinafter referred to as the 'permitted boat') registered on the fisher's Marine Scalefish Fishery Licence No. M329.

3. The fisher must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.

4. Whilst using a nominated master to take pilchards pursuant to this notice, no other fishing activity shall be undertaken by the licence holder pursuant to Marine Scalefish Fishery Licence No. M329.

5. Whilst engaged in the permitted activity the fisher shall not use any of the devices registered on the fisher's Marine Scalefish Fishery Licence.

6. The fisher must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

7. Any fish, which are not permitted species, taken as by-catch by the fisher during the permitted activity must be immediately returned to the water.

8. The fisher shall not, during the period 1 January 1999 to 31 December 1999, take a quantity of permitted species which exceeds their quota of 49.93 units at 7.712 tonnes per unit (which is equal to 385.06 tonnes).

9. The fisher may with the prior approval of the Director of Fisheries transfer uncaught units of quota during the period of this notice.

10. Fish taken pursuant to this notice as the result of a transfer of quota must be taken in the area as described (and disposed of as described) in the permit conditions of the holder of the initial allocation.

11. The fisher may transfer catch taken pursuant to this notice to a carrier boat at sea subject to nominating the boats in advance.

12. The fisher may nominate no more than two carrier boats at any one time. Notification of boat name must be provided to the person or agency responsible for conducting quota monitoring operations.

13. Where the fisher transfers all or part of their catch to a carrier boat that portion of the catch must be accompanied by a South Australian Pilchard Fishery Log Book, completed as required by condition 16 of this notice.

14. The fisher must notify the person nominated for quota monitoring, by telephone, of the intended place of any unloading and the estimated weight of the catch at least one hour prior to the unloading taking place.

15. The fisher must provide the person nominated for quota monitoring with reasonable access to boats and vehicles for the purpose of enabling inspection of the catch and any record relating to the South Australian Pilchard Fishery Log Book required to be completed under this notice.

16. The fisher must complete the South Australian Pilchard Fishery Log Book as described below:

#### (a) Unloading to a shore based processing plant:

- (i) The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book **up to** but not including the column titled **PILCHARD TONNAGE CAUGHT**.

The fish can then be dispatched to the shore based processing plant. It is the responsibility of the fisher to make certain that all fish are accurately weighed within 24 hours of the consignment to the processor:

- (ii) The fisher shall upon being notified by the processor of the total weight of fish unloaded complete the columns headed, **PILCHARD TONNAGE CAUGHT, OTHER SPECIES, TONNAGE CAUGHT (This refers to other species) and REMARKS.**

For any unloading, if fishing has taken place on more than one day then this should be noted and the verified weight split as close as possible to reflect the actual quantities taken on each day of fishing.

**(b) Unloading at sea or direct to a tuna cage:**

The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book immediately after capture and include an **estimated** tonnage in the column marked **PILCHARD TONNAGE CAUGHT**. The estimated tonnage should be based on a recorded number of boxes of a certain capacity (weight) filled.

17. The fisher then shall either by **facsimile or in person** deliver the completed (South Australian Pilchard Fishery Log Book) form to the person nominated for quota monitoring within **48 hours** of the unloading.

18. The fisher must provide regular samples of the permitted species for research analysis and assist in any other South Australian Research and Development Institute (SARDI) sponsored pilchard fishery research program as required by the Chief Scientist, Aquatic Sciences, SARDI.

19. The fisher must complete a monthly return within 14 days of the end of the previous month and forward it to SARDI. This return must be completed regardless of whether the fisher took fish or not, i.e. nil returns are required.

20. While engaged in the permitted activity the fisher must:

- (a) have in their possession the copy of this notice with which the Director of Fisheries has supplied them; and  
(b) produce that notice to a Fisheries Officer forthwith, if and when a Fisheries Officer requests them to produce it.

21. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

**SCHEDULE 2**

In waters described as **Area A**: one purse seine net having a maximum length of 600 m, a maximum depth of 100 m and a mesh size of between 16 mm and 20 mm.

In waters described as **Area B**: one purse seine net having a mesh size of between 16 mm and 20 mm.

**SCHEDULE 3**

For the purposes of this notice, **Area A** is defined as:

Coastal waters within 3 nautical miles of high water mark or within 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

For the purposes of this notice, **Area B** is defined as:

Coastal waters more than 3 nautical miles to seaward of high water mark or more than 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

Dated 29 November 1999.

W. ZACHARIN, Principal Fisheries Manager

TABLE 1

*Base Lines and Bay Closure Lines of South Australia*

Location	From		to Location
<i>Base Lines</i>			
Newland Head	35°38.68'S	138°31.32'E	to 35°45.63'S 138°18.17'E The Pages
	35°45.63'S	138°18.17'E	to 35°46.65'S 138°17.57'E
	35°46.88'S	138°17.43'E	to 35°47.10'S 138°17.33'E
The Pages	35°47.25'S	138°17.15'E	to 35°50.70'S 138°07.95'E Cape Willoughby
	35°53.25'S	136°31.97'E	to 34°57.20'S 135°37.37'E Cape Carnot
	34°57.20'S	135°37.37'E	to 34°56.90'S 135°37.40'E
Pt Westall	32°54.38'S	134°03.53'E	to 32°43.60'S 133°57.77'E Olives Island
	32°43.60'S	133°57.77'E	to 32°35.18'S 133°17.07'E Fenelon Island
	32°34.92'S	133°16.73'E	to 32°33.80'S 133°16.58'E Masillon Island
Masillon Island	32°33.80'S	133°16.58'E	to 32°30.90'S 133°15.03'E West Island
	32°30.47'S	133°14.87'E	to 32°13.52'S 133°06.62'E Island 1 mile SW Pt Bell
	32°13.52'S	133°06.62'E	to 32°08.75'S 132°59.32'E Sinclair Island
Sinclair Island	32°08.67'S	132°59.28'E	to 32°07.62'S 132°58.72'E
	32°07.62'S	132°58.72'E	to 32°01.87'S 132°28.27'E Point Fowler
	33°12.05'S	134°19.63'E	to 33°35.68'S 134°45.05'E
Anxious Bay	33°35.83'S	134°45.90'E	to 33°35.98'S 134°46.50'E
	33°36.72'S	134°48.33'E	to 33°37.47'S 134°49.67'E
	35°35.80'S	138°36.10'E	to 35°35.80'S 138°57.40'E
Encounter Bay	36°35.80'S	139°50.00'E	to 36°56.60'S 139°40.40'E
	37°34.02'S	140°06.33'E	to 37°30.05'S 140°00.80'E
Lacepede Bay	37°29.95'S	140°00.68'E	to 37°29.87'S 140°00.63'E
Rivoli Bay			
<i>Bay Closure Lines</i>			
Coffin Bay	34°09.07'S	135°14.39'E	to 34°25.86'S 135°12.41'E
Avoid Bay	34°35.49'S	135°06.75'E	to 34°41.78'S 135°19.65'E

## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Zorica Lukin, 62 Lincoln Highway, Port Lincoln, S.A. 5606, or his nominated replacement approved by the Director of Fisheries (hereinafter referred to as the 'fisher') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1 to this exemption, in that they shall not be guilty of an offence when using a fine mesh purse seine net as described in Schedule 2 for the taking of pilchards (*Sardinops neopilchardus*) and other species within the Families Clupeidae and Engraulididae (hereinafter referred to as the 'permitted species') for the purpose of trade or business in marine waters of South Australia as described in Schedule 3 as Area A and Area B (hereinafter referred to as the 'permitted activity').

## SCHEDULE 1

1. The fisher may engage in the permitted activity from the date of gazettal of this notice until 31 December 1999, or until revoked by the Director of Fisheries.

2. This exemption is valid only in respect of the fishing vessel *Scarlet Rose* (hereinafter referred to as the 'permitted boat') registered on the fisher's Marine Scalefish Fishery Licence No. M324.

3. The fisher must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.

4. Whilst using a nominated master to take pilchards pursuant to this notice, no other fishing activity shall be undertaken by the licence holder pursuant to Marine Scalefish Fishery Licence No. M324.

5. Whilst engaged in the permitted activity the fisher shall not use any of the devices registered on the fisher's Marine Scalefish Fishery Licence.

6. The fisher must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

7. Any fish, which are not permitted species, taken as by-catch by the fisher during the permitted activity must be immediately returned to the water.

8. The fisher shall not, during the period 1 January 1999 to 31 December 1999, take a quantity of permitted species which exceeds their quota of 87.79 units at 7.712 tonnes per unit (which is equal to 677.04 tonnes).

9. The fisher may with the prior approval of the Director of Fisheries transfer uncaught units of quota during the period of this notice.

10. Fish taken pursuant to this notice as the result of a transfer of quota must be taken in the area as described (and disposed of as described) in the permit conditions of the holder of the initial allocation.

11. The fisher may transfer catch taken pursuant to this notice to a carrier boat at sea subject to nominating the boats in advance.

12. The fisher may nominate no more than two carrier boats at any one time. Notification of boat name must be provided to the person or agency responsible for conducting quota monitoring operations.

13. Where the fisher transfers all or part of their catch to a carrier boat that portion of the catch must be accompanied by a South Australian Pilchard Fishery Log Book, completed as required by condition 16 of this notice.

14. The fisher must notify the person nominated for quota monitoring, by telephone, of the intended place of any unloading and the estimated weight of the catch at least one hour prior to the unloading taking place.

15. The fisher must provide the person nominated for quota monitoring with reasonable access to boats and vehicles for the purpose of enabling inspection of the catch and any record relating to the South Australian Pilchard Fishery Log Book required to be completed under this notice.

16. The fisher must complete the South Australian Pilchard Fishery Log Book as described below:

**(a) Unloading to a shore based processing plant:**

- (i) The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book **up to but not including the column titled PILCHARD TONNAGE CAUGHT.**

The fish can then be dispatched to the shore based processing plant. It is the responsibility of the fisher to make certain that all fish are accurately weighed within 24 hours of the consignment to the processor:

- (ii) The fisher shall upon being notified by the processor of the total weight of fish unloaded complete the columns headed, **PILCHARD TONNAGE CAUGHT, OTHER SPECIES, TONNAGE CAUGHT (This refers to other species) and REMARKS.**

For any unloading, if fishing has taken place on more than one day then this should be noted and the verified weight split as close as possible to reflect the actual quantities taken on each day of fishing.

**(b) Unloading at sea or direct to a tuna cage:**

The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book immediately after capture and include an **estimated** tonnage in the column marked **PILCHARD TONNAGE CAUGHT.** The estimated tonnage should be based on a recorded number of boxes of a certain capacity (weight) filled.

17. The fisher then shall either by **facsimile or in person** deliver the completed (South Australian Pilchard Fishery Log Book) form to the person nominated for quota monitoring within **48 hours** of the unloading.

18. The fisher must provide regular samples of the permitted species for research analysis and assist in any other South Australian Research and Development Institute (SARDI) sponsored pilchard fishery research program as required by the Chief Scientist, Aquatic Sciences, SARDI.

19. The fisher must complete a monthly return within 14 days of the end of the previous month and forward it to SARDI. This return must be completed regardless of whether the fisher took fish or not, i.e. nil returns are required.

20. While engaged in the permitted activity the fisher must:

- (a) have in their possession the copy of this notice with which the Director of Fisheries has supplied them; and  
(b) produce that notice to a Fisheries Officer forthwith, if and when a Fisheries Officer requests them to produce it.

21. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

## SCHEDULE 2

In waters described as **Area A:** one purse seine net having a maximum length of 600 m, a maximum depth of 100 m and a mesh size of between 16 mm and 20 mm.

In waters described as **Area B:** one purse seine net having a mesh size of between 16 mm and 20 mm.

## SCHEDULE 3

For the purposes of this notice, **Area A** is defined as:

Coastal waters within 3 nautical miles of high water mark or within 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

For the purposes of this notice, **Area B** is defined as:

Coastal waters more than 3 nautical miles to seaward of high water mark or more than 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

Dated 29 November 1999.

W. ZACHARIN, Principal Fisheries Manager

TABLE 1  
Base Lines and Bay Closure Lines of South Australia

Location	From		to	to Location	
<i>Base Lines</i>					
Newland Head	35°38.68'S	138°31.32'E	to	35°45.63'S	138°18.17'E The Pages
	35°45.63'S	138°18.17'E	to	35°46.65'S	138°17.57'E
	35°46.88'S	138°17.43'E	to	35°47.10'S	138°17.33'E
The Pages	35°47.25'S	138°17.15'E	to	35°50.70'S	138°07.95'E Cape Willoughby
Vennachar Point	35°53.25'S	136°31.97'E	to	34°57.20'S	135°37.37'E Cape Carnot
	34°57.20'S	135°37.37'E	to	34°56.90'S	135°37.40'E
Pt Westall	32°54.38'S	134°03.53'E	to	32°43.60'S	133°57.77'E Olives Island
Olives Island	32°43.60'S	133°57.77'E	to	32°35.18'S	133°17.07'E Fenelon Island
Fenelon Island	32°34.92'S	133°16.73'E	to	32°33.80'S	133°16.58'E Masillon Island
Masillon Island	32°33.80'S	133°16.58'E	to	32°30.90'S	133°15.03'E West Island
West Island	32°30.47'S	133°14.87'E	to	32°13.52'S	133°06.62'E Island 1 mile SW Pt Bell
	32°13.52'S	133°06.62'E	to	32°08.75'S	132°59.32'E Sinclair Island
Sinclair Island	32°08.67'S	132°59.28'E	to	32°07.62'S	132°58.72'E
	32°07.62'S	132°58.72'E	to	32°01.87'S	132°28.27'E Point Fowler
Anxious Bay	33°12.05'S	134°19.63'E	to	33°35.68'S	134°45.05'E
	33°35.83'S	134°45.90'E	to	33°35.98'S	134°46.50'E
	33°36.72'S	134°48.33'E	to	33°37.47'S	134°49.67'E
Encounter Bay	35°35.80'S	138°36.10'E	to	35°35.80'S	138°57.40'E
Lacepede Bay	36°35.80'S	139°50.00'E	to	36°56.60'S	139°40.40'E
Rivoli Bay	37°34.02'S	140°06.33'E	to	37°30.05'S	140°00.80'E
	37°29.95'S	140°00.68'E	to	37°29.87'S	140°00.63'E
<i>Bay Closure Lines</i>					
Coffin Bay	34°09.07'S	135°14.39'E	to	34°25.86'S	135°12.41'E
Avoid Bay	34°35.49'S	135°06.75'E	to	34°41.78'S	135°19.65'E

## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Jim Makris, 10 Fisher Place, West Lakes, S.A. 5021, or his nominated replacement approved by the Director of Fisheries (hereinafter referred to as the 'fisher') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1 to this exemption, in that they shall not be guilty of an offence when using a fine mesh purse seine net as described in Schedule 2 for the taking of pilchards (*Sardinops neopilchardus*) and other species within the Families Clupeidae and Engraulididae (hereinafter referred to as the 'permitted species') for the purpose of trade or business in marine waters of South Australia as described in Schedule 3 as Area A and Area B (hereinafter referred to as the 'permitted activity').

## SCHEDULE 1

1. The fisher may engage in the permitted activity from the date of gazettal of this notice until 31 December 1999, or until revoked by the Director of Fisheries.

2. This exemption is valid only in respect of the fishing vessel *Maria Louisa* (hereinafter referred to as the 'permitted boat') registered on the fisher's Marine Scalefish Fishery Licence No. M285.

3. The fisher must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.

4. Whilst using a nominated master to take pilchards pursuant to this notice, no other fishing activity shall be undertaken by the licence holder pursuant to Marine Scalefish Fishery Licence No. M285.

5. Whilst engaged in the permitted activity the fisher shall not use any of the devices registered on the fisher's Marine Scalefish Fishery Licence.

6. The fisher must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

7. Any fish, which are not permitted species, taken as by-catch by the fisher during the permitted activity must be immediately returned to the water.

8. The fisher shall not, during the period 1 January 1999 to 31 December 1999, take a quantity of permitted species which exceeds their quota of 43.45 units at 7.712 tonnes per unit (which is equal to 335.09 tonnes).

9. The fisher may with the prior approval of the Director of Fisheries transfer uncaught units of quota during the period of this notice.

10. Fish taken pursuant to this notice as the result of a transfer of quota must be taken in the area as described (and disposed of as described) in the permit conditions of the holder of the initial allocation.

11. The fisher may transfer catch taken pursuant to this notice to a carrier boat at sea subject to nominating the boats in advance.

12. The fisher may nominate no more than two carrier boats at any one time. Notification of boat name must be provided to the person or agency responsible for conducting quota monitoring operations.

13. Where the fisher transfers all or part of their catch to a carrier boat that portion of the catch must be accompanied by a South Australian Pilchard Fishery Log Book, completed as required by condition 16 of this notice.

14. The fisher must notify the person nominated for quota monitoring, by telephone, of the intended place of any unloading and the estimated weight of the catch at least one hour prior to the unloading taking place.

15. The fisher must provide the person nominated for quota monitoring with reasonable access to boats and vehicles for the purpose of enabling inspection of the catch and any record relating to the South Australian Pilchard Fishery Log Book required to be completed under this notice.

16. The fisher must complete the South Australian Pilchard Fishery Log Book as described below:

## (a) Unloading to a shore based processing plant:

- (i) The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book **up to** but not including the column titled **PILCHARD TONNAGE CAUGHT**.

The fish can then be dispatched to the shore based processing plant. It is the responsibility of the fisher to make certain that all fish are accurately weighed within 24 hours of the consignment to the processor:

- (ii) The fisher shall upon being notified by the processor of the total weight of fish unloaded complete the columns headed, **PILCHARD TONNAGE CAUGHT, OTHER SPECIES, TONNAGE CAUGHT (This refers to other species) and REMARKS.**

For any unloading, if fishing has taken place on more than one day then this should be noted and the verified weight split as close as possible to reflect the actual quantities taken on each day of fishing.

**(b) Unloading at sea or direct to a tuna cage:**

The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book immediately after capture and include an **estimated** tonnage in the column marked **PILCHARD TONNAGE CAUGHT**. The estimated tonnage should be based on a recorded number of boxes of a certain capacity (weight) filled.

17. The fisher then shall either by **facsimile or in person** deliver the completed (South Australian Pilchard Fishery Log Book) form to the person nominated for quota monitoring within **48 hours** of the unloading.

18. The fisher must provide regular samples of the permitted species for research analysis and assist in any other South Australian Research and Development Institute (SARDI) sponsored pilchard fishery research program as required by the Chief Scientist, Aquatic Sciences, SARDI.

19. The fisher must complete a monthly return within 14 days of the end of the previous month and forward it to SARDI. This return must be completed regardless of whether the fisher took fish or not, i.e. nil returns are required.

20. While engaged in the permitted activity the fisher must:

- (a) have in their possession the copy of this notice with which the Director of Fisheries has supplied them; and  
(b) produce that notice to a Fisheries Officer forthwith, if and when a Fisheries Officer requests them to produce it.

21. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

**SCHEDULE 2**

In waters described as **Area A**: one purse seine net having a maximum length of 600 m, a maximum depth of 100 m and a mesh size of between 16 mm and 20 mm.

In waters described as **Area B**: one purse seine net having a mesh size of between 16 mm and 20 mm.

**SCHEDULE 3**

For the purposes of this notice, **Area A** is defined as:

Coastal waters within 3 nautical miles of high water mark or within 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

For the purposes of this notice, **Area B** is defined as:

Coastal waters more than 3 nautical miles to seaward of high water mark or more than 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

Dated 29 November 1999.

W. ZACHARIN, Principal Fisheries Manager

TABLE 1

*Base Lines and Bay Closure Lines of South Australia*

Location	From		to	Location		
<i>Base Lines</i>						
Newland Head	35°38.68'S	138°31.32'E	to	35°45.63'S	The Pages	
	35°45.63'S	138°18.17'E	to	35°46.65'S		
	35°46.88'S	138°17.43'E	to	35°47.10'S		
The Pages	35°47.25'S	138°17.15'E	to	35°50.70'S	Cape Willoughby	
	35°53.25'S	136°31.97'E	to	34°57.20'S		
	34°57.20'S	135°37.37'E	to	34°56.90'S		
Vennachar Point	32°54.38'S	134°03.53'E	to	32°43.60'S	133°57.77'E	Olives Island
Pt Westall	32°43.60'S	133°57.77'E	to	32°35.18'S	133°17.07'E	Fenelon Island
Olives Island	32°34.92'S	133°16.73'E	to	32°33.80'S	133°16.58'E	Masillon Island
Fenelon Island	32°33.80'S	133°16.58'E	to	32°30.90'S	133°15.03'E	West Island
Masillon Island	32°30.47'S	133°14.87'E	to	32°13.52'S	133°06.62'E	Island 1 mile SW Pt Bell
West Island	32°13.52'S	133°06.62'E	to	32°08.75'S	132°59.32'E	Sinclair Island
Sinclair Island	32°08.67'S	132°59.28'E	to	32°07.62'S	132°58.72'E	Point Fowler
	32°07.62'S	132°58.72'E	to	32°01.87'S	132°28.27'E	
	33°12.05'S	134°19.63'E	to	33°35.68'S	134°45.05'E	
Anxious Bay	33°35.83'S	134°45.90'E	to	33°35.98'S	134°46.50'E	
	33°36.72'S	134°48.33'E	to	33°37.47'S	134°49.67'E	
	35°35.80'S	138°36.10'E	to	35°35.80'S	138°57.40'E	
Encounter Bay	36°35.80'S	139°50.00'E	to	36°56.60'S	139°40.40'E	
Lacepede Bay	37°34.02'S	140°06.33'E	to	37°30.05'S	140°00.80'E	
Rivoli Bay	37°29.95'S	140°00.68'E	to	37°29.87'S	140°00.63'E	
<i>Bay Closure Lines</i>						
Coffin Bay	34°09.07'S	135°14.39'E	to	34°25.86'S	135°12.41'E	
Avoid Bay	34°35.49'S	135°06.75'E	to	34°41.78'S	135°19.65'E	

## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Brendan Sheehy, 25 Highway Drive, Port Lincoln, S.A. 5606, or his nominated replacement approved by the Director of Fisheries (hereinafter referred to as the 'fisher') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1 to this exemption, in that they shall not be guilty of an offence when using a fine mesh purse seine net as described in Schedule 2 for the taking of pilchards (*Sardinops neopilchardus*) and other species within the Families Clupeidae and Engraulididae (hereinafter referred to as the 'permitted species') for the purpose of trade or business in marine waters of South Australia as described in Schedule 3 as Area A and Area B (hereinafter referred to as the 'permitted activity').

## SCHEDULE 1

1. The fisher may engage in the permitted activity from the date of gazettal of this notice until 31 December 1999, or until revoked by the Director of Fisheries.

2. This exemption is valid only in respect of the fishing vessel *Stafanie* (hereinafter referred to as the 'permitted boat') registered on the fisher's Marine Scalefish Fishery Licence No. M274.

3. The fisher must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.

4. Whilst using a nominated master to take pilchards pursuant to this notice, no other fishing activity shall be undertaken by the licence holder pursuant to Marine Scalefish Fishery Licence No. M274.

5. Whilst engaged in the permitted activity the fisher shall not use any of the devices registered on the fisher's Marine Scalefish Fishery Licence.

6. The fisher must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

7. Any fish, which are not permitted species, taken as by-catch by the fisher during the permitted activity must be immediately returned to the water.

8. The fisher shall not, during the period 1 January 1999 to 31 December 1999, take a quantity of permitted species which exceeds their quota of 27 units at 7.712 tonnes per unit (which is equal to 208.22 tonnes).

9. The fisher may with the prior approval of the Director of Fisheries transfer uncaught units of quota during the period of this notice.

10. Fish taken pursuant to this notice as the result of a transfer of quota must be taken in the area as described (and disposed of as described) in the permit conditions of the holder of the initial allocation.

11. The fisher may transfer catch taken pursuant to this notice to a carrier boat at sea subject to nominating the boats in advance.

12. The fisher may nominate no more than two carrier boats at any one time. Notification of boat name must be provided to the person or agency responsible for conducting quota monitoring operations.

13. Where the fisher transfers all or part of their catch to a carrier boat that portion of the catch must be accompanied by a South Australian Pilchard Fishery Log Book, completed as required by condition 16 of this notice.

14. The fisher must notify the person nominated for quota monitoring, by telephone, of the intended place of any unloading and the estimated weight of the catch at least one hour prior to the unloading taking place.

15. The fisher must provide the person nominated for quota monitoring with reasonable access to boats and vehicles for the purpose of enabling inspection of the catch and any record relating to the South Australian Pilchard Fishery Log Book required to be completed under this notice.

16. The fisher must complete the South Australian Pilchard Fishery Log Book as described below:

**(a) Unloading to a shore based processing plant:**

- (i) The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book **up to but not including the column titled PILCHARD TONNAGE CAUGHT.**

The fish can then be dispatched to the shore based processing plant. It is the responsibility of the fisher to make certain that all fish are accurately weighed within 24 hours of the consignment to the processor:

- (ii) The fisher shall upon being notified by the processor of the total weight of fish unloaded complete the columns headed, **PILCHARD TONNAGE CAUGHT, OTHER SPECIES, TONNAGE CAUGHT (This refers to other species) and REMARKS.**

For any unloading, if fishing has taken place on more than one day then this should be noted and the verified weight split as close as possible to reflect the actual quantities taken on each day of fishing.

**(b) Unloading at sea or direct to a tuna cage:**

The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book immediately after capture and include an **estimated** tonnage in the column marked **PILCHARD TONNAGE CAUGHT.** The estimated tonnage should be based on a recorded number of boxes of a certain capacity (weight) filled.

17. The fisher then shall either by **facsimile or in person** deliver the completed (South Australian Pilchard Fishery Log Book) form to the person nominated for quota monitoring within **48 hours** of the unloading.

18. The fisher must provide regular samples of the permitted species for research analysis and assist in any other South Australian Research and Development Institute (SARDI) sponsored pilchard fishery research program as required by the Chief Scientist, Aquatic Sciences, SARDI.

19. The fisher must complete a monthly return within 14 days of the end of the previous month and forward it to SARDI. This return must be completed regardless of whether the fisher took fish or not, i.e. nil returns are required.

20. While engaged in the permitted activity the fisher must:

- (a) have in their possession the copy of this notice with which the Director of Fisheries has supplied them; and  
(b) produce that notice to a Fisheries Officer forthwith, if and when a Fisheries Officer requests them to produce it.

21. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

## SCHEDULE 2

In waters described as **Area A:** one purse seine net having a maximum length of 600 m, a maximum depth of 100 m and a mesh size of between 16 mm and 20 mm.

In waters described as **Area B:** one purse seine net having a mesh size of between 16 mm and 20 mm.

## SCHEDULE 3

For the purposes of this notice, **Area A** is defined as:

Coastal waters within 3 nautical miles of high water mark or within 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

For the purposes of this notice, **Area B** is defined as:

Coastal waters more than 3 nautical miles to seaward of high water mark or more than 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

Dated 29 November 1999.

W. ZACHARIN, Principal Fisheries Manager

TABLE 1  
Base Lines and Bay Closure Lines of South Australia

Location	From		to	to Location		
<i>Base Lines</i>						
Newland Head	35°38.68'S	138°31.32'E	to	35°45.63'S	138°18.17'E	The Pages
	35°45.63'S	138°18.17'E	to	35°46.65'S	138°17.57'E	
	35°46.88'S	138°17.43'E	to	35°47.10'S	138°17.33'E	
The Pages	35°47.25'S	138°17.15'E	to	35°50.70'S	138°07.95'E	Cape Willoughby
Vennachar Point	35°53.25'S	136°31.97'E	to	34°57.20'S	135°37.37'E	Cape Carnot
	34°57.20'S	135°37.37'E	to	34°56.90'S	135°37.40'E	
Pt Westall	32°54.38'S	134°03.53'E	to	32°43.60'S	133°57.77'E	Olives Island
Olives Island	32°43.60'S	133°57.77'E	to	32°35.18'S	133°17.07'E	Fenelon Island
Fenelon Island	32°34.92'S	133°16.73'E	to	32°33.80'S	133°16.58'E	Masillon Island
Masillon Island	32°33.80'S	133°16.58'E	to	32°30.90'S	133°15.03'E	West Island
West Island	32°30.47'S	133°14.87'E	to	32°13.52'S	133°06.62'E	Island 1 mile SW Pt Bell
	32°13.52'S	133°06.62'E	to	32°08.75'S	132°59.32'E	Sinclair Island
Sinclair Island	32°08.67'S	132°59.28'E	to	32°07.62'S	132°58.72'E	
	32°07.62'S	132°58.72'E	to	32°01.87'S	132°28.27'E	Point Fowler
Anxious Bay	33°12.05'S	134°19.63'E	to	33°35.68'S	134°45.05'E	
	33°35.83'S	134°45.90'E	to	33°35.98'S	134°46.50'E	
	33°36.72'S	134°48.33'E	to	33°37.47'S	134°49.67'E	
Encounter Bay	35°35.80'S	138°36.10'E	to	35°35.80'S	138°57.40'E	
Lacepede Bay	36°35.80'S	139°50.00'E	to	36°56.60'S	139°40.40'E	
Rivoli Bay	37°34.02'S	140°06.33'E	to	37°30.05'S	140°00.80'E	
	37°29.95'S	140°00.68'E	to	37°29.87'S	140°00.63'E	
<i>Bay Closure Lines</i>						
Coffin Bay	34°09.07'S	135°14.39'E	to	34°25.86'S	135°12.41'E	
Avoid Bay	34°35.49'S	135°06.75'E	to	34°41.78'S	135°19.65'E	

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Tony Lukin, P.O. Box 603, Port Lincoln, S.A. 5606, or his nominated replacement approved by the Director of Fisheries (hereinafter referred to as the 'fisher') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1 to this exemption, in that they shall not be guilty of an offence when using a fine mesh purse seine net as described in Schedule 2 for the taking of pilchards (*Sardinops neopilchardus*) and other species within the Families Clupeidae and Engraulididae (hereinafter referred to as the 'permitted species') for the purpose of trade or business in marine waters of South Australia as described in Schedule 3 as Area A and Area B (hereinafter referred to as the 'permitted activity').

#### SCHEDULE 1

1. The fisher may engage in the permitted activity from the date of gazettal of this notice until 31 December 1999, or until revoked by the Director of Fisheries.

2. This exemption is valid only in respect of the fishing vessel *Karie* (hereinafter referred to as the 'permitted boat') registered on the fisher's Marine Scalefish Fishery Licence No. M273.

3. The fisher must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.

4. Whilst using a nominated master to take pilchards pursuant to this notice, no other fishing activity shall be undertaken by the licence holder pursuant to Marine Scalefish Fishery Licence No. M273.

5. Whilst engaged in the permitted activity the fisher shall not use any of the devices registered on the fisher's Marine Scalefish Fishery Licence.

6. The fisher must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

7. Any fish, which are not permitted species, taken as by-catch by the fisher during the permitted activity must be immediately returned to the water.

8. The fisher shall not, during the period 1 January 1999 to 31 December 1999, take a quantity of permitted species which exceeds their quota of 43.45 units at 7.712 tonnes per unit (which is equal to 335.09 tonnes).

9. The fisher may with the prior approval of the Director of Fisheries transfer uncaught units of quota during the period of this notice.

10. Fish taken pursuant to this notice as the result of a transfer of quota must be taken in the area as described (and disposed of as described) in the permit conditions of the holder of the initial allocation.

11. The fisher may transfer catch taken pursuant to this notice to a carrier boat at sea subject to nominating the boats in advance.

12. The fisher may nominate no more than two carrier boats at any one time. Notification of boat name must be provided to the person or agency responsible for conducting quota monitoring operations.

13. Where the fisher transfers all or part of their catch to a carrier boat that portion of the catch must be accompanied by a South Australian Pilchard Fishery Log Book, completed as required by condition 16 of this notice.

14. The fisher must notify the person nominated for quota monitoring, by telephone, of the intended place of any unloading and the estimated weight of the catch at least one hour prior to the unloading taking place.

15. The fisher must provide the person nominated for quota monitoring with reasonable access to boats and vehicles for the purpose of enabling inspection of the catch and any record relating to the South Australian Pilchard Fishery Log Book required to be completed under this notice.

16. The fisher must complete the South Australian Pilchard Fishery Log Book as described below:

#### (a) Unloading to a shore based processing plant:

- (i) The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book **up to** but not including the column titled **PILCHARD TONNAGE CAUGHT**.

The fish can then be dispatched to the shore based processing plant. It is the responsibility of the fisher to make certain that all fish are accurately weighed within 24 hours of the consignment to the processor:

- (ii) The fisher shall upon being notified by the processor of the total weight of fish unloaded complete the columns headed, **PILCHARD TONNAGE CAUGHT, OTHER SPECIES, TONNAGE CAUGHT (This refers to other species) and REMARKS.**

For any unloading, if fishing has taken place on more than one day then this should be noted and the verified weight split as close as possible to reflect the actual quantities taken on each day of fishing.

**(b) Unloading at sea or direct to a tuna cage:**

The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book immediately after capture and include an **estimated** tonnage in the column marked **PILCHARD TONNAGE CAUGHT**. The estimated tonnage should be based on a recorded number of boxes of a certain capacity (weight) filled.

17. The fisher then shall either by **facsimile or in person** deliver the completed (South Australian Pilchard Fishery Log Book) form to the person nominated for quota monitoring within **48 hours** of the unloading.

18. The fisher must provide regular samples of the permitted species for research analysis and assist in any other South Australian Research and Development Institute (SARDI) sponsored pilchard fishery research program as required by the Chief Scientist, Aquatic Sciences, SARDI.

19. The fisher must complete a monthly return within 14 days of the end of the previous month and forward it to SARDI. This return must be completed regardless of whether the fisher took fish or not, i.e. nil returns are required.

20. While engaged in the permitted activity the fisher must:

- (a) have in their possession the copy of this notice with which the Director of Fisheries has supplied them; and  
(b) produce that notice to a Fisheries Officer forthwith, if and when a Fisheries Officer requests them to produce it.

21. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

**SCHEDULE 2**

In waters described as **Area A**: one purse seine net having a maximum length of 600 m, a maximum depth of 100 m and a mesh size of between 16 mm and 20 mm.

In waters described as **Area B**: one purse seine net having a mesh size of between 16 mm and 20 mm.

**SCHEDULE 3**

For the purposes of this notice, **Area A** is defined as:

Coastal waters within 3 nautical miles of high water mark or within 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

For the purposes of this notice, **Area B** is defined as:

Coastal waters more than 3 nautical miles to seaward of high water mark or more than 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

Dated 29 November 1999.

W. ZACHARIN, Principal Fisheries Manager

TABLE 1

*Base Lines and Bay Closure Lines of South Australia*

Location	From		to Location
<i>Base Lines</i>			
Newland Head	35°38.68'S	138°31.32'E	to 35°45.63'S 138°18.17'E
	35°45.63'S	138°18.17'E	to 35°46.65'S 138°17.57'E
	35°46.88'S	138°17.43'E	to 35°47.10'S 138°17.33'E
The Pages	35°47.25'S	138°17.15'E	to 35°50.70'S 138°07.95'E
	35°53.25'S	136°31.97'E	to 34°57.20'S 135°37.37'E
	34°57.20'S	135°37.37'E	to 34°56.90'S 135°37.40'E
Vennachar Point	32°54.38'S	134°03.53'E	to 32°43.60'S 133°57.77'E
	32°43.60'S	133°57.77'E	to 32°35.18'S 133°17.07'E
	32°34.92'S	133°16.73'E	to 32°33.80'S 133°16.58'E
Pt Westall	32°34.92'S	133°16.73'E	to 32°33.80'S 133°16.58'E
	32°33.80'S	133°16.58'E	to 32°30.90'S 133°15.03'E
	32°30.47'S	133°14.87'E	to 32°13.52'S 133°06.62'E
Olives Island	32°30.47'S	133°14.87'E	to 32°13.52'S 133°06.62'E
	32°13.52'S	133°06.62'E	to 32°08.75'S 132°59.32'E
	32°08.67'S	132°59.28'E	to 32°07.62'S 132°58.72'E
Fenelon Island	32°07.62'S	132°58.72'E	to 32°01.87'S 132°28.27'E
	32°01.87'S	132°28.27'E	to 33°01.87'S 134°45.05'E
	33°12.05'S	134°19.63'E	to 33°35.68'S 134°45.05'E
Masillon Island	33°35.83'S	134°45.90'E	to 33°35.98'S 134°46.50'E
	33°36.72'S	134°48.33'E	to 33°37.47'S 134°49.67'E
	33°35.80'S	138°36.10'E	to 35°35.80'S 138°57.40'E
West Island	36°35.80'S	139°50.00'E	to 36°56.60'S 139°40.40'E
	37°34.02'S	140°06.33'E	to 37°30.05'S 140°00.80'E
	37°29.95'S	140°00.68'E	to 37°29.87'S 140°00.63'E
Sinclair Island	37°29.95'S	140°00.68'E	to 37°29.87'S 140°00.63'E
	33°35.83'S	134°45.90'E	to 33°35.98'S 134°46.50'E
	33°36.72'S	134°48.33'E	to 33°37.47'S 134°49.67'E
Anxious Bay	35°35.80'S	138°36.10'E	to 35°35.80'S 138°57.40'E
	36°35.80'S	139°50.00'E	to 36°56.60'S 139°40.40'E
	37°34.02'S	140°06.33'E	to 37°30.05'S 140°00.80'E
Encounter Bay	37°29.95'S	140°00.68'E	to 37°29.87'S 140°00.63'E
	33°35.83'S	134°45.90'E	to 33°35.98'S 134°46.50'E
	33°36.72'S	134°48.33'E	to 33°37.47'S 134°49.67'E
Lacepede Bay	35°35.80'S	138°36.10'E	to 35°35.80'S 138°57.40'E
	36°35.80'S	139°50.00'E	to 36°56.60'S 139°40.40'E
	37°34.02'S	140°06.33'E	to 37°30.05'S 140°00.80'E
Rivoli Bay	37°29.95'S	140°00.68'E	to 37°29.87'S 140°00.63'E
	33°35.83'S	134°45.90'E	to 33°35.98'S 134°46.50'E
	33°36.72'S	134°48.33'E	to 33°37.47'S 134°49.67'E
<i>Bay Closure Lines</i>	35°35.80'S	138°36.10'E	to 35°35.80'S 138°57.40'E
	36°35.80'S	139°50.00'E	to 36°56.60'S 139°40.40'E
	37°34.02'S	140°06.33'E	to 37°30.05'S 140°00.80'E
Coffin Bay	34°09.07'S	135°14.39'E	to 34°25.86'S 135°12.41'E
Avoid Bay	34°35.49'S	135°06.75'E	to 34°41.78'S 135°19.65'E

## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Stan Lukin, 62 Lincoln Highway, Port Lincoln, S.A. 5606, or his nominated replacement approved by the Director of Fisheries (hereinafter referred to as the 'fisher') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1 to this exemption, in that they shall not be guilty of an offence when using a fine mesh purse seine net as described in Schedule 2 for the taking of pilchards (*Sardinops neopilchardus*) and other species within the Families Clupeidae and Engraulididae (hereinafter referred to as the 'permitted species') for the purpose of trade or business in marine waters of South Australia as described in Schedule 3 as Area A and Area B (hereinafter referred to as the 'permitted activity').

## SCHEDULE 1

1. The fisher may engage in the permitted activity from the date of gazettal of this notice until 31 December 1999, or until revoked by the Director of Fisheries.

2. This exemption is valid only in respect of the fishing vessel *Aislinn* (hereinafter referred to as the 'permitted boat') registered on the fisher's Marine Scalefish Fishery Licence No. M255.

3. The fisher must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.

4. Whilst using a nominated master to take pilchards pursuant to this notice, no other fishing activity shall be undertaken by the licence holder pursuant to Marine Scalefish Fishery Licence No. M255.

5. Whilst engaged in the permitted activity the fisher shall not use any of the devices registered on the fisher's Marine Scalefish Fishery Licence.

6. The fisher must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

7. Any fish, which are not permitted species, taken as by-catch by the fisher during the permitted activity must be immediately returned to the water.

8. The fisher shall not, during the period 1 January 1999 to 31 December 1999, take a quantity of permitted species which exceeds their quota of 15.56 units at 7.712 tonnes per unit (which is equal to 120 tonnes).

9. The fisher may with the prior approval of the Director of Fisheries transfer uncaught units of quota during the period of this notice.

10. Fish taken pursuant to this notice as the result of a transfer of quota must be taken in the area as described (and disposed of as described) in the permit conditions of the holder of the initial allocation.

11. The fisher may transfer catch taken pursuant to this notice to a carrier boat at sea subject to nominating the boats in advance.

12. The fisher may nominate no more than two carrier boats at any one time. Notification of boat name must be provided to the person or agency responsible for conducting quota monitoring operations.

13. Where the fisher transfers all or part of their catch to a carrier boat that portion of the catch must be accompanied by a South Australian Pilchard Fishery Log Book, completed as required by condition 16 of this notice.

14. The fisher must notify the person nominated for quota monitoring, by telephone, of the intended place of any unloading and the estimated weight of the catch at least one hour prior to the unloading taking place.

15. The fisher must provide the person nominated for quota monitoring with reasonable access to boats and vehicles for the purpose of enabling inspection of the catch and any record relating to the South Australian Pilchard Fishery Log Book required to be completed under this notice.

16. The fisher must complete the South Australian Pilchard Fishery Log Book as described below:

## (a) Unloading to a shore based processing plant:

- (i) The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book **up to but not including the column titled PILCHARD TONNAGE CAUGHT.**

The fish can then be dispatched to the shore based processing plant. It is the responsibility of the fisher to make certain that all fish are accurately weighed within 24 hours of the consignment to the processor:

- (ii) The fisher shall upon being notified by the processor of the total weight of fish unloaded complete the columns headed, **PILCHARD TONNAGE CAUGHT, OTHER SPECIES, TONNAGE CAUGHT (This refers to other species) and REMARKS.**

For any unloading, if fishing has taken place on more than one day then this should be noted and the verified weight split as close as possible to reflect the actual quantities taken on each day of fishing.

## (b) Unloading at sea or direct to a tuna cage:

The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book immediately after capture and include an **estimated** tonnage in the column marked **PILCHARD TONNAGE CAUGHT.** The estimated tonnage should be based on a recorded number of boxes of a certain capacity (weight) filled.

17. The fisher then shall either by **facsimile or in person** deliver the completed (South Australian Pilchard Fishery Log Book) form to the person nominated for quota monitoring within **48 hours** of the unloading.

18. The fisher must provide regular samples of the permitted species for research analysis and assist in any other South Australian Research and Development Institute (SARDI) sponsored pilchard fishery research program as required by the Chief Scientist, Aquatic Sciences, SARDI.

19. The fisher must complete a monthly return within 14 days of the end of the previous month and forward it to SARDI. This return must be completed regardless of whether the fisher took fish or not, i.e. nil returns are required.

20. While engaged in the permitted activity the fisher must:

- (a) have in their possession the copy of this notice with which the Director of Fisheries has supplied them; and  
(b) produce that notice to a Fisheries Officer forthwith, if and when a Fisheries Officer requests them to produce it.

21. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

## SCHEDULE 2

In waters described as **Area A:** one purse seine net having a maximum length of 600 m, a maximum depth of 100 m and a mesh size of between 16 mm and 20 mm.

In waters described as **Area B:** one purse seine net having a mesh size of between 16 mm and 20 mm.

## SCHEDULE 3

For the purposes of this notice, **Area A** is defined as:

Coastal waters within 3 nautical miles of high water mark or within 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

For the purposes of this notice, **Area B** is defined as:

Coastal waters more than 3 nautical miles to seaward of high water mark or more than 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

Dated 29 November 1999.

W. ZACHARIN, Principal Fisheries Manager

TABLE 1  
Base Lines and Bay Closure Lines of South Australia

Location	From		to	to Location		
<i>Base Lines</i>						
Newland Head	35°38.68'S	138°31.32'E	to	35°45.63'S	138°18.17'E	The Pages
	35°45.63'S	138°18.17'E	to	35°46.65'S	138°17.57'E	
	35°46.88'S	138°17.43'E	to	35°47.10'S	138°17.33'E	
The Pages	35°47.25'S	138°17.15'E	to	35°50.70'S	138°07.95'E	Cape Willoughby
Vennachar Point	35°53.25'S	136°31.97'E	to	34°57.20'S	135°37.37'E	Cape Carnot
	34°57.20'S	135°37.37'E	to	34°56.90'S	135°37.40'E	
Pt Westall	32°54.38'S	134°03.53'E	to	32°43.60'S	133°57.77'E	Olives Island
Olives Island	32°43.60'S	133°57.77'E	to	32°35.18'S	133°17.07'E	Fenelon Island
Fenelon Island	32°34.92'S	133°16.73'E	to	32°33.80'S	133°16.58'E	Masillon Island
Masillon Island	32°33.80'S	133°16.58'E	to	32°30.90'S	133°15.03'E	West Island
West Island	32°30.47'S	133°14.87'E	to	32°13.52'S	133°06.62'E	Island 1 mile SW Pt Bell
	32°13.52'S	133°06.62'E	to	32°08.75'S	132°59.32'E	Sinclair Island
Sinclair Island	32°08.67'S	132°59.28'E	to	32°07.62'S	132°58.72'E	
	32°07.62'S	132°58.72'E	to	32°01.87'S	132°28.27'E	Point Fowler
Anxious Bay	33°12.05'S	134°19.63'E	to	33°35.68'S	134°45.05'E	
	33°35.83'S	134°45.90'E	to	33°35.98'S	134°46.50'E	
	33°36.72'S	134°48.33'E	to	33°37.47'S	134°49.67'E	
Encounter Bay	35°35.80'S	138°36.10'E	to	35°35.80'S	138°57.40'E	
Lacepede Bay	36°35.80'S	139°50.00'E	to	36°56.60'S	139°40.40'E	
Rivoli Bay	37°34.02'S	140°06.33'E	to	37°30.05'S	140°00.80'E	
	37°29.95'S	140°00.68'E	to	37°29.87'S	140°00.63'E	
<i>Bay Closure Lines</i>						
Coffin Bay	34°09.07'S	135°14.39'E	to	34°25.86'S	135°12.41'E	
Avoid Bay	34°35.49'S	135°06.75'E	to	34°41.78'S	135°19.65'E	

## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, E. F. Hendry Pty Ltd, P.O. Box 1, Warooka, S.A. 5577, or his nominated replacement approved by the Director of Fisheries (hereinafter referred to as the 'fisher') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1 to this exemption, in that they shall not be guilty of an offence when using a fine mesh purse seine net as described in Schedule 2 for the taking of pilchards (*Sardinops neopilchardus*) and other species within the Families Clupeidae and Engraulididae (hereinafter referred to as the 'permitted species') for the purpose of trade or business in marine waters of South Australia as described in Schedule 3 as Area A and Area B (hereinafter referred to as the 'permitted activity').

## SCHEDULE 1

1. The fisher may engage in the permitted activity from the date of gazettal of this notice until 31 December 1999, or until revoked by the Director of Fisheries.

2. This exemption is valid only in respect of the fishing vessel *Para Star* (hereinafter referred to as the 'permitted boat') registered on the fisher's Marine Scalefish Fishery Licence No. M210.

3. The fisher must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.

4. Whilst using a nominated master to take pilchards pursuant to this notice, no other fishing activity shall be undertaken by the licence holder pursuant to Marine Scalefish Fishery Licence No. M210.

5. Whilst engaged in the permitted activity the fisher shall not use any of the devices registered on the fisher's Marine Scalefish Fishery Licence.

6. The fisher must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

7. Any fish, which are not permitted species, taken as by-catch by the fisher during the permitted activity must be immediately returned to the water.

8. The fisher shall not, during the period 1 January 1999 to 31 December 1999, take a quantity of permitted species which exceeds their quota of 30.48 units at 7.712 tonnes per unit (which is equal to 235.06 tonnes).

9. The fisher may with the prior approval of the Director of Fisheries transfer uncaught units of quota during the period of this notice.

10. Fish taken pursuant to this notice as the result of a transfer of quota must be taken in the area as described (and disposed of as described) in the permit conditions of the holder of the initial allocation.

11. The fisher may transfer catch taken pursuant to this notice to a carrier boat at sea subject to nominating the boats in advance.

12. The fisher may nominate no more than two carrier boats at any one time. Notification of boat name must be provided to the person or agency responsible for conducting quota monitoring operations.

13. Where the fisher transfers all or part of their catch to a carrier boat that portion of the catch must be accompanied by a South Australian Pilchard Fishery Log Book, completed as required by condition 16 of this notice.

14. The fisher must notify the person nominated for quota monitoring, by telephone, of the intended place of any unloading and the estimated weight of the catch at least one hour prior to the unloading taking place.

15. The fisher must provide the person nominated for quota monitoring with reasonable access to boats and vehicles for the purpose of enabling inspection of the catch and any record relating to the South Australian Pilchard Fishery Log Book required to be completed under this notice.

16. The fisher must complete the South Australian Pilchard Fishery Log Book as described below:

## (a) Unloading to a shore based processing plant:

- (i) The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book **up to** but not including the column titled **PILCHARD TONNAGE CAUGHT**.

The fish can then be dispatched to the shore based processing plant. It is the responsibility of the fisher to make certain that all fish are accurately weighed within 24 hours of the consignment to the processor:

- (ii) The fisher shall upon being notified by the processor of the total weight of fish unloaded complete the columns headed, **PILCHARD TONNAGE CAUGHT, OTHER SPECIES, TONNAGE CAUGHT (This refers to other species) and REMARKS.**

For any unloading, if fishing has taken place on more than one day then this should be noted and the verified weight split as close as possible to reflect the actual quantities taken on each day of fishing.

**(b) Unloading at sea or direct to a tuna cage:**

The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book immediately after capture and include an **estimated** tonnage in the column marked **PILCHARD TONNAGE CAUGHT**. The estimated tonnage should be based on a recorded number of boxes of a certain capacity (weight) filled.

17. The fisher then shall either by **facsimile or in person** deliver the completed (South Australian Pilchard Fishery Log Book) form to the person nominated for quota monitoring within **48 hours** of the unloading.

18. The fisher must provide regular samples of the permitted species for research analysis and assist in any other South Australian Research and Development Institute (SARDI) sponsored pilchard fishery research program as required by the Chief Scientist, Aquatic Sciences, SARDI.

19. The fisher must complete a monthly return within 14 days of the end of the previous month and forward it to SARDI. This return must be completed regardless of whether the fisher took fish or not, i.e. nil returns are required.

20. While engaged in the permitted activity the fisher must:

- (a) have in their possession the copy of this notice with which the Director of Fisheries has supplied them; and  
(b) produce that notice to a Fisheries Officer forthwith, if and when a Fisheries Officer requests them to produce it.

21. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

**SCHEDULE 2**

In waters described as **Area A**: one purse seine net having a maximum length of 600 m, a maximum depth of 100 m and a mesh size of between 16 mm and 20 mm.

In waters described as **Area B**: one purse seine net having a mesh size of between 16 mm and 20 mm.

**SCHEDULE 3**

For the purposes of this notice, **Area A** is defined as:

Coastal waters within 3 nautical miles of high water mark or within 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

For the purposes of this notice, **Area B** is defined as:

Coastal waters more than 3 nautical miles to seaward of high water mark or more than 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

Dated 29 November 1999.

W. ZACHARIN, Principal Fisheries Manager

TABLE 1

*Base Lines and Bay Closure Lines of South Australia*

Location	From		to Location
<i>Base Lines</i>			
Newland Head	35°38.68'S	138°31.32'E	to 35°45.63'S 138°18.17'E The Pages
	35°45.63'S	138°18.17'E	to 35°46.65'S 138°17.57'E
	35°46.88'S	138°17.43'E	to 35°47.10'S 138°17.33'E
The Pages	35°47.25'S	138°17.15'E	to 35°50.70'S 138°07.95'E Cape Willoughby
	35°53.25'S	136°31.97'E	to 34°57.20'S 135°37.37'E Cape Carnot
	34°57.20'S	135°37.37'E	to 34°56.90'S 135°37.40'E
Pt Westall	32°54.38'S	134°03.53'E	to 32°43.60'S 133°57.77'E Olives Island
	32°43.60'S	133°57.77'E	to 32°35.18'S 133°17.07'E Fenelon Island
	32°34.92'S	133°16.73'E	to 32°33.80'S 133°16.58'E Masillon Island
Masillon Island	32°33.80'S	133°16.58'E	to 32°30.90'S 133°15.03'E West Island
	32°30.47'S	133°14.87'E	to 32°13.52'S 133°06.62'E Island 1 mile SW Pt Bell
	32°13.52'S	133°06.62'E	to 32°08.75'S 132°59.32'E Sinclair Island
Sinclair Island	32°08.67'S	132°59.28'E	to 32°07.62'S 132°58.72'E
	32°07.62'S	132°58.72'E	to 32°01.87'S 132°28.27'E Point Fowler
	33°12.05'S	134°19.63'E	to 33°35.68'S 134°45.05'E
Anxious Bay	33°35.83'S	134°45.90'E	to 33°35.98'S 134°46.50'E
	33°36.72'S	134°48.33'E	to 33°37.47'S 134°49.67'E
	35°35.80'S	138°36.10'E	to 35°35.80'S 138°57.40'E
Encounter Bay	36°35.80'S	139°50.00'E	to 36°56.60'S 139°40.40'E
	37°34.02'S	140°06.33'E	to 37°30.05'S 140°00.80'E
Lacepede Bay	37°29.95'S	140°00.68'E	to 37°29.87'S 140°00.63'E
Rivoli Bay			
<i>Bay Closure Lines</i>			
Coffin Bay	34°09.07'S	135°14.39'E	to 34°25.86'S 135°12.41'E
Avoid Bay	34°35.49'S	135°06.75'E	to 34°41.78'S 135°19.65'E

## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Mary Perich, P.O. Box 1240, Port Lincoln, S.A. 5606, or her nominated replacement approved by the Director of Fisheries (hereinafter referred to as the 'fisher') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1 to this exemption, in that they shall not be guilty of an offence when using a fine mesh purse seine net as described in Schedule 2 for the taking of pilchards (*Sardinops neopilchardus*) and other species within the Families Clupeidae and Engraulididae (hereinafter referred to as the 'permitted species') for the purpose of trade or business in marine waters of South Australia as described in Schedule 3 as Area A and Area B (hereinafter referred to as the 'permitted activity').

## SCHEDULE 1

1. The fisher may engage in the permitted activity from the date of gazettal of this notice until 31 December 1999, or until revoked by the Director of Fisheries.

2. This exemption is valid only in respect of the fishing vessel *Almonta* (hereinafter referred to as the 'permitted boat') registered on the fisher's Marine Scalefish Fishery Licence No. M172.

3. The fisher must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.

4. Whilst using a nominated master to take pilchards pursuant to this notice, no other fishing activity shall be undertaken by the licence holder pursuant to Marine Scalefish Fishery Licence No. M172.

5. Whilst engaged in the permitted activity the fisher shall not use any of the devices registered on the fisher's Marine Scalefish Fishery Licence.

6. The fisher must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

7. Any fish, which are not permitted species, taken as by-catch by the fisher during the permitted activity must be immediately returned to the water.

8. The fisher shall not, during the period 1 January 1999 to 31 December 1999, take a quantity of permitted species which exceeds their quota of 43.45 units at 7.712 tonnes per unit (which is equal to 335.09 tonnes).

9. The fisher may with the prior approval of the Director of Fisheries transfer uncaught units of quota during the period of this notice.

10. Fish taken pursuant to this notice as the result of a transfer of quota must be taken in the area as described (and disposed of as described) in the permit conditions of the holder of the initial allocation.

11. The fisher may transfer catch taken pursuant to this notice to a carrier boat at sea subject to nominating the boats in advance.

12. The fisher may nominate no more than two carrier boats at any one time. Notification of boat name must be provided to the person or agency responsible for conducting quota monitoring operations.

13. Where the fisher transfers all or part of their catch to a carrier boat that portion of the catch must be accompanied by a South Australian Pilchard Fishery Log Book, completed as required by condition 16 of this notice.

14. The fisher must notify the person nominated for quota monitoring, by telephone, of the intended place of any unloading and the estimated weight of the catch at least one hour prior to the unloading taking place.

15. The fisher must provide the person nominated for quota monitoring with reasonable access to boats and vehicles for the purpose of enabling inspection of the catch and any record relating to the South Australian Pilchard Fishery Log Book required to be completed under this notice.

16. The fisher must complete the South Australian Pilchard Fishery Log Book as described below:

## (a) Unloading to a shore based processing plant:

- (i) The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book **up to but not including the column titled PILCHARD TONNAGE CAUGHT.**

The fish can then be dispatched to the shore based processing plant. It is the responsibility of the fisher to make certain that all fish are accurately weighed within 24 hours of the consignment to the processor:

- (ii) The fisher shall upon being notified by the processor of the total weight of fish unloaded complete the columns headed, **PILCHARD TONNAGE CAUGHT, OTHER SPECIES, TONNAGE CAUGHT (This refers to other species) and REMARKS.**

For any unloading, if fishing has taken place on more than one day then this should be noted and the verified weight split as close as possible to reflect the actual quantities taken on each day of fishing.

## (b) Unloading at sea or direct to a tuna cage:

The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book immediately after capture and include an **estimated** tonnage in the column marked **PILCHARD TONNAGE CAUGHT.** The estimated tonnage should be based on a recorded number of boxes of a certain capacity (weight) filled.

17. The fisher then shall either by **facsimile or in person** deliver the completed (South Australian Pilchard Fishery Log Book) form to the person nominated for quota monitoring within **48 hours** of the unloading.

18. The fisher must provide regular samples of the permitted species for research analysis and assist in any other South Australian Research and Development Institute (SARDI) sponsored pilchard fishery research program as required by the Chief Scientist, Aquatic Sciences, SARDI.

19. The fisher must complete a monthly return within 14 days of the end of the previous month and forward it to SARDI. This return must be completed regardless of whether the fisher took fish or not, i.e. nil returns are required.

20. While engaged in the permitted activity the fisher must:

- (a) have in their possession the copy of this notice with which the Director of Fisheries has supplied them; and  
(b) produce that notice to a Fisheries Officer forthwith, if and when a Fisheries Officer requests them to produce it.

21. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

## SCHEDULE 2

In waters described as **Area A**: one purse seine net having a maximum length of 600 m, a maximum depth of 100 m and a mesh size of between 16 mm and 20 mm.

In waters described as **Area B**: one purse seine net having a mesh size of between 16 mm and 20 mm.

## SCHEDULE 3

For the purposes of this notice, **Area A** is defined as:

Coastal waters within 3 nautical miles of high water mark or within 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

For the purposes of this notice, **Area B** is defined as:

Coastal waters more than 3 nautical miles to seaward of high water mark or more than 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

Dated 29 November 1999.

W. ZACHARIN, Principal Fisheries Manager

TABLE 1  
Base Lines and Bay Closure Lines of South Australia

Location	From		to	to Location	
<i>Base Lines</i>					
Newland Head	35°38.68'S	138°31.32'E	to	35°45.63'S	138°18.17'E The Pages
	35°45.63'S	138°18.17'E	to	35°46.65'S	138°17.57'E
	35°46.88'S	138°17.43'E	to	35°47.10'S	138°17.33'E
The Pages	35°47.25'S	138°17.15'E	to	35°50.70'S	138°07.95'E Cape Willoughby
Vennachar Point	35°53.25'S	136°31.97'E	to	34°57.20'S	135°37.37'E Cape Carnot
	34°57.20'S	135°37.37'E	to	34°56.90'S	135°37.40'E
Pt Westall	32°54.38'S	134°03.53'E	to	32°43.60'S	133°57.77'E Olives Island
Olives Island	32°43.60'S	133°57.77'E	to	32°35.18'S	133°17.07'E Fenelon Island
Fenelon Island	32°34.92'S	133°16.73'E	to	32°33.80'S	133°16.58'E Masillon Island
Masillon Island	32°33.80'S	133°16.58'E	to	32°30.90'S	133°15.03'E West Island
West Island	32°30.47'S	133°14.87'E	to	32°13.52'S	133°06.62'E Island 1 mile SW Pt Bell
	32°13.52'S	133°06.62'E	to	32°08.75'S	132°59.32'E Sinclair Island
Sinclair Island	32°08.67'S	132°59.28'E	to	32°07.62'S	132°58.72'E
	32°07.62'S	132°58.72'E	to	32°01.87'S	132°28.27'E Point Fowler
Anxious Bay	33°12.05'S	134°19.63'E	to	33°35.68'S	134°45.05'E
	33°35.83'S	134°45.90'E	to	33°35.98'S	134°46.50'E
	33°36.72'S	134°48.33'E	to	33°37.47'S	134°49.67'E
Encounter Bay	35°35.80'S	138°36.10'E	to	35°35.80'S	138°57.40'E
Lacepede Bay	36°35.80'S	139°50.00'E	to	36°56.60'S	139°40.40'E
Rivoli Bay	37°34.02'S	140°06.33'E	to	37°30.05'S	140°00.80'E
	37°29.95'S	140°00.68'E	to	37°29.87'S	140°00.63'E
<i>Bay Closure Lines</i>					
Coffin Bay	34°09.07'S	135°14.39'E	to	34°25.86'S	135°12.41'E
Avoid Bay	34°35.49'S	135°06.75'E	to	34°41.78'S	135°19.65'E

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Gary Feuerherdt, P.O. Box 712, Port Lincoln, S.A. 5606, or his nominated replacement approved by the Director of Fisheries (hereinafter referred to as the 'fisher') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1 to this exemption, in that they shall not be guilty of an offence when using a fine mesh purse seine net as described in Schedule 2 for the taking of pilchards (*Sardinops neopilchardus*) and other species within the Families Clupeidae and Engraulididae (hereinafter referred to as the 'permitted species') for the purpose of trade or business in marine waters of South Australia as described in Schedule 3 as Area A and Area B (hereinafter referred to as the 'permitted activity').

#### SCHEDULE 1

1. The fisher may engage in the permitted activity from the date of gazettal of this notice until 31 December 1999, or until revoked by the Director of Fisheries.

2. This exemption is valid only in respect of the fishing vessel *Odyssey S* (hereinafter referred to as the 'permitted boat') registered on the fisher's Marine Scalefish Fishery Licence No. M153.

3. The fisher must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.

4. Whilst using a nominated master to take pilchards pursuant to this notice, no other fishing activity shall be undertaken by the licence holder pursuant to Marine Scalefish Fishery Licence No. M153.

5. Whilst engaged in the permitted activity the fisher shall not use any of the devices registered on the fisher's Marine Scalefish Fishery Licence.

6. The fisher must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

7. Any fish, which are not permitted species, taken as by-catch by the fisher during the permitted activity must be immediately returned to the water.

8. The fisher shall not, during the period 1 January 1999 to 31 December 1999, take a quantity of permitted species which exceeds their quota of 56.42 units at 7.712 tonnes per unit (which is equal to 435.11 tonnes).

9. The fisher may with the prior approval of the Director of Fisheries transfer uncaught units of quota during the period of this notice.

10. Fish taken pursuant to this notice as the result of a transfer of quota must be taken in the area as described (and disposed of as described) in the permit conditions of the holder of the initial allocation.

11. The fisher may transfer catch taken pursuant to this notice to a carrier boat at sea subject to nominating the boats in advance.

12. The fisher may nominate no more than two carrier boats at any one time. Notification of boat name must be provided to the person or agency responsible for conducting quota monitoring operations.

13. Where the fisher transfers all or part of their catch to a carrier boat that portion of the catch must be accompanied by a South Australian Pilchard Fishery Log Book, completed as required by condition 16 of this notice.

14. The fisher must notify the person nominated for quota monitoring, by telephone, of the intended place of any unloading and the estimated weight of the catch at least one hour prior to the unloading taking place.

15. The fisher must provide the person nominated for quota monitoring with reasonable access to boats and vehicles for the purpose of enabling inspection of the catch and any record relating to the South Australian Pilchard Fishery Log Book required to be completed under this notice.

16. The fisher must complete the South Australian Pilchard Fishery Log Book as described below:

#### (a) Unloading to a shore based processing plant:

- (i) The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book **up to** but not including the column titled **PILCHARD TONNAGE CAUGHT**.

The fish can then be dispatched to the shore based processing plant. It is the responsibility of the fisher to make certain that all fish are accurately weighed within 24 hours of the consignment to the processor:

- (ii) The fisher shall upon being notified by the processor of the total weight of fish unloaded complete the columns headed, **PILCHARD TONNAGE CAUGHT, OTHER SPECIES, TONNAGE CAUGHT (This refers to other species) and REMARKS.**

For any unloading, if fishing has taken place on more than one day then this should be noted and the verified weight split as close as possible to reflect the actual quantities taken on each day of fishing.

**(b) Unloading at sea or direct to a tuna cage:**

The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book immediately after capture and include an **estimated** tonnage in the column marked **PILCHARD TONNAGE CAUGHT**. The estimated tonnage should be based on a recorded number of boxes of a certain capacity (weight) filled.

17. The fisher then shall either by **facsimile or in person** deliver the completed (South Australian Pilchard Fishery Log Book) form to the person nominated for quota monitoring within **48 hours** of the unloading.

18. The fisher must provide regular samples of the permitted species for research analysis and assist in any other South Australian Research and Development Institute (SARDI) sponsored pilchard fishery research program as required by the Chief Scientist, Aquatic Sciences, SARDI.

19. The fisher must complete a monthly return within 14 days of the end of the previous month and forward it to SARDI. This return must be completed regardless of whether the fisher took fish or not, i.e. nil returns are required.

20. While engaged in the permitted activity the fisher must:

- (a) have in their possession the copy of this notice with which the Director of Fisheries has supplied them; and  
(b) produce that notice to a Fisheries Officer forthwith, if and when a Fisheries Officer requests them to produce it.

21. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

**SCHEDULE 2**

In waters described as **Area A**: one purse seine net having a maximum length of 600 m, a maximum depth of 100 m and a mesh size of between 16 mm and 20 mm.

In waters described as **Area B**: one purse seine net having a mesh size of between 16 mm and 20 mm.

**SCHEDULE 3**

For the purposes of this notice, **Area A** is defined as:

Coastal waters within 3 nautical miles of high water mark or within 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

For the purposes of this notice, **Area B** is defined as:

Coastal waters more than 3 nautical miles to seaward of high water mark or more than 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

Dated 29 November 1999.

W. ZACHARIN, Principal Fisheries Manager

TABLE 1

*Base Lines and Bay Closure Lines of South Australia*

Location	From		to	Location		
<i>Base Lines</i>						
Newland Head	35°38.68'S	138°31.32'E	to	35°45.63'S	The Pages	
	35°45.63'S	138°18.17'E	to	35°46.65'S		
	35°46.88'S	138°17.43'E	to	35°47.10'S		
The Pages	35°47.25'S	138°17.15'E	to	35°50.70'S	Cape Willoughby	
	35°53.25'S	136°31.97'E	to	34°57.20'S		
	34°57.20'S	135°37.37'E	to	34°56.90'S		
Vennachar Point	32°54.38'S	134°03.53'E	to	32°43.60'S	133°57.77'E	Olives Island
Pt Westall	32°43.60'S	133°57.77'E	to	32°35.18'S	133°17.07'E	Fenelon Island
Olives Island	32°34.92'S	133°16.73'E	to	32°33.80'S	133°16.58'E	Masillon Island
Fenelon Island	32°33.80'S	133°16.58'E	to	32°30.90'S	133°15.03'E	West Island
Masillon Island	32°30.47'S	133°14.87'E	to	32°13.52'S	133°06.62'E	Island 1 mile SW Pt Bell
West Island	32°13.52'S	133°06.62'E	to	32°08.75'S	132°59.32'E	Sinclair Island
Sinclair Island	32°08.67'S	132°59.28'E	to	32°07.62'S	132°58.72'E	Point Fowler
	32°07.62'S	132°58.72'E	to	32°01.87'S	132°28.27'E	
	33°12.05'S	134°19.63'E	to	33°35.68'S	134°45.05'E	
Anxious Bay	33°35.83'S	134°45.90'E	to	33°35.98'S	134°46.50'E	
	33°36.72'S	134°48.33'E	to	33°37.47'S	134°49.67'E	
	35°35.80'S	138°36.10'E	to	35°35.80'S	138°57.40'E	
Encounter Bay	36°35.80'S	139°50.00'E	to	36°56.60'S	139°40.40'E	
Lacepede Bay	37°34.02'S	140°06.33'E	to	37°30.05'S	140°00.80'E	
Rivoli Bay	37°29.95'S	140°00.68'E	to	37°29.87'S	140°00.63'E	
<i>Bay Closure Lines</i>						
Coffin Bay	34°09.07'S	135°14.39'E	to	34°25.86'S	135°12.41'E	
Avoid Bay	34°35.49'S	135°06.75'E	to	34°41.78'S	135°19.65'E	

## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Stanislav Lukin, 62 Lincoln Highway, Port Lincoln, S.A. 5606, or his nominated replacement approved by the Director of Fisheries (hereinafter referred to as the 'fisher') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1, in that they shall not be guilty of an offence when using a fine mesh purse seine net as described in Schedule 2 for the taking of pilchards (*Sardinops neopilchardus*) and other species within the Families Clupeidae and Engraulididae (hereinafter referred to as the 'permitted species') for the purpose of trade or business in marine waters of South Australia as described in Schedule 3 as Area B (hereinafter referred to as the 'permitted activity').

## SCHEDULE 1

1. The fisher may engage in the permitted activity from the date of gazettal of this notice until 31 December 1999, or until revoked by the Director of Fisheries.

2. This exemption is valid only in respect of the fishing vessel *Aislinn* (hereinafter referred to as the 'permitted boat').

3. The fisher must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.

4. Whilst engaged in the permitted activity the fisher shall not use any of the device than that permitted pursuant to Schedule 2.

5. The fisher must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

6. Any fish, which are not permitted species, taken as by-catch by the fisher during the permitted activity must be immediately returned to the water.

7. The fisher may only engage in the permitted activity for the purpose of supplying food fish for tuna farms.

8. The fisher shall not, during the period 1 January 1999 to 31 December 1999, take a quantity of permitted species which exceeds their quota of 4.28 units at 7.712 tonnes per unit (which is equal to 33 tonnes).

9. The fisher may with the prior approval of the Director of Fisheries transfer uncaught units of quota during the period of this notice.

10. Fish taken pursuant to this notice as the result of a transfer of quota must be disposed of in accordance to the permit conditions of the holder of the initial allocation.

11. The fisher may transfer catch taken pursuant to this notice to a carrier boat at sea subject to nominating the boats in advance.

12. The fisher may nominate no more than two carrier boats at any one time. Notification of boat name must be provided to the person or agency responsible for conducting quota monitoring operations.

13. Where the fisher transfers all or part of their catch to a carrier boat that portion of the catch must be accompanied by a South Australian Pilchard Fishery Log Book, completed as required by condition 16 of this notice.

14. The fisher must notify the person nominated for quota monitoring, by telephone, of the intended place of any unloading and the estimated weight of the catch at least one hour prior to the unloading taking place.

15. The fisher must provide the person nominated for quota monitoring with reasonable access to boats and vehicles for the purpose of enabling inspection of the catch and any record relating to the South Australian Pilchard Fishery Log Book required to be completed under this notice.

16. The fisher must complete the South Australian Pilchard Fishery Log Book as described below:

**(a) Unloading to a shore based processing plant:**

- (i) The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book **up to but not including the column titled PILCHARD TONNAGE CAUGHT.**

The fish can then be dispatched to the shore based processing plant. It is the responsibility of the fisher to make certain that all fish are accurately weighed within 24 hours of the consignment to the processor:

- (ii) The fisher shall upon being notified by the processor of the total weight of fish unloaded complete the columns headed, **PILCHARD TONNAGE CAUGHT, OTHER SPECIES, TONNAGE CAUGHT (This refers to other species) and REMARKS.**

For any unloading, if fishing has taken place on more than one day then this should be noted and the verified weight split as close as possible to reflect the actual quantities taken on each day of fishing.

**(b) Unloading at sea or direct to a tuna cage:**

The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book immediately after capture and include an **estimated** tonnage in the column marked **PILCHARD TONNAGE CAUGHT.** The estimated tonnage should be based on a recorded number of boxes of a certain capacity (weight) filled.

17. The fisher then shall either by **facsimile or in person** deliver the completed (South Australian Pilchard Fishery Log Book) form to the person nominated for quota monitoring within **48 hours** of the unloading.

18. The fisher must provide regular samples of the permitted species for research analysis and assist in any other South Australian Research and Development Institute (SARDI) sponsored pilchard fishery research program as required by the Chief Scientist, Aquatic Sciences, SARDI.

19. The fisher must complete a monthly return within 14 days of the end of the previous month and forward it to SARDI. This return must be completed regardless of whether the fisher took fish or not, i.e. nil returns are required.

20. While engaged in the permitted activity the fisher must:

- (a) have in their possession the copy of this notice with which the Director of Fisheries has supplied them; and  
(b) produce that notice to a Fisheries Officer forthwith, if and when a Fisheries Officer requests them to produce it.

21. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

## SCHEDULE 2

In waters described as **Area A:** one purse seine net having a maximum length of 600 m, a maximum depth of 100 m and a mesh size of between 16 mm and 20 mm.

In waters described as **Area B:** one purse seine net having a mesh size of between 16 mm and 20 mm.

## SCHEDULE 3

For the purposes of this notice, **Area A** is defined as:

Coastal waters within 3 nautical miles of high water mark or within 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

For the purposes of this notice, **Area B** is defined as:

Coastal waters more than 3 nautical miles to seaward of high water mark or more than 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

Dated 29 November 1999.

W. ZACHARIN, Principal Fisheries Manager

TABLE 1  
Base Lines and Bay Closure Lines of South Australia

Location	From			to Location		
<i>Base Lines</i>						
Newland Head	35°38.68'S	138°31.32'E	to	35°45.63'S	138°18.17'E	The Pages
	35°45.63'S	138°18.17'E	to	35°46.65'S	138°17.57'E	
	35°46.88'S	138°17.43'E	to	35°47.10'S	138°17.33'E	
The Pages	35°47.25'S	138°17.15'E	to	35°50.70'S	138°07.95'E	Cape Willoughby
Vennachar Point	35°53.25'S	136°31.97'E	to	34°57.20'S	135°37.37'E	Cape Carnot
	34°57.20'S	135°37.37'E	to	34°56.90'S	135°37.40'E	
Pt Westall	32°54.38'S	134°03.53'E	to	32°43.60'S	133°57.77'E	Olives Island
Olives Island	32°43.60'S	133°57.77'E	to	32°35.18'S	133°17.07'E	Fenelon Island
Fenelon Island	32°34.92'S	133°16.73'E	to	32°33.80'S	133°16.58'E	Masillon Island
Masillon Island	32°33.80'S	133°16.58'E	to	32°30.90'S	133°15.03'E	West Island
West Island	32°30.47'S	133°14.87'E	to	32°13.52'S	133°06.62'E	Island 1 mile SW Pt Bell
	32°13.52'S	133°06.62'E	to	32°08.75'S	132°59.32'E	Sinclair Island
Sinclair Island	32°08.67'S	132°59.28'E	to	32°07.62'S	132°58.72'E	
	32°07.62'S	132°58.72'E	to	32°01.87'S	132°28.27'E	Point Fowler
Anxious Bay	33°12.05'S	134°19.63'E	to	33°35.68'S	134°45.05'E	
	33°35.83'S	134°45.90'E	to	33°35.98'S	134°46.50'E	
	33°36.72'S	134°48.33'E	to	33°37.47'S	134°49.67'E	
Encounter Bay	35°35.80'S	138°36.10'E	to	35°35.80'S	138°57.40'E	
Lacepede Bay	36°35.80'S	139°50.00'E	to	36°56.60'S	139°40.40'E	
Rivoli Bay	37°34.02'S	140°06.33'E	to	37°30.05'S	140°00.80'E	
	37°29.95'S	140°00.68'E	to	37°29.87'S	140°00.63'E	
<i>Bay Closure Lines</i>						
Coffin Bay	34°09.07'S	135°14.39'E	to	34°25.86'S	135°12.41'E	
Avoid Bay	34°35.49'S	135°06.75'E	to	34°41.78'S	135°19.65'E	

## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Mary Perich, P.O. Box 1240, Port Lincoln, S.A. 5606, or his nominated replacement approved by the Director of Fisheries (hereinafter referred to as the 'fisher') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1, in that they shall not be guilty of an offence when using a fine mesh purse seine net as described in Schedule 2 for the taking of pilchards (*Sardinops neopilchardus*) and other species within the Families Clupeidae and Engraulididae (hereinafter referred to as the 'permitted species') for the purpose of trade or business in marine waters of South Australia as described in Schedule 3 as Area B (hereinafter referred to as the 'permitted activity').

## SCHEDULE 1

1. The fisher may engage in the permitted activity from the date of gazettal of this notice until 31 December 1999, or until revoked by the Director of Fisheries.

2. This exemption is valid only in respect of the fishing vessel *Almonta* (hereinafter referred to as the 'permitted boat').

3. The fisher must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.

4. Whilst engaged in the permitted activity the fisher shall not use any of the device than that permitted pursuant to Schedule 2.

5. The fisher must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

6. Any fish, which are not permitted species, taken as by-catch by the fisher during the permitted activity must be immediately returned to the water.

7. The fisher may only engage in the permitted activity for the purpose of supplying food fish for tuna farms.

8. The fisher shall not, during the period 1 January 1999 to 31 December 1999, take a quantity of permitted species which exceeds their quota of 15.56 units at 7.712 tonnes per unit (which is equal to 120 tonnes).

9. The fisher may with the prior approval of the Director of Fisheries transfer uncaught units of quota during the period of this notice.

10. Fish taken pursuant to this notice as the result of a transfer of quota must be disposed of in accordance to the permit conditions of the holder of the initial allocation.

11. The fisher may transfer catch taken pursuant to this notice to a carrier boat at sea subject to nominating the boats in advance.

12. The fisher may nominate no more than two carrier boats at any one time. Notification of boat name must be provided to the person or agency responsible for conducting quota monitoring operations.

13. Where the fisher transfers all or part of their catch to a carrier boat that portion of the catch must be accompanied by a South Australian Pilchard Fishery Log Book, completed as required by condition 16 of this notice.

14. The fisher must notify the person nominated for quota monitoring, by telephone, of the intended place of any unloading and the estimated weight of the catch at least one hour prior to the unloading taking place.

15. The fisher must provide the person nominated for quota monitoring with reasonable access to boats and vehicles for the purpose of enabling inspection of the catch and any record relating to the South Australian Pilchard Fishery Log Book required to be completed under this notice.

16. The fisher must complete the South Australian Pilchard Fishery Log Book as described below:

## (a) Unloading to a shore based processing plant:

- (i) The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book **up to** but not including the column titled **PILCHARD TONNAGE CAUGHT**.

The fish can then be dispatched to the shore based processing plant. It is the responsibility of the fisher to make certain that all fish are accurately weighed within 24 hours of the consignment to the processor:

- (ii) The fisher shall upon being notified by the processor of the total weight of fish unloaded complete the columns headed, **PILCHARD TONNAGE CAUGHT, OTHER SPECIES, TONNAGE CAUGHT (This refers to other species) and REMARKS.**

For any unloading, if fishing has taken place on more than one day then this should be noted and the verified weight split as close as possible to reflect the actual quantities taken on each day of fishing.

**(b) Unloading at sea or direct to a tuna cage:**

The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book immediately after capture and include an **estimated** tonnage in the column marked **PILCHARD TONNAGE CAUGHT**. The estimated tonnage should be based on a recorded number of boxes of a certain capacity (weight) filled.

17. The fisher then shall either by **facsimile or in person** deliver the completed (South Australian Pilchard Fishery Log Book) form to the person nominated for quota monitoring within **48 hours** of the unloading.

18. The fisher must provide regular samples of the permitted species for research analysis and assist in any other South Australian Research and Development Institute (SARDI) sponsored pilchard fishery research program as required by the Chief Scientist, Aquatic Sciences, SARDI.

19. The fisher must complete a monthly return within 14 days of the end of the previous month and forward it to SARDI. This return must be completed regardless of whether the fisher took fish or not, i.e. nil returns are required.

20. While engaged in the permitted activity the fisher must:

- (a) have in their possession the copy of this notice with which the Director of Fisheries has supplied them; and  
(b) produce that notice to a Fisheries Officer forthwith, if and when a Fisheries Officer requests them to produce it.

21. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

**SCHEDULE 2**

In waters described as **Area A**: one purse seine net having a maximum length of 600 m, a maximum depth of 100 m and a mesh size of between 16 mm and 20 mm.

In waters described as **Area B**: one purse seine net having a mesh size of between 16 mm and 20 mm.

**SCHEDULE 3**

For the purposes of this notice, **Area A** is defined as:

Coastal waters within 3 nautical miles of high water mark or within 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

For the purposes of this notice, **Area B** is defined as:

Coastal waters more than 3 nautical miles to seaward of high water mark or more than 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

Dated 29 November 1999.

W. ZACHARIN, Principal Fisheries Manager

TABLE 1

*Base Lines and Bay Closure Lines of South Australia*

Location	From		to	to Location		
<i>Base Lines</i>						
Newland Head	35°38.68'S	138°31.32'E	to	35°45.63'S	138°18.17'E	
	35°45.63'S	138°18.17'E	to	35°46.65'S	138°17.57'E	
	35°46.88'S	138°17.43'E	to	35°47.10'S	138°17.33'E	
The Pages	35°47.25'S	138°17.15'E	to	35°50.70'S	138°07.95'E	
	Vennachar Point	35°53.25'S	136°31.97'E	to	34°57.20'S	135°37.37'E
		34°57.20'S	135°37.37'E	to	34°56.90'S	135°37.40'E
Pt Westall	32°54.38'S	134°03.53'E	to	32°43.60'S	133°57.77'E	
	Olives Island	32°43.60'S	133°57.77'E	to	32°35.18'S	133°17.07'E
Fenelon Island	32°34.92'S	133°16.73'E	to	32°33.80'S	133°16.58'E	
Masillon Island	32°33.80'S	133°16.58'E	to	32°30.90'S	133°15.03'E	
West Island	32°30.47'S	133°14.87'E	to	32°13.52'S	133°06.62'E	
	32°13.52'S	133°06.62'E	to	32°08.75'S	132°59.32'E	
Sinclair Island	32°08.67'S	132°59.28'E	to	32°07.62'S	132°58.72'E	
	32°07.62'S	132°58.72'E	to	32°01.87'S	132°28.27'E	
Anxious Bay	33°12.05'S	134°19.63'E	to	33°35.68'S	134°45.05'E	
	33°35.83'S	134°45.90'E	to	33°35.98'S	134°46.50'E	
	33°36.72'S	134°48.33'E	to	33°37.47'S	134°49.67'E	
Encounter Bay	35°35.80'S	138°36.10'E	to	35°35.80'S	138°57.40'E	
Lacepede Bay	36°35.80'S	139°50.00'E	to	36°56.60'S	139°40.40'E	
Rivoli Bay	37°34.02'S	140°06.33'E	to	37°30.05'S	140°00.80'E	
	37°29.95'S	140°00.68'E	to	37°29.87'S	140°00.63'E	
<i>Bay Closure Lines</i>						
Coffin Bay	34°09.07'S	135°14.39'E	to	34°25.86'S	135°12.41'E	
Avoid Bay	34°35.49'S	135°06.75'E	to	34°41.78'S	135°19.65'E	

## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Mark Forster, P.O. Box 154, Port Lincoln, S.A. 5606, or his nominated replacement approved by the Director of Fisheries (hereinafter referred to as the 'fisher') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1, in that they shall not be guilty of an offence when using a fine mesh purse seine net as described in Schedule 2 for the taking of pilchards (*Sardinops neopilchardus*) and other species within the Families Clupeidae and Engraulididae (hereinafter referred to as the 'permitted species') for the purpose of trade or business in marine waters of South Australia as described in Schedule 3 as Area B (hereinafter referred to as the 'permitted activity').

## SCHEDULE 1

1. The fisher may engage in the permitted activity from the date of gazettal of this notice until 31 December 1999, or until revoked by the Director of Fisheries.

2. This exemption is valid only in respect of the fishing vessel *Pinta 3* (hereinafter referred to as the 'permitted boat').

3. The fisher must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.

4. Whilst engaged in the permitted activity the fisher shall not use any of the device than that permitted pursuant to Schedule 2.

5. The fisher must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

6. Any fish, which are not permitted species, taken as by-catch by the fisher during the permitted activity must be immediately returned to the water.

7. The fisher may only engage in the permitted activity for the purpose of supplying food fish for tuna farms.

8. The fisher shall not, during the period 1 January 1999 to 31 December 1999, take a quantity of permitted species which exceeds their quota of 5.05 units at 7.712 tonnes per unit (which is equal to 38.94 tonnes).

9. The fisher may with the prior approval of the Director of Fisheries transfer uncaught units of quota during the period of this notice.

10. Fish taken pursuant to this notice as the result of a transfer of quota must be disposed of in accordance to the permit conditions of the holder of the initial allocation.

11. The fisher may transfer catch taken pursuant to this notice to a carrier boat at sea subject to nominating the boats in advance.

12. The fisher may nominate no more than two carrier boats at any one time. Notification of boat name must be provided to the person or agency responsible for conducting quota monitoring operations.

13. Where the fisher transfers all or part of their catch to a carrier boat that portion of the catch must be accompanied by a South Australian Pilchard Fishery Log Book, completed as required by condition 16 of this notice.

14. The fisher must notify the person nominated for quota monitoring, by telephone, of the intended place of any unloading and the estimated weight of the catch at least one hour prior to the unloading taking place.

15. The fisher must provide the person nominated for quota monitoring with reasonable access to boats and vehicles for the purpose of enabling inspection of the catch and any record relating to the South Australian Pilchard Fishery Log Book required to be completed under this notice.

16. The fisher must complete the South Australian Pilchard Fishery Log Book as described below:

**(a) Unloading to a shore based processing plant:**

- (i) The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book **up to but not including** the column titled **PILCHARD TONNAGE CAUGHT**.

The fish can then be dispatched to the shore based processing plant. It is the responsibility of the fisher to make certain that all fish are accurately weighed within 24 hours of the consignment to the processor:

- (ii) The fisher shall upon being notified by the processor of the total weight of fish unloaded complete the columns headed, **PILCHARD TONNAGE CAUGHT, OTHER SPECIES, TONNAGE CAUGHT (This refers to other species) and REMARKS**.

For any unloading, if fishing has taken place on more than one day then this should be noted and the verified weight split as close as possible to reflect the actual quantities taken on each day of fishing.

**(b) Unloading at sea or direct to a tuna cage:**

The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book immediately after capture and include an **estimated** tonnage in the column marked **PILCHARD TONNAGE CAUGHT**. The estimated tonnage should be based on a recorded number of boxes of a certain capacity (weight) filled.

17. The fisher then shall either by **facsimile or in person** deliver the completed (South Australian Pilchard Fishery Log Book) form to the person nominated for quota monitoring within **48 hours** of the unloading.

18. The fisher must provide regular samples of the permitted species for research analysis and assist in any other South Australian Research and Development Institute (SARDI) sponsored pilchard fishery research program as required by the Chief Scientist, Aquatic Sciences, SARDI.

19. The fisher must complete a monthly return within 14 days of the end of the previous month and forward it to SARDI. This return must be completed regardless of whether the fisher took fish or not, i.e. nil returns are required.

20. While engaged in the permitted activity the fisher must:

- (a) have in their possession the copy of this notice with which the Director of Fisheries has supplied them; and  
(b) produce that notice to a Fisheries Officer forthwith, if and when a Fisheries Officer requests them to produce it.

21. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

## SCHEDULE 2

In waters described as **Area A**: one purse seine net having a maximum length of 600 m, a maximum depth of 100 m and a mesh size of between 16 mm and 20 mm.

In waters described as **Area B**: one purse seine net having a mesh size of between 16 mm and 20 mm.

## SCHEDULE 3

For the purposes of this notice, **Area A** is defined as:

Coastal waters within 3 nautical miles of high water mark or within 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

For the purposes of this notice, **Area B** is defined as:

Coastal waters more than 3 nautical miles to seaward of high water mark or more than 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

Dated 29 November 1999.

W. ZACHARIN, Principal Fisheries Manager

TABLE 1  
Base Lines and Bay Closure Lines of South Australia

Location	From		to	to Location		
<i>Base Lines</i>						
Newland Head	35°38.68'S	138°31.32'E	to	35°45.63'S	138°18.17'E	The Pages
	35°45.63'S	138°18.17'E	to	35°46.65'S	138°17.57'E	
	35°46.88'S	138°17.43'E	to	35°47.10'S	138°17.33'E	
The Pages	35°47.25'S	138°17.15'E	to	35°50.70'S	138°07.95'E	Cape Willoughby
Vennachar Point	35°53.25'S	136°31.97'E	to	34°57.20'S	135°37.37'E	Cape Carnot
	34°57.20'S	135°37.37'E	to	34°56.90'S	135°37.40'E	
Pt Westall	32°54.38'S	134°03.53'E	to	32°43.60'S	133°57.77'E	Olives Island
Olives Island	32°43.60'S	133°57.77'E	to	32°35.18'S	133°17.07'E	Fenelon Island
Fenelon Island	32°34.92'S	133°16.73'E	to	32°33.80'S	133°16.58'E	Masillon Island
Masillon Island	32°33.80'S	133°16.58'E	to	32°30.90'S	133°15.03'E	West Island
West Island	32°30.47'S	133°14.87'E	to	32°13.52'S	133°06.62'E	Island 1 mile SW Pt Bell
	32°13.52'S	133°06.62'E	to	32°08.75'S	132°59.32'E	Sinclair Island
Sinclair Island	32°08.67'S	132°59.28'E	to	32°07.62'S	132°58.72'E	
	32°07.62'S	132°58.72'E	to	32°01.87'S	132°28.27'E	Point Fowler
Anxious Bay	33°12.05'S	134°19.63'E	to	33°35.68'S	134°45.05'E	
	33°35.83'S	134°45.90'E	to	33°35.98'S	134°46.50'E	
	33°36.72'S	134°48.33'E	to	33°37.47'S	134°49.67'E	
Encounter Bay	35°35.80'S	138°36.10'E	to	35°35.80'S	138°57.40'E	
Lacepede Bay	36°35.80'S	139°50.00'E	to	36°56.60'S	139°40.40'E	
Rivoli Bay	37°34.02'S	140°06.33'E	to	37°30.05'S	140°00.80'E	
	37°29.95'S	140°00.68'E	to	37°29.87'S	140°00.63'E	
<i>Bay Closure Lines</i>						
Coffin Bay	34°09.07'S	135°14.39'E	to	34°25.86'S	135°12.41'E	
Avoid Bay	34°35.49'S	135°06.75'E	to	34°41.78'S	135°19.65'E	

#### FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Joe Puglisi, P.O. Box 1607, Port Lincoln, S.A. 5606, or his nominated replacement approved by the Director of Fisheries (hereinafter referred to as the 'fisher') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1, in that they shall not be guilty of an offence when using a fine mesh purse seine net as described in Schedule 2 for the taking of pilchards (*Sardinops neopilchardus*) and other species within the Families Clupeidae and Engraulididae (hereinafter referred to as the 'permitted species') for the purpose of trade or business in marine waters of South Australia as described in Schedule 3 as Area B (hereinafter referred to as the 'permitted activity').

#### SCHEDULE 1

1. The fisher may engage in the permitted activity from the date of gazettal of this notice until 31 December 1999, or until revoked by the Director of Fisheries.

2. This exemption is valid only in respect of the fishing vessel *Sardinops* (hereinafter referred to as the 'permitted boat').

3. The fisher must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.

4. Whilst engaged in the permitted activity the fisher shall not use any of the device than that permitted pursuant to Schedule 2.

5. The fisher must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

6. Any fish, which are not permitted species, taken as by-catch by the fisher during the permitted activity must be immediately returned to the water.

7. The fisher may only engage in the permitted activity for the purpose of supplying food fish for tuna farms.

8. The fisher shall not, during the period 1 January 1999 to 31 December 1999, take a quantity of permitted species which exceeds their quota of 102.18 units at 7.712 tonnes per unit (which is equal to 788 tonnes).

9. The fisher may with the prior approval of the Director of Fisheries transfer uncaught units of quota during the period of this notice.

10. Fish taken pursuant to this notice as the result of a transfer of quota must be disposed of in accordance to the permit conditions of the holder of the initial allocation.

11. The fisher may transfer catch taken pursuant to this notice to a carrier boat at sea subject to nominating the boats in advance.

12. The fisher may nominate no more than two carrier boats at any one time. Notification of boat name must be provided to the person or agency responsible for conducting quota monitoring operations.

13. Where the fisher transfers all or part of their catch to a carrier boat that portion of the catch must be accompanied by a South Australian Pilchard Fishery Log Book, completed as required by condition 16 of this notice.

14. The fisher must notify the person nominated for quota monitoring, by telephone, of the intended place of any unloading and the estimated weight of the catch at least one hour prior to the unloading taking place.

15. The fisher must provide the person nominated for quota monitoring with reasonable access to boats and vehicles for the purpose of enabling inspection of the catch and any record relating to the South Australian Pilchard Fishery Log Book required to be completed under this notice.

16. The fisher must complete the South Australian Pilchard Fishery Log Book as described below:

#### (a) Unloading to a shore based processing plant:

- (i) The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book **up to** but not including the column titled **PILCHARD TONNAGE CAUGHT**.

The fish can then be dispatched to the shore based processing plant. It is the responsibility of the fisher to make certain that all fish are accurately weighed within 24 hours of the consignment to the processor:

- (ii) The fisher shall upon being notified by the processor of the total weight of fish unloaded complete the columns headed, **PILCHARD TONNAGE CAUGHT, OTHER SPECIES, TONNAGE CAUGHT (This refers to other species) and REMARKS.**

For any unloading, if fishing has taken place on more than one day then this should be noted and the verified weight split as close as possible to reflect the actual quantities taken on each day of fishing.

**(b) Unloading at sea or direct to a tuna cage:**

The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book immediately after capture and include an **estimated** tonnage in the column marked **PILCHARD TONNAGE CAUGHT**. The estimated tonnage should be based on a recorded number of boxes of a certain capacity (weight) filled.

17. The fisher then shall either by **facsimile or in person** deliver the completed (South Australian Pilchard Fishery Log Book) form to the person nominated for quota monitoring within **48 hours** of the unloading.

18. The fisher must provide regular samples of the permitted species for research analysis and assist in any other South Australian Research and Development Institute (SARDI) sponsored pilchard fishery research program as required by the Chief Scientist, Aquatic Sciences, SARDI.

19. The fisher must complete a monthly return within 14 days of the end of the previous month and forward it to SARDI. This return must be completed regardless of whether the fisher took fish or not, i.e. nil returns are required.

20. While engaged in the permitted activity the fisher must:

- (a) have in their possession the copy of this notice with which the Director of Fisheries has supplied them; and  
(b) produce that notice to a Fisheries Officer forthwith, if and when a Fisheries Officer requests them to produce it.

21. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

**SCHEDULE 2**

In waters described as **Area A**: one purse seine net having a maximum length of 600 m, a maximum depth of 100 m and a mesh size of between 16 mm and 20 mm.

In waters described as **Area B**: one purse seine net having a mesh size of between 16 mm and 20 mm.

**SCHEDULE 3**

For the purposes of this notice, **Area A** is defined as:

Coastal waters within 3 nautical miles of high water mark or within 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

For the purposes of this notice, **Area B** is defined as:

Coastal waters more than 3 nautical miles to seaward of high water mark or more than 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

Dated 29 November 1999.

W. ZACHARIN, Principal Fisheries Manager

TABLE 1

*Base Lines and Bay Closure Lines of South Australia*

Location	From		to	to Location		
<i>Base Lines</i>						
Newland Head	35°38.68'S	138°31.32'E	to	35°45.63'S	138°18.17'E	
	35°45.63'S	138°18.17'E	to	35°46.65'S	138°17.57'E	
	35°46.88'S	138°17.43'E	to	35°47.10'S	138°17.33'E	
The Pages	35°47.25'S	138°17.15'E	to	35°50.70'S	138°07.95'E	
	Vennachar Point	35°53.25'S	136°31.97'E	to	34°57.20'S	135°37.37'E
		34°57.20'S	135°37.37'E	to	34°56.90'S	135°37.40'E
Pt Westall	32°54.38'S	134°03.53'E	to	32°43.60'S	133°57.77'E	
Olives Island	32°43.60'S	133°57.77'E	to	32°35.18'S	133°17.07'E	
Fenelon Island	32°34.92'S	133°16.73'E	to	32°33.80'S	133°16.58'E	
Masillon Island	32°33.80'S	133°16.58'E	to	32°30.90'S	133°15.03'E	
West Island	32°30.47'S	133°14.87'E	to	32°13.52'S	133°06.62'E	
	Sinclair Island	32°13.52'S	133°06.62'E	to	32°08.75'S	132°59.32'E
		32°08.67'S	132°59.28'E	to	32°07.62'S	132°58.72'E
Anxious Bay	32°07.62'S	132°58.72'E	to	32°01.87'S	132°28.27'E	
	Encounter Bay	33°12.05'S	134°19.63'E	to	33°35.68'S	134°45.05'E
		33°35.83'S	134°45.90'E	to	33°35.98'S	134°46.50'E
Lacepede Bay	33°36.72'S	134°48.33'E	to	33°37.47'S	134°49.67'E	
Rivoli Bay	35°35.80'S	138°36.10'E	to	35°35.80'S	138°57.40'E	
Avoid Bay	36°35.80'S	139°50.00'E	to	36°56.60'S	139°40.40'E	
	37°34.02'S	140°06.33'E	to	37°30.05'S	140°00.80'E	
	37°29.95'S	140°00.68'E	to	37°29.87'S	140°00.63'E	
<i>Bay Closure Lines</i>						
Coffin Bay	34°09.07'S	135°14.39'E	to	34°25.86'S	135°12.41'E	
Avoid Bay	34°35.49'S	135°06.75'E	to	34°41.78'S	135°19.65'E	

## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Australian Enterprises, P.O. Box 1073, Port Lincoln, S.A. 5606, or his nominated replacement approved by the Director of Fisheries (hereinafter referred to as the 'fisher') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1, in that they shall not be guilty of an offence when using a fine mesh purse seine net as described in Schedule 2 for the taking of pilchards (*Sardinops neopilchardus*) and other species within the Families Clupeidae and Engraulididae (hereinafter referred to as the 'permitted species') for the purpose of trade or business in marine waters of South Australia as described in Schedule 3 as Area B (hereinafter referred to as the 'permitted activity').

## SCHEDULE 1

1. The fisher may engage in the permitted activity from the date of gazettal of this notice until 31 December 1999, or until revoked by the Director of Fisheries.

2. This exemption is valid only in respect of the fishing vessel *Maria Luisa* (hereinafter referred to as the 'permitted boat').

3. The fisher must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.

4. Whilst engaged in the permitted activity the fisher shall not use any of the device than that permitted pursuant to Schedule 2.

5. The fisher must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

6. Any fish, which are not permitted species, taken as by-catch by the fisher during the permitted activity must be immediately returned to the water.

7. The fisher may only engage in the permitted activity for the purpose of supplying food fish for tuna farms.

8. The fisher shall not, during the period 1 January 1999 to 31 December 1999, take a quantity of permitted species which exceeds their quota of 26.71 units at 7.712 tonnes per unit (which is equal to 205.99 tonnes).

9. The fisher may with the prior approval of the Director of Fisheries transfer uncaught units of quota during the period of this notice.

10. Fish taken pursuant to this notice as the result of a transfer of quota must be disposed of in accordance to the permit conditions of the holder of the initial allocation.

11. The fisher may transfer catch taken pursuant to this notice to a carrier boat at sea subject to nominating the boats in advance.

12. The fisher may nominate no more than two carrier boats at any one time. Notification of boat name must be provided to the person or agency responsible for conducting quota monitoring operations.

13. Where the fisher transfers all or part of their catch to a carrier boat that portion of the catch must be accompanied by a South Australian Pilchard Fishery Log Book, completed as required by condition 16 of this notice.

14. The fisher must notify the person nominated for quota monitoring, by telephone, of the intended place of any unloading and the estimated weight of the catch at least one hour prior to the unloading taking place.

15. The fisher must provide the person nominated for quota monitoring with reasonable access to boats and vehicles for the purpose of enabling inspection of the catch and any record relating to the South Australian Pilchard Fishery Log Book required to be completed under this notice.

16. The fisher must complete the South Australian Pilchard Fishery Log Book as described below:

**(a) Unloading to a shore based processing plant:**

- (i) The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book **up to but not including the column titled PILCHARD TONNAGE CAUGHT.**

The fish can then be dispatched to the shore based processing plant. It is the responsibility of the fisher to make certain that all fish are accurately weighed within 24 hours of the consignment to the processor:

- (ii) The fisher shall upon being notified by the processor of the total weight of fish unloaded complete the columns headed, **PILCHARD TONNAGE CAUGHT, OTHER SPECIES, TONNAGE CAUGHT (This refers to other species) and REMARKS.**

For any unloading, if fishing has taken place on more than one day then this should be noted and the verified weight split as close as possible to reflect the actual quantities taken on each day of fishing.

**(b) Unloading at sea or direct to a tuna cage:**

The fisher shall complete all columns of the South Australian Pilchard Fishery Log Book immediately after capture and include an **estimated** tonnage in the column marked **PILCHARD TONNAGE CAUGHT.** The estimated tonnage should be based on a recorded number of boxes of a certain capacity (weight) filled.

17. The fisher then shall either by **facsimile or in person** deliver the completed (South Australian Pilchard Fishery Log Book) form to the person nominated for quota monitoring within **48 hours** of the unloading.

18. The fisher must provide regular samples of the permitted species for research analysis and assist in any other South Australian Research and Development Institute (SARDI) sponsored pilchard fishery research program as required by the Chief Scientist, Aquatic Sciences, SARDI.

19. The fisher must complete a monthly return within 14 days of the end of the previous month and forward it to SARDI. This return must be completed regardless of whether the fisher took fish or not, i.e. nil returns are required.

20. While engaged in the permitted activity the fisher must:

- (a) have in their possession the copy of this notice with which the Director of Fisheries has supplied them; and  
(b) produce that notice to a Fisheries Officer forthwith, if and when a Fisheries Officer requests them to produce it.

21. The fisher shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

## SCHEDULE 2

In waters described as **Area A:** one purse seine net having a maximum length of 600 m, a maximum depth of 100 m and a mesh size of between 16 mm and 20 mm.

In waters described as **Area B:** one purse seine net having a mesh size of between 16 mm and 20 mm.

## SCHEDULE 3

For the purposes of this notice, **Area A** is defined as:

Coastal waters within 3 nautical miles of high water mark or within 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

For the purposes of this notice, **Area B** is defined as:

Coastal waters more than 3 nautical miles to seaward of high water mark or more than 3 nautical miles to seaward of the base lines and bay closure lines described in Table 1.

Dated 29 November 1999.

W. ZACHARIN, Principal Fisheries Manager

TABLE 1  
Base Lines and Bay Closure Lines of South Australia

Location	From		to	to Location	
<i>Base Lines</i>					
Newland Head	35°38.68'S	138°31.32'E	to	35°45.63'S	138°18.17'E The Pages
	35°45.63'S	138°18.17'E	to	35°46.65'S	138°17.57'E
	35°46.88'S	138°17.43'E	to	35°47.10'S	138°17.33'E
The Pages	35°47.25'S	138°17.15'E	to	35°50.70'S	138°07.95'E Cape Willoughby
Vennachar Point	35°53.25'S	136°31.97'E	to	34°57.20'S	135°37.37'E Cape Carnot
	34°57.20'S	135°37.37'E	to	34°56.90'S	135°37.40'E
Pt Westall	32°54.38'S	134°03.53'E	to	32°43.60'S	133°57.77'E Olives Island
Olives Island	32°43.60'S	133°57.77'E	to	32°35.18'S	133°17.07'E Fenelon Island
Fenelon Island	32°34.92'S	133°16.73'E	to	32°33.80'S	133°16.58'E Masillon Island
Masillon Island	32°33.80'S	133°16.58'E	to	32°30.90'S	133°15.03'E West Island
West Island	32°30.47'S	133°14.87'E	to	32°13.52'S	133°06.62'E Island 1 mile SW Pt Bell
	32°13.52'S	133°06.62'E	to	32°08.75'S	132°59.32'E Sinclair Island
Sinclair Island	32°08.67'S	132°59.28'E	to	32°07.62'S	132°58.72'E
	32°07.62'S	132°58.72'E	to	32°01.87'S	132°28.27'E Point Fowler
Anxious Bay	33°12.05'S	134°19.63'E	to	33°35.68'S	134°45.05'E
	33°35.83'S	134°45.90'E	to	33°35.98'S	134°46.50'E
	33°36.72'S	134°48.33'E	to	33°37.47'S	134°49.67'E
Encounter Bay	35°35.80'S	138°36.10'E	to	35°35.80'S	138°57.40'E
Lacepede Bay	36°35.80'S	139°50.00'E	to	36°56.60'S	139°40.40'E
Rivoli Bay	37°34.02'S	140°06.33'E	to	37°30.05'S	140°00.80'E
	37°29.95'S	140°00.68'E	to	37°29.87'S	140°00.63'E
<i>Bay Closure Lines</i>					
Coffin Bay	34°09.07'S	135°14.39'E	to	34°25.86'S	135°12.41'E
Avoid Bay	34°35.49'S	135°06.75'E	to	34°41.78'S	135°19.65'E

## GEOGRAPHICAL NAMES ACT 1991

## FOR PUBLIC CONSULTATION

*Notice of Intention to Assign Names and Boundaries to Places*

NOTICE is hereby given pursuant to the provisions of the above Act, that the Surveyor-General proposes to assign the names MUNDOORA, HOPE GAP, LAKEVIEW, BURNSFIELD, BRINKWORTH, MAROLA, ROCHESTER, HART, CON-DOWIE, SNOWTOWN, WOKURNA, BARUNGA GAP, BLYTH, KYBUNGA, BOWILLIA, EVERARD CENTRAL, BUMBUNGA, LOCHIEL, BUTE, NINNES, SOUTH HUM-MOCKS, NANTAWARRA, MOUNT TEMPLETON, STOW, HOYLETON, HALBURY, WATCHMAN, WHITWARTA, GOYDER, BEAUFORT, PORT WAKEFIELD, BOWMANS, SAINTS, BALAKLAVA, SALTER SPRINGS, ALMA, OWEN, HOSKIN CORNER, DALKEY, ERITH, KALLORA, PROOF RANGE, INKERMANN, AVON, WILD HORSE PLAINS, LONG PLAIN, PINERY, GRACE PLAINS, BARABBA, STOCKYARD CREEK and HAMLEY BRIDGE to those areas within the Wakefield Regional Council and shown numbered 1 to 51 respectively on Rack Plan 849.

Copies of Rack Plan 849 can be viewed at the office of the Surveyor-General, 101 Grenfell Street, Adelaide or at the offices of the Wakefield Regional Council.

Submissions in writing regarding this proposal may be lodged with the Secretary, Geographical Names Advisory Committee, Building 2, 300 Richmond Road, Netley (P.O. Box 550, Marleston, S.A. 5033) within one month of the publication of this notice.

Dated 4 November 1999.

P. M. KENTISH, Surveyor-General, Department  
for Administrative and Information Services.

DEHAA 04/0199

## GAMING MACHINES ACT 1992

*Notice of Application for Increase in Number of Machines*

NOTICE is hereby given, pursuant to section 29 (1)(d) of the Gaming Machines Act 1992, that Magu's Hotels Pty Ltd (ACN 090 080 667) c/o Bonnins Commercial Lawyers, Level 14, 100 King William Street, Adelaide, S.A. 5000 has applied to the Liquor and Gaming Commissioner for approval to increase the number of gaming machines from 12 to 40 in respect of premises situated at 105 Main Street, Yankalilla, S.A. 5203 and known as Yankalilla Hotel.

The application has been set down for hearing on 7 January 2000.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor Licensing Commissioner, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor Licensing Commissioner, 9th Floor, East Wing, G.R.E. Building, 50 Grenfell Street, Adelaide 5000.

Dated 23 November 1999.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Andrew Innes Ker has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at corner Foggo and Kangarilla Roads, McLaren Vale, S.A. 5171 and known as Red Heads Food & Wine.

The application has been set down for hearing on 23 December 1999.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 25 November 1999.

Applicant

#### LIQUOR LICENSING ACT 1997

##### *Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Sharon Lee Schetter has applied to the Licensing Authority for a Restaurant Licence in respect of premises situated at 38 Coxe Street, Milang, S.A. 5256 and known as Roberts General Store and Cafe.

The application has been set down for hearing on 23 December 1999.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 24 November 1999.

Applicant

#### LIQUOR LICENSING ACT 1997

##### *Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Simon Hackett Wines Pty Ltd, c/o Alistair Martin, 13A Rose Terrace Wayville, S.A. 5034 has applied to the Licensing Authority for the removal of a Wholesale Liquor Merchant's Licence in respect of premises situated at Lot 1, Ingoldby Road, McLaren Flat, S.A. 5171, to be situated at Lot 51, Budgens Road, McLaren Vale, S.A. 5171 and known as Simon Hackett Wines.

The application has been set down for hearing on 7 January 2000 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 25 November 1999.

Applicant

#### LIQUOR LICENSING ACT 1997

##### *Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Simon Hackett Wines Pty Ltd, c/o Alistair Martin, 13A Rose Terrace, Wayville, S.A. 5034 has applied to the Licensing Authority for the transfer of a Producer's Licence in respect of premises situated at corner Budgens and Wheatons Roads, McLaren Vale, S.A. 5171 and known as Ross McLaren Estate and to be known as Simon Hackett Wines.

The application has been set down for hearing on 7 January 2000 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 25 November 1999.

Applicant

#### LIQUOR LICENSING ACT 1997

##### *Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Shaw and Smith Pty Ltd (ACN 008 265 816) c/o Wallmans Solicitors, 173 Wakefield Street, Adelaide, S.A. 5000 has applied to the Licensing Authority for the removal of a Producer's Licence held at Lot 6a, Springs Gully Road, Piccadilly, S.A. 5151 and known as Shaw and Smith to premises situated at Lots 1 and 2, Johnsons Road, Balhannah, S.A. 5242.

The application has been set down for hearing on 7 January 2000.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 25 November 1999.

Applicant

#### LIQUOR LICENSING ACT 1997

##### *Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Raymond Arthur White and Janita White, 56 Thomas Street, Minnipa, S.A. 5654 have applied to the Licensing Authority for the transfer of a Hotel Licence in respect of premises situated Barnes Street, Poochera and known as the Poochera Hotel.

The application has been set down for hearing on 10 January 2000.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicants at the applicants' address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 16 November 1999.

Applicants

#### LIQUOR LICENSING ACT 1997

##### *Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Donato G. Russo, 18 Highland Avenue, Rostrevor, S.A. 5073 has applied to the Licensing Authority for the transfer of a Special Circumstances Licence in respect of premises situated at 58 North Terrace, Adelaide, S.A. 5000 and known as Synergy Night Club.

The application has been set down for hearing on 10 January 2000.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 25 November 1999.

Applicant

**LOCAL GOVERNMENT ACT 1934: NOTICE OF WINDING UP OF A CONTROLLING AUTHORITY—TORRENS ROAD DRAINAGE AUTHORITY**

TAKE notice that pursuant to section 200 of the Local Government Act 1934, as amended, Mark Brindal, Minister for Local Government and delegate Minister of the Minister for Industry and Trade to whom the administration of the Local Government Act 1934, is committed, has approved the winding up of the Torrens Road Drainage Authority by the Cities of Charles Sturt and Port Adelaide Enfield.

Dated 25 November 1999.

MARK BRINDAL, Minister for Local Government, Minister for Employment, Minister for Youth, Minister assisting for Environment and Heritage

**MINING ACT 1971**

NOTICE is hereby given in accordance with section 35A (1) of the Mining Act 1971, that an application for a mining lease over the undermentioned mineral claim has been received. Details of the proposal may be inspected at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000:

Applicant: Syp Blue Metal Co. Pty Ltd

Claim No.: 3141

Location: Section 107, Hundred of Ramsay, approximately 50 km south of Maitland—Yorke Peninsula.

Purpose: To excavate dune sand from a shallow pit.

Ref. D.M.E. No.: T2168

A copy of the proposal has been provided to the District Council of Yorke Peninsula.

Written submissions in relation to the granting of the mining lease are invited to be received at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000 or G.P.O. Box 1671, Adelaide, S.A. 5001 no later than 14 December 1999.

L. JOHNSTON, Mining Registrar

**MINING ACT 1971**

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Primary Industries, Natural Resources and Regional Development proposes to grant an Exploration Licence over the undermentioned area:

Applicant: Dominion Gold Operations Pty Ltd and Resolute Resources Limited

Location: Sandy Park area—Approximately 60 km north-west of Ceduna, bounded as follows: Commencing at a point being the intersection of latitude 31°30'S and longitude 133°12'E, thence east to longitude 133°25'E south to latitude 31°40'S, west to longitude 133°12'E, and north to the point of commencement, all the within latitudes and longitudes being geodetic and expressed in terms of the Australian Geodetic Datum as defined on p. 4984 of *Commonwealth Gazette* number 84 dated 6 October 1966.

Term: 2 years

Area in km<sup>2</sup>: 380

Ref. D.M.E. No.: 142/1993

Dated 2 December 1999.

L. JOHNSTON, Mining Registrar

**MINING ACT 1971**

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Primary Industries, Natural Resources and Regional Development proposes to grant an Exploration Licence over the undermentioned area:

Applicant: Grenfell Resources NL

Location: Carnding area—Approximately 20 km west-north-west of Tarcoola, bounded as follows: Commencing at a point being the intersection of latitude 30°30'S and longitude 134°15'E, thence east to longitude 134°20'E, south to latitude 30°33'S, west to longitude 134°18'E, south to latitude 30°37'S, east to longitude 134°27'E, north to latitude 30°36'S, east to longitude 134°28'E, north to latitude 30°35'S, east to longitude 134°30'E, south to latitude 30°38'S, west to longitude 134°23'E, south to latitude 30°40'S, west to longitude 134°15'E, south to latitude 30°45'S, west to longitude 134°07'E, north to latitude 30°43'S, west to longitude 134°04'E, north to latitude 30°42'S, west to longitude 134°00'E, north to latitude 30°39'S, east to longitude 134°10'E, south to latitude 30°40'S, east to longitude 134°14'E, north to latitude 30°38'S, east to longitude 134°15'E, and north to the point of commencement, all the within latitudes and longitudes being geodetic and expressed in terms of the Australian Geodetic Datum as defined on p. 4984 of *Commonwealth Gazette* number 84 dated 6 October 1966.

Term: 1 year

Area in km<sup>2</sup>: 389

Ref. D.M.E. No.: 102/1999

Dated 2 December 1999.

L. JOHNSTON, Mining Registrar

**PASSENGER TRANSPORT ACT 1994**

*Appointment*

NOTICE is hereby given that the following person has been appointed by the Minister for Transport and Urban Planning under section 53 of the Passenger Transport Act 1994, to be an Authorised Officer under that Act:

Paul Evison

H. WEBSTER, Executive Director, Passenger Transport Board.

ROADS (OPENING AND CLOSING) ACT 1991:  
SECTION 24

**NOTICE OF CONFIRMATION OF ROAD  
PROCESS ORDER**

*Charlick Circuit, Adelaide  
Deposited Plan 53568*

BY Road Process Order made on 12 November 1999, the Development Assessment Commission ordered that:

1. Portion of the public road (Charlick Circuit) adjoining Strata Plan 14014, more particularly delineated and lettered 'A' in the Preliminary Plan No. PP32/0084 be closed.

2. The whole of the land subject to closure be transferred to the STRATA CORPORATION No. 14014 INCORPORATED in accordance with agreement for transfer dated 22 April 1999 entered into between The Corporation of the City of Adelaide and the Strata Corporation No. 14014 Incorporated.

On 18 November 1999 that order was confirmed by the Minister for Administrative Services conditionally on approval and deposit of the survey plan by the Registrar-General. The condition has now been fulfilled.

Pursuant to section 24(5) of the Roads (Opening and Closing) Act 1991, NOTICE of the order referred to above and its confirmation is hereby given.

Dated 2 December 1999.

K. SARNECKIS, Acting Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991:  
SECTION 24

**NOTICE OF CONFIRMATION OF ROAD  
PROCESS ORDER**

*Sutherland Road and Strathmore/Montrose/Perth Streets,  
Ferryden Park  
Deposited Plan 52924*

BY Road Process Order made on 7 July 1999, the City of Port Adelaide Enfield ordered that:

1. Portions of the public roads (Sutherland Road) adjoining allotments 147 and 148 in Deposited Plan 4971, (Strathmore Street) adjoining allotment 307 in Deposited Plan 4970, (Montrose and Perth Streets) adjoining allotment 115 (Reserve) in Deposited Plan 4782, more particularly delineated and lettered 'A', 'B', 'C' and 'D' (respectively) in Preliminary Plan No. PP32/0429 be closed.

2. Portion of the land subject to closure lettered 'A' and 'B' be transferred to the SOUTH AUSTRALIAN HOUSING TRUST in accordance with agreement for transfer 6 July 1999 entered into between the City of Port Adelaide Enfield and the South Australian Housing Trust.

3. Issue a Certificate of Title to THE CITY OF PORT ADELAIDE ENFIELD for the portion of the land subject to closure lettered 'C' and 'D' which land is being retained by Council for merging with adjoining Council owned land.

4. The following easements are granted over the land subject to that closure:

Grant to the South Australian Water Corporation an easement for sewerage purposes over portion of the land.

Grant to the ETSA Utilities Pty Ltd easements for overhead electricity supply purposes over portions of the land.

Grant to Ayers Net Ltd an easement for gas supply purposes over portions of the land.

On 3 September 1999 that order was confirmed by the Minister for Administrative Services, conditionally on approval and deposit of the survey plan by the Registrar-General. The condition has now been fulfilled.

Pursuant to section 24(5) of the Roads (Opening and Closing) Act 1991, NOTICE of the order referred to above and its confirmation is hereby given.

Dated 2 December 1999.

K. SARNECKIS, Acting Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991:  
SECTION 24

**NOTICE OF CONFIRMATION OF ROAD  
PROCESS ORDER**

*Lady Bay/Normanville  
Deposited Plan 50644*

BY Road Process Order made on 15 May 1998, The District Council of Yankalilla ordered that:

1. The whole of the public roads (Lonkawurie Street, Pitta Street, Bulta Street, Karndo Street, Tamba Street, Lantang Street, Moorong Street, Pinga Street, Marree Street, Kudilla Street, Marrata Street, Marto Street, Karra Street, Warpo Street, Bakka Street, Ilya Street, Kanto Street and Padlo Street), portions of the public road (The Esplanade), between Kudilla and Naneegee Streets and between Padlo and Marrata Streets, portion of the public road (Naneegee Street) between The Esplanade and Lonkawurie Street and the greater portion of the public road (Purrumba Street) extending northerly from Padlo Street, more particularly delineated and marked 'A' and 'B' in the Preliminary Plan No. PP32/0296 be closed.

2. Vest in the Crown the whole of the land subject to closure.

On 2 December 1998 that order was confirmed by the Minister for Administrative Services, conditionally on approval and deposit of the survey plan by the Registrar-General. The condition has now been fulfilled.

Pursuant to section 24(5) of the Roads (Opening and Closing) Act 1991, NOTICE of the order referred to above and its confirmation is hereby given.

Dated 2 December 1999.

K SARNECKIS, Acting Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991:  
SECTION 24

**NOTICE OF CONFIRMATION OF ROAD  
PROCESS ORDER**

*Osman Avenue/Braeside Road, Seacombe Gardens  
Deposited Plan 53421*

BY Road Process Order made on 30 August 1999, The Corporation of the City of Marion ordered that:

1. Portion of the close road A in Road Plan 6435 adjoining Braeside Road, more particularly delineated and numbered '1' in the Preliminary Plan No. PP32/0419 be opened as road.

2. Two irregular shaped portions of the public roads (Osman Avenue and Braeside Road) adjoining the north-eastern boundaries of allotment 6 in Filed Plan 131797 more particularly lettered 'A' and 'B' in Preliminary Plan No. PP32/0419 be closed.

3. The whole of the land subject to closure be transferred to MALCOLM PETER REED and SANDRA KAYE REED in accordance with agreement for transfer dated 23 August 1999 entered into between The Corporation of the City of Marion and M. P. Reed and S. K. Reed.

4. The following easement be granted over portion of the land subject to that closure:

Grant to the South Australian Water Corporation an easement for water supply purposes.

On 23 November 1999 that order was confirmed by the Minister for Administrative Services conditionally on approval and deposit of the survey plan by the Registrar-General. The condition has now been fulfilled.

Pursuant to section 24(5) of the Roads (Opening and Closing) Act 1991, NOTICE of the order referred to above and its confirmation is hereby given.

Dated 2 December 1999.

K. SARNECKIS, Acting Surveyor-General

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#### ROADS (OPENING AND CLOSING) ACT 1991

##### *Road Opening—Adjacent The Parade, Oaklands Park*

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the The Corporation of the City of Marion proposes to make a Road Process Order to open as road portion of closed road 'A' in Road Plan 8445 adjoining The Parade and Oaklands Road, more particularly delineated and numbered '1' on Preliminary Plan No. PP32/0525.

A copy of the plan and a statement of persons affected are available for public inspection at the office of the Council at 245 Sturt Road, Sturt, S.A. 5047 the Adelaide Office of the Surveyor-General during normal office hours.

Any objection must set out the full name, address and details of the submission and must be fully supported by reasons.

The objection must be made in writing to the Council at P.O. Box 21, Oaklands Park, S.A. 5046 WITHIN 28 DAYS OF THIS NOTICE and a copy must be forwarded to the Surveyor-General at G.P.O. Box 1354, Adelaide, S.A. 5001.

Where a submission is made, the Council will give notification of a meeting at which the matter will be considered.

Dated 2 December 1999.

K. SARNECKIS, Acting Surveyor-General

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#### ROAD TRAFFIC ACT 1961

##### *Exemptions*

I, T. N. ARGENT, authorised delegate of the Minister for Transport and Urban Planning, hereby issue the following approval pursuant to section 161A of the road Traffic Act 1961.

The following vehicles have approval to travel on or over a road, provided that such vehicles are exempt under any instrument or notice pursuant to section 163AA of the Act:

- (a) vehicles that, including their loads (if any) are over 4.3 m high;
- (b) vehicles that, including their loads (if any) are over 19 m long;
- (c) vehicles with a GCM over 42.5 tonnes;
- (d) controlled access buses;
- (e) air cushioned vehicles.

This notice is effective as of 1 December 1999.

T. N. ARGENT, Executive Director, Transport SA

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## REAL PROPERTY ACT NOTICE

WHEREAS the persons named in the schedule appear to be entitled to the land set forth and described before their names, notice is hereby given that unless caveat be lodged with me at the Lands Titles Registration Office, 101 Grenfell Street, Adelaide, by some person having an estate or interest in the said land on or before the date specified, it is my intention to bring the said land under the provisions of the Real Property Act 1886, as amended, pursuant to the authority vested in me by the Real Property (Registration of Titles) Act 1945. Plans of the land may be inspected at this office, and in the office of the Corporation or District Council in which the land is situated.

## THE SCHEDULE

Search No.	Description of Property	Name	Date up to and inclusive of which caveat may be lodged
2879	Allotments 41 and 42 of Section 476, Hundred of Yatala, laid out as Walkerville in Filed Plan No. 207217	The Dean and Chapter of the Diocese of Adelaide Incorporated	2 February 2000

Dated 30 November 1999, at the Lands Titles Registration Office, Adelaide.

A. J. SHARMAN, Registrar-General

**RULES OF COURT**  
**Amending the Supreme Court Rules 1987**  
**Amendment No. 70 to the Supreme Court Rules**

BY virtue and in pursuance of section 72 of the Supreme Court Act 1935, and all other enabling powers, We, the Judges of the Supreme Court of South Australia, make the following Rules to take effect as amendments to the Supreme Court Rules 1987, as amended:

1. These Rules may be cited as the "Supreme Court Rules 1987 Amendment No. 70".
2. The Supreme Court Rules 1987 as amended by these Rules may be cited as the "Supreme Court Rules 1987".
3. That after Rule 96B.05 a new Rule 96B.06 be inserted as follows:  
"A Notice of Appeal pursuant to Section 40 of the Act shall be in accordance with Form 44A of these Rules."
4. That after Form 44 there be inserted Form 44A as follows:

Form 44A

R 96B.06

[*Supreme Court only*]

**NOTICE OF APPEAL**  
**SECTION 40—MAGISTRATES COURT ACT**

Explanatory Note: This form is to be used by a party to a Civil action who wishes to appeal to the Supreme Court pursuant to Section 40 of the Magistrates Court Act against a judgment or order made by a Magistrates Court. The procedures governing such appeals are set out in Rules 96B and 97 of the Supreme Court Rules.

PURSUANT to Section 40 of the Magistrates Court Act the abovenamed appellant hereby appeals to the Supreme Court of South Australia, at the sittings of the said Supreme Court for hearing appeals under the Magistrates Court Act, 1991 commencing on the day of  
against the judgment hereunder described.

1. Court Appealed From

Magistrates Court sitting at

.....  
Magistrates Court File Number

.....  
Magistrates Court Telephone Number

.....  
Name of Presiding Officer(s)

.....  
Date of judgment or order appealed from

.....  
Particulars of judgment or order:

(a) Give details of the judgment or order made by the Court (if more than one give details of each).

2. Particulars of Appellant

Full name

.....  
Address

.....  
Telephone

.....  
Name of Solicitor Acting

.....  
Address for Service

.....  
Telephone ..... Fax ..... DX .....

3. Particulars of Respondent

Name

.....  
Address

.....  
Telephone ..... Fax .....

Name and Address of Solicitor Acting (if known)

.....  
.....



## Rule No. 2 of the Residential Tenancies Tribunal

PURSUANT to section 47 (2) of the Residential Tenancies Act 1995 ('the Act') I make the following rule:

- 1.1 This rule shall only apply in relation to residential tenancy agreements under which the South Australian Aboriginal Housing Authority is the landlord, to residential tenancies arising under those agreements and to related tenancy disputes.
- 1.2 This rule shall only apply to notices or documents required or authorised to be given to a person by the Tribunal under the Residential Tenancies Act 1995.
- 1.3 Service.
  - 1.3.1 Subject to the Act, the Regulations and any order of the Tribunal, a notice or document required or authorised to be given to a person under the Act may be:
    - (a) given to the person, or an agent of the person, personally; or
    - (b) sent by post addressed to the person, or an agent of the person, at the last known place of residence, employment or business of the person or agent; or
    - (c) left in a letterbox or other place where it is likely to come to the attention of the person, at the last known place of residence, employment or business.
  - 1.3.2 If the whereabouts of a person is unknown, the notice or documents may be given by publishing it in a newspaper circulating generally throughout the State.
  - 1.3.3 If two or more persons are tenants under a residential tenancy agreement, a notice or other document is duly given if given to anyone of them.

Dated 22 November 1999.

S. RAYMOND, Presiding Member

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## **Christmas/New Year Holiday Publishing Information**

***Last Gazette for 1999 will be Thursday, 23 December 1999***

Closing date for notices for publication will be  
**4 p.m. Tuesday, 21 December 1999**

***First Gazette for 2000 will be Thursday, 6 January 2000***

Closing date for notices for publication will be  
**4 p.m. Tuesday, 4 January 2000**

*(There will **not** be a Gazette in the period between these two dates)*

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Australis House  
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Phone: 8204 1906

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[govgaz@riv.ssa.sa.gov.au](mailto:govgaz@riv.ssa.sa.gov.au)

When sending a document via Email please confirm your transmission with a faxed copy, including the date the notice is to be published.

## MISCELLANEOUS LEGISLATION AND GOVERNMENT PUBLICATIONS PRICES AS FROM 1 JULY 1999

Acts, Bills, Rules, Parliamentary Papers and Regulations					
Pages	Main	Amends	Pages	Main	Amends
1-16	1.60	0.75	497-512	23.30	22.40
17-32	2.30	1.45	513-528	23.90	23.00
33-48	2.90	2.10	529-544	24.70	23.80
49-64	3.70	2.75	545-560	25.30	24.50
65-80	4.35	3.55	561-576	26.00	25.20
81-96	5.00	4.20	577-592	26.75	25.75
97-112	5.75	4.85	593-608	27.50	26.50
113-128	6.40	5.60	609-624	28.25	27.50
129-144	7.20	6.30	625-640	28.75	28.00
145-160	7.90	6.95	641-656	29.50	28.50
161-176	8.60	7.70	657-672	30.00	29.25
177-192	9.25	8.40	673-688	31.00	30.00
193-208	9.95	9.10	689-704	31.75	30.75
209-224	10.60	9.75	705-720	32.25	31.50
225-240	11.25	10.50	721-736	33.25	32.00
241-257	12.05	11.10	737-752	33.75	32.75
258-272	12.80	11.80	753-768	34.50	33.25
273-288	13.45	12.60	769-784	35.00	34.25
289-304	14.10	13.20	785-800	35.75	35.00
305-320	14.80	13.90	801-816	36.25	35.50
321-336	15.55	14.60	817-832	37.25	36.25
337-352	16.20	15.40	833-848	38.00	37.00
353-368	16.90	16.05	849-864	38.50	37.75
369-384	17.60	16.80	865-880	39.25	38.50
385-400	18.30	17.50	881-896	39.75	39.00
401-416	19.00	18.10	897-912	40.75	39.75
417-432	19.75	18.90	913-928	41.25	40.75
433-448	20.40	19.50	929-944	42.00	41.25
449-464	21.15	20.20	945-960	43.00	41.75
465-480	21.75	20.90	961-976	43.50	42.50
481-496	22.40	21.50	977-992	44.25	43.00

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**GOVERNMENT GAZETTE ADVERTISEMENT RATES****To apply from 1 July 1999**

	\$		\$
Agents, Ceasing to Act as.....	28.50	Firms:	
Associations:		Ceasing to Carry on Business (each insertion).....	21.20
Incorporation.....	14.50	Discontinuance Place of Business.....	21.20
Intention of Incorporation.....	35.75	Land—Real Property Act:	
Transfer of Properties.....	35.75	Intention to Sell, Notice of.....	35.75
Attorney, Appointment of .....	28.50	Lost Certificate of Title Notices.....	35.75
Bailiff's Sale.....	35.75	Cancellation, Notice of (Strata Plan).....	35.75
Cemetery Curator Appointed.....	21.20	Mortgages:	
Companies:		Caveat Lodgment .....	14.50
Alteration to Constitution.....	28.50	Discharge of .....	15.30
Capital, Increase or Decrease of .....	35.75	Foreclosures.....	14.50
Ceasing to Carry on Business .....	21.20	Transfer of.....	14.50
Declaration of Dividend.....	21.20	Sublet.....	7.30
Incorporation.....	28.50	Leases—Application for Transfer (2 insertions) each.....	7.30
Lost Share Certificates:		Lost Treasury Receipts (3 insertions) each.....	21.20
First Name.....	21.20	Licensing.....	42.25
Each Subsequent Name.....	7.30	Municipal or District Councils:	
Meeting Final.....	23.80	Annual Financial Statement—Forms 1 and 2 .....	400.00
Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20 .....	283.00
Conduct of Winding Up (equivalent to 'Final		Default in Payment of Rates:	
Meeting')		First Name .....	57.00
First Name.....	28.50	Each Subsequent Name .....	7.30
Each Subsequent Name .....	7.30	Noxious Trade.....	21.20
Notices:		Partnership, Dissolution of.....	21.20
Call.....	35.75	Petitions (small).....	14.50
Change of Name .....	14.50	Registered Building Societies (from Registrar-	
Creditors.....	28.50	General).....	14.50
Creditors Compromise of Arrangement.....	28.50	Register of Unclaimed Moneys—First Name .....	21.20
Creditors (extraordinary resolution that 'the Com-		Each Subsequent Name.....	7.30
pany be wound up voluntarily and that a liquidator		Registers of Members—Three pages and over:	
be appointed').....	35.75	Rate per page (in 8pt).....	181.00
Release of Liquidator—Application—Large Ad. ....	57.00	Rate per page (in 6pt).....	239.00
—Release Granted.....	35.75	Sale of Land by Public Auction.....	36.25
Receiver and Manager Appointed.....	33.25	Advertisements.....	2.00
Receiver and Manager Ceasing to Act .....	28.50	Advertisements, other than those listed are charged at \$2.00	
Restored Name.....	27.00	per column line, tabular one-third extra.	
Petition to Supreme Court for Winding Up.....	49.50	Notices by Colleges, Universities, Corporations and District	
Summons in Action.....	42.25	Councils to be charged at \$2.00 per line.	
Order of Supreme Court for Winding Up Action .....	28.50	Where the notice inserted varies significantly in length from	
Register of Interests—Section 84 (1) Exempt.....	64.00	that which is usually published a charge of \$2.00 per column line	
Removal of Office .....	14.50	will be applied in lieu of advertisement rates listed.	
Proof of Debts.....	28.50	South Australian Government publications are sold on the	
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Deceased Persons—Closed Estates.....	21.20		
Each Subsequent Estate.....	0.90		
Probate, Selling of.....	28.50		
Public Trustee, each Estate.....	7.30		

**GOVERNMENT GAZETTE NOTICES**

ALL private advertisements forwarded for publication in the *South Australian Government Gazette* must be PAID FOR PRIOR TO INSERTION; and all notices, from whatever source, should be legibly written on one side of the paper only and sent to Riverside 2000 so as to be **received no later than 4 p.m. Tuesday preceding the day of publication. Phone 8207 1045 or Fax 8207 1040. E-mail: [govgaz@riv.ssa.sa.gov.au](mailto:govgaz@riv.ssa.sa.gov.au)** Send as attachments in Word format and please confirm your transmission with a faxed copy of your document, including the date the notice is to be published and to whom the notice will be charged.

**WATER MAINS AND SEWERS**

Office of the South Australian Water Corporation  
Adelaide, 2 December 1999.

**WATER MAINS LAID**

Notice is hereby given that the following main pipes or parts of main pipes have been laid down by the South Australian Water Corporation in or near the undermentioned water districts and are now available for a constant supply of water to adjacent land.

**ADELAIDE WATER DISTRICT**

**CITY OF ADELAIDE**  
Wellington Square, North Adelaide. p28

**CITY OF CHARLES STURT**  
Woodstock Street, Cheltenham. p7  
Wayne Avenue, Fulham Gardens. p38  
Philip Court, Fulham Gardens. p38  
White Sands Drive, West Beach. p39  
Anne's Court, West Beach. p39  
Malabu Drive, West Beach. p39

**CITY OF HOLDFAST BAY**  
Brighton Road, Seacliff. p1  
Stephenson Avenue, Seacliff. p1  
Hulbert Street, Hove. p21  
Maple Avenue, North Brighton. p22

**CITY OF MARION**  
Marion Road, Sturt. p32-35  
Joanna Court, Mitchell Park. p37

**CITY OF ONKAPARINGA**  
Panalatinga Road, Woodcroft. p3-6  
Solace Drive, Morphett Vale. p4  
Pridham Boulevard, Aldinga Beach. p30  
Jane Street, Port Noarlunga South. p31

**CITY OF SALISBURY**  
Barker Road, Salisbury East. p15

**CITY OF TEA TREE GULLY**  
Raunsley Circuit, Greenwith. p40

**CITY OF WEST TORRENS**  
Victoria Avenue, Camden Park. p23

**RURAL CITY OF MURRAY BRIDGE**  
Production Road, Murray Bridge. p19

**MOONTA WATER DISTRICT**

**DISTRICT OF THE COPPER COAST**  
Tank Road, Moonta. p10

**WARREN COUNTRY LANDS WATER DISTRICT**

**THE BAROSSA COUNCIL**  
Barossa Valley Highway, Rowland Flat. p27

**WATER MAINS ABANDONED**

Notice is hereby given that the undermentioned water mains have been abandoned by the South Australian Water Corporation.

**ADELAIDE WATER DISTRICT**

**CITY OF ADELAIDE**  
Wellington Square, North Adelaide. p28

**CITY OF HOLDFAST BAY**  
Brighton Road, Seacliff. p1  
Stephenson Avenue, Seacliff. p1  
Easements in lot 51, Lamington Avenue and lot 96, Gilbertson Road, Seacliff Park. p14

**CITY OF MARION**  
Marion Road, Sturt. p32-35

**CITY OF ONKAPARINGA**  
Main South Road (across O'Sullivan Beach Road), Morphett Vale. p29  
Pridham Boulevard, Aldinga Beach. p30  
Jane Street, Port Noarlunga South. p31

**CITY OF UNLEY**  
Cambridge Terrace (across Cross Road), Malvern. p36

**KANMANTOO COUNTRY LANDS WATER DISTRICT**

**RURAL CITY OF MURRAY BRIDGE**  
Production Road, Murray Bridge. p19

**MOONTA WATER DISTRICT**

**DISTRICT OF THE COPPER COAST**  
Tank Road, Moonta. p10

**SEWERS LAID**

Notice is hereby given that the following sewers have been laid down by the South Australian Water Corporation in the undermentioned drainage areas and are now available for house connections.

**ADELAIDE DRAINAGE AREA**

**CITY OF CAMPBELLTOWN**  
Milton Avenue, Tranmere. FB 1083 p22

**CITY OF CHARLES STURT**  
Wayne Avenue, Fulham Gardens. FB 1083 p25  
Philip Court, Fulham Gardens. FB 1083 p25  
West Beach Road, West Beach. FB 1083 p26 and 28  
White Sands Drive, West Beach. FB 1083 p26 and 27  
Anne's Court, West Beach. FB 1083 p26 and 27  
Malabu Drive, West Beach. FB 1083 p26 and 27  
Albany Street, Grange. FB 1083 p31 and 23

**CITY OF HOLDFAST BAY**  
Keen Avenue, Glenelg East. FB 1083 p32

**CITY OF MARION**  
Dunbar Avenue, Morphettville. FB 1083 p21  
Joanna Court, Mitchell Park. FB 1083 p24

**CITY OF PLAYFORD**  
Easement in lot 2, Whitford Road, Elizabeth South. FB 1083 p18  
Easement in lot 10, Stone Road, Elizabeth Downs. FB 1083 p19  
Easement in lot 10, Hambridge Road, Davoren Park. FB 1083 p17

**CITY OF TEA TREE GULLY**

Raunsley Circuit, Greenwith. FB 1083 p29  
Easements in lot 101, The Golden Way, Golden Grove. FB 1083  
p30

**CITY OF UNLEY**

Blyth Street, Parkside. FB 1083 p16

**CITY OF WEST TORRENS**

Victoria Avenue, Camden Park. FB 1083 p15 and 20

**MURRAY BRIDGE COUNTRY DRAINAGE AREA****RURAL CITY OF MURRAY BRIDGE**

Christian Road, Murray Bridge. FB 1083 p14

**SEWERS ABANDONED**

Notice is hereby given that the undermentioned sewer has been  
abandoned by the South Australian Water Corporation.

**ADELAIDE DRAINAGE AREA****CITY OF TEA TREE GULLY**

Easements in lot 101, The Golden Way, Golden Grove. FB 1083  
p30

SULLIVAN, Chief Executive Officer, South  
Australian Water Corporation

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## **CORPORATIONS LAW RULES 2000 (South Australia)**

BY virtue and in pursuance of Section 72 of the Supreme Court Act 1935 and all other enabling powers, We, Judges of the Supreme Court of South Australia, do hereby make the following Rules.

### **Division 1 Preliminary**

#### **1.1 Citation**

These Rules may be cited as the *Corporations Law Rules 2000 (South Australia)*.

#### **1.2 Commencement**

These Rules commence on 1 January 2000.

#### **1.3 Application of these Rules and other rules of the Court**

- (1) Unless the Court otherwise orders, these Rules apply to a proceeding in the Court under the Corporations Law, or the ASC Law, that is commenced on or after the commencement of these Rules.
- (2) The other rules of the Court apply, so far as they are relevant and not inconsistent with these Rules, to a proceeding in the Court under the Corporations Law, or the ASC Law, that is commenced on or after the commencement of these Rules.
- (3) Unless the Court otherwise orders, the rules applying to a proceeding in the Court under the Corporations Law, or the ASC Law, as in force immediately before the commencement of these Rules, continue to apply to a proceeding under the Corporations Law, or the ASC Law, that was commenced before the commencement of these Rules.

*Note* Under section 8A of the Law, a reference to the Law includes a reference to the Corporations Regulations.

#### **1.4 Expressions used in the Corporations Law**

Unless the contrary intention appears, an expression used in these Rules and in the Corporations Law has the same meaning in these Rules as it has in the Corporations Law.

*Note* Expressions used in these Rules (including the notes to these Rules) that are defined in the Corporations Law include:

*ACN* (short for 'Australian Company Number') — see section 9

*ARBN* (short for 'Australian Registered Body Number') — see section 9

*body* — see section 9

*body corporate* — see section 9

*books* — see section 9

*Commission* — see section 9

*company* — see section 9  
*corporation* — see section 57A  
*daily newspaper* — see section 9  
*foreign country* — see section 9  
*futures broker* — see section 9  
*Gazette* — see section 9  
*officer*, in relation to a body corporate — see section 82A  
*official liquidator* — see section 9  
*Part 5.1 body* — see section 9  
*Part 5.7 body* — see section 9  
*register* — see section 9  
*registered liquidator* — see section 9  
*registered office* — see section 9  
*statutory demand* — see section 9.

## 1.5 Definitions for these Rules

In these Rules, unless the contrary intention appears:

*applicant* means a person claiming interlocutory relief in a proceeding.

*defendant* means a person against whom relief (except interlocutory relief) is claimed under the Law or the ASC Law, whether in the originating process or not.

*interlocutory process* means an interlocutory process in accordance with Form 3.

*originating process* means an originating process in accordance with Form 2.

*plaintiff* means a person claiming relief (except interlocutory relief) under the Law or the ASC Law, whether in the originating process or not.

*respondent* means a person against whom interlocutory relief is claimed in a proceeding.

*the Law* means the Corporations Law.

## 1.6 References to rules and forms

In these Rules, unless the contrary intention appears:

(a) a reference to a rule is a reference to a rule in these Rules; and

(b) a reference to a form followed by a number is a reference to the form so numbered in Schedule 1 to these Rules.

## 1.7 Substantial compliance with forms

(1) It is sufficient compliance with these Rules in relation to a document that is required to be in accordance with a form in Schedule 1 if the document is substantially in accordance with the form required or has only such variations as the nature of the case requires.

(2) Without limiting subrule (1), the Registrar must not reject a document for filing only because a term used to describe a party in the document differs from the term used in these Rules.

## 1.8 Court's power to give directions

The Court may give directions in relation to the practice and procedure to be followed in a proceeding if it is satisfied, in the circumstances of the proceeding, that:

(a) the provisions of the Corporations Law, the ASC Law, or the rules of this Court do not adequately provide for the practice and procedure to be followed in the proceeding; or

- (b) a difficulty arises, or doubt exists, in relation to the practice and procedure to be followed in the proceeding.

### **1.9 Calculation of time**

- (1) If, for any purpose, these Rules:
  - (a) prohibit, permit or require an act or thing to be done within, by, or before the end of; or
  - (b) otherwise prescribe, allow or provide for;  
a period of time before or after a particular day, act or event, the period is to be calculated without counting that day, or the day of the act or event, as the case may be.
- (2) Without limiting subrule (1), in calculating how many days a particular day, act or event is before or after another day, act or event, only the first day, or the day of the first act or event, is to be counted.
- (3) If the last day of any period prescribed or allowed by these Rules for an act or thing to be done falls on a day that is not a business day in the place where the act or thing is to be or may be done, the act or thing may be done on the first business day in the place after that day.
- (4) In calculating a period of time for the purposes of these Rules, the period beginning on 25 December in a year and ending at the end of 1 January in the next year is not to be counted.

### **1.10 Extension and abridgment of time**

Unless the Corporations Law, the ASC Law, or these Rules otherwise provide, the rules of this Court that provide for the extension or abridgment of a period of time fixed for the doing of any act or thing in relation to a proceeding apply to a proceeding to which these Rules apply.

## **Division 2 Proceedings generally**

### **2.1 Title of documents in a proceeding — Form 1**

The title of a document filed in a proceeding must be in accordance with Form 1.

### **2.2 Originating process and interlocutory process — Forms 2 and 3**

- (1) Unless these Rules otherwise provide, a person must make an application required or permitted by the Law to be made to the Court:
  - (a) if the application is not made in a proceeding already commenced in the Court — by filing an originating process; and
  - (b) in any other case — by filing an interlocutory process.
- (2) Unless the Court otherwise directs, a person may make an application to the Court in relation to a proceeding in respect of which final relief has been granted by filing an interlocutory process in that proceeding.
- (3) An originating process must:
  - (a) be in accordance with Form 2; and
  - (b) state:
    - (i) each section of the Law or the ASC Law, or each regulation of the Corporations Regulations, under which the proceeding is brought; and
    - (ii) the relief sought.
- (4) An interlocutory process must:
  - (a) be in accordance with Form 3; and
  - (b) state:
    - (i) if appropriate, each section of the Law or the ASC Law, or each regulation of the Corporations Regulations, or each rule of Court under which the interlocutory application is made; and
    - (ii) the relief sought.

### **2.3 Fixing of hearing**

On receiving an originating process or interlocutory process, the Registrar:

- (a) must fix a time, date and place for hearing and endorse those details on the originating process or interlocutory process; and
- (b) may seal a sufficient number of copies for service and proof of service.

### **2.4 Supporting affidavits**

- (1) Unless the Court otherwise directs, an originating process, or interlocutory process, must be supported by an affidavit stating the facts in support of the process.
- (2) An affidavit in support of an originating process must annex a record of a search of the records maintained by the Commission, in relation to the company that is the subject of the application to which the originating process relates, carried out no earlier than 7 days before the originating process is filed.

## **2.5 Affidavits made by creditors**

Subject to rule 5.4, an affidavit that is to be made by a creditor may be made:

- (a) if the creditor is a corporation — by a director, secretary, or other principal officer of the corporation, or by a person employed by the corporation who is authorised to make the affidavit on its behalf; or
- (b) if the creditor is a company to which a liquidator, provisional liquidator, receiver, administrator or controller has been appointed — by that person; or
- (c) in any other case — by the creditor or a person authorised by the creditor to make the affidavit on behalf of the creditor.

## **2.6 Form of affidavits**

An affidavit must be in a form that complies with:

- (a) the rules of the Court; or
- (b) the rules of the Supreme Court of the State (if any) or Territory (if any) where the affidavit was sworn or affirmed; or
- (c) the rules of the Federal Court of Australia.

## **2.7 Service of originating process or interlocutory process and supporting affidavit**

- (1) As soon as practicable after filing an originating process and, in any case, at least 5 days before the date fixed for hearing, the plaintiff must serve a copy of the originating process and any supporting affidavit on:
  - (a) each defendant (if any) to the proceeding; and
  - (b) if the corporation to which the proceeding relates is not a party to the proceeding — the corporation.
- (2) As soon as practicable after filing an interlocutory process and, in any case, at least 3 days before the date fixed for hearing, the applicant must serve a copy of the interlocutory process and any supporting affidavit on:
  - (a) each respondent (if any) to the interlocutory application; and
  - (b) if the corporation to which the interlocutory application relates is not a party to the interlocutory application — the corporation.

## **2.8 Notice of certain applications to be given to Commission**

- (1) This rule has effect in addition to the requirements of the Law that, in relation to a proceeding, particular documents are to be served on the Commission or notice of particular matters is to be given to the Commission.
- (2) This rule does not apply to a person making an application if the person is the Commission or a person authorised by the Commission.
- (3) Unless the Court otherwise orders, if a person makes an application under a provision of the Law mentioned in column 1 of the following table, the person must serve on the Commission, a reasonable time before the hearing of the application, a copy of the originating process, or interlocutory process, and supporting affidavit in respect of the application.

<b>Column 1 Provision</b>	<b>Column 2 Description of application</b>
Subsection 254E (1)	To validate an issue of shares or confirm its terms
Subsection 266 (4)	To extend the time for registration of a charge
Subsections 445G (1), (2) and (3)	To avoid or validate a deed of company arrangement
Section 449B	To remove an administrator
Subsections 473(2) and (3)	To fix the remuneration of a provisional liquidator or liquidator
Section 480	For the release of a liquidator of a company and the deregistration of the company
Subsection 482 (1)	For the stay of a compulsory winding-up
Subsection 509 (6)	For the deregistration of a company
Paragraph 511 (1) (b)	If the application is for the exercise of the power that would be exercisable under subsection 482 (1) of the Law if a company were being wound up by the Court — for a stay of the voluntary winding up
Subsection 532 (2)	For leave to be appointed or act as a liquidator
Subsection 536 (1)	For an inquiry into the conduct of a liquidator
Section 598	In respect of fraud, negligence, etc by a person concerned with a corporation
Subsection 601AH (2)	To reinstate of the registration of a company
Subsection 601CC (8)	To restore the name of an Australian body to the register
Subsection 601CL (9)	To restore the name of a foreign company to the register
Subsections 1224 (1) and (4)	To restrain dealings with a futures broker's bank accounts
Section 1226	For a further order or directions following an order made under section 1224 of the Law
Subsections 1317JA (2), (4) and (5)	For relief from liability for contravention of a civil penalty provision
Subsection 1318 (2)	For relief from liability for negligence, default or breach of trust or duty
Subsection 1322 (4)	To overcome any irregularity in a proceeding

**2.9 Notice of appearance (s 465C of the Law) — Form 4**

- (1) A person who intends to appear before the Court at the hearing of an application must, before appearing:
  - (a) file:
    - (i) a notice of appearance in accordance with Form 4; and
    - (ii) if appropriate — an affidavit stating any facts on which the person intends to rely; and
  - (b) serve on the plaintiff a copy of the notice of appearance and any affidavit not later than:
    - (i) if the person is named in an originating process — 3 days before the date fixed for hearing; or
    - (ii) if the person is named in an interlocutory process — 1 day before the date fixed for hearing.
- (2) If the person intends to appear before the Court to oppose an application for winding up, the person may include in the notice of appearance the notice of the grounds on which the person opposes the application required by section 465C of the Law.
- (3) The period prescribed for filing and serving the notice and affidavit required by section 465C of the Law is the period mentioned in subparagraph (1) (b) (i).

*Note* Under section 465C of the Law, a person may not, without the leave of the Court, oppose an application for winding up unless, within the period prescribed by the rules (see subrule (3) of this rule), the person has filed, and served on the plaintiff, notice of the grounds on which the person opposes the application and an affidavit verifying the matters stated in the notice.

**2.10 Intervention in proceeding by Commission (s 1330 of the Law) — Form 5**

- (1) If the Commission intends to intervene in a proceeding, the Commission must file a notice of intervention in accordance with Form 5.
- (2) Not later than 3 days before the date fixed for the hearing at which the Commission intends to appear in the proceeding, the Commission must serve a copy of the notice, and any affidavit on which it intends to rely, on the plaintiff and on any other party to the proceeding.

**2.11 Publication of notices**

If a rule requires a notice in relation to a body to be published in accordance with this rule, the notice must be published once in a daily newspaper circulating generally in the State or Territory where the body has its principal, or last known, place of business.

*Note* Under the Law, certain notices may also be required to be published in the *Gazette*. Nothing in this rule is intended to affect the operation of any provision of the Law that requires publication of a notice in the *Gazette*.

**2.12 Proof of publication**

- (1) This rule applies in relation to any matter published in connection with a proceeding.

- (2) Unless these Rules otherwise provide, or the Court otherwise orders, the person responsible for the publication of the matter, or the person's legal practitioner, must file:
  - (a) an affidavit made by the person, or the person's legal practitioner, that states the date of publication and to which is annexed or exhibited a copy of the published matter; or
  - (b) a memorandum signed by the person, or the person's legal practitioner, that states the date of publication and refers to and annexes a copy of the published matter.
- (3) The affidavit or memorandum is prima facie evidence that the publication took place on the date and otherwise as stated in the affidavit or memorandum.

### **2.13 Leave to creditor, contributory or officer to be heard**

- (1) The Court may grant leave to any person who is, or who claims to be:
  - (a) a creditor, contributory or officer of a corporation; or
  - (b) an officer of a creditor, or contributory, of a corporation;to be heard in a proceeding without becoming a party to the proceeding.
- (2) If the Court considers that the attendance of a person to whom leave has been granted under subrule (1) has resulted in additional costs for any party, or the corporation, which should be borne by the person to whom leave was granted, the Court may:
  - (a) direct that the person pay the costs; and
  - (b) order that the person not be heard further in the proceeding until the costs are paid or secured to the Court's satisfaction.
- (3) The Court may order that a person who is, or who claims to be, a creditor, contributory or officer of a corporation be added as a defendant to the proceeding.
- (4) The Court may grant leave to a person under subrule (1), or order that a person be added as a defendant to a proceeding under subrule (3):
  - (a) on application by the person or a party to the proceeding; or
  - (b) on the Court's own initiative.
- (5) The Court may:
  - (a) appoint a creditor or contributory to represent all or any class of the creditors or contributories on any question, or in relation to any proceeding, before the Court, at the expense of the corporation; and
  - (b) remove any person so appointed.

### **2.14 Inquiry in relation to corporation's debts etc**

The Court may direct an inquiry in relation to the debts, claims or liabilities, or a class of debts, claims or liabilities, of or affecting a corporation to which a proceeding relates.

### **2.15 Meetings ordered by the Court**

Subject to the Law, these Rules and any direction of the Court to the contrary, regulations 5.6.12 to 5.6.36A of the Corporations Regulations apply to meetings ordered by the Court.

## **Division 3 Compromises and arrangements in relation to Part 5.1 bodies**

### **3.1 Application of Division 3**

This Division applies if an application is made to the Court for approval of a compromise or arrangement between a Part 5.1 body and its creditors or members, or any class of its creditors or members.

### **3.2 Nomination of chairperson for meeting**

Before the hearing of an application under subsection 411 (1), (1A) or (1B) of the Law, the plaintiff must file an affidavit stating:

- (a) the names of the persons who have been nominated to be the chairperson and alternate chairperson of the meeting; and
- (b) that each person nominated:
  - (i) is willing to act as chairperson; and
  - (ii) has had no previous relationship or dealing with the body, or any other person interested in the proposed compromise or arrangement, except as disclosed in the affidavit; and
  - (iii) has no interest or obligation that may give rise to a conflict of interest or duty if the person were to act as chairperson of the meeting, except as disclosed in the affidavit; and
- (c) the name of the person (if any) proposed to be appointed to administer the proposed compromise or arrangement; and
- (d) that the person does not fall within paragraphs 411 (7) (a) to (f) of the Law, except as disclosed in the affidavit.

### **3.3 Order for meetings to identify proposed scheme**

An order under subsection 411 (1) or (1A) of the Law ordering a meeting or meetings in relation to a proposed compromise or arrangement must set out in a schedule, or otherwise identify, a copy of the proposed compromise or arrangement.

### **3.4 Notice of hearing (s 411 (4), s 413 (1) of the Law) — Form 6**

- (1) This rule applies to:
  - (a) an application, under subsection 411 (4) of the Law, for an order approving a proposed compromise or arrangement in relation to a Part 5.1 body; and
  - (b) an application, under subsection 413 (1) of the Law, for an order in relation to the reconstruction of a Part 5.1 body, or Part 5.1 bodies, or the amalgamation of 2 or more Part 5.1 bodies.
- (2) Unless the Court otherwise orders, the plaintiff must publish a notice of the hearing of the application.
- (3) The notice must be:
  - (a) in accordance with Form 6; and
  - (b) published in accordance with rule 2.11 at least 5 days before the date fixed for the hearing of the application.

### **3.5 Copy of order approving compromise or arrangement to be lodged with Commission**

If the Court makes an order under subsection 411 (1), (1A) or (4), or 413 (1) of the Law, the plaintiff must, as soon as practicable after the order is made:

- (a) have the order sealed [or authenticated]; and
- (b) lodge an office copy of the order with the Commission; and
- (c) serve an office copy of the order on any person appointed to administer the compromise or arrangement.

## **Division 4 Receivers and other controllers of corporation property (Part 5.2 of the Law)**

### **4.1 Inquiry into conduct of controller (s 423 of the Law)**

A complaint to the Court under paragraph 423 (1) (b) of the Law about an act or omission of a receiver, or a controller appointed by the Court, must be made by an originating process seeking an inquiry in relation to the complaint.

## **Division 5 Winding up proceedings (including oppression proceedings where winding up is sought)**

### **5.1 Application of Division 5**

This Division applies to the following applications for the winding up of a company:

- (a) an application under section 246AA of the Law in a case of oppression or injustice;
- (b) an application under Part 5.4 or Part 5.4A of the Law.

### **5.2 Affidavit accompanying statutory demand (s 459E (3) of the Law) — Form 7**

For the purposes of subsection 459E (3) of the Law, the affidavit accompanying a statutory demand relating to a debt, or debts, owed by a company must:

- (a) be in accordance with Form 7 and state the matters mentioned in that Form; and
- (b) be made by the creditor or by a person with the authority of the creditor or creditors; and
- (c) not state a proceeding number, or refer to a Court proceeding, in any heading or title to the affidavit.

### **5.3 Application for leave to apply for winding up in insolvency (s 459P (2) of the Law)**

An application for leave to apply to the Court for an order that a company be wound up in insolvency may be made at the same time as the application for an order that the company be wound up in insolvency is made.

### **5.4 Affidavit in support of application for winding up (s 459P, s 462, s 464 of the Law)**

- (1) The affidavit in support of an originating process seeking an order that company be wound up must be made by the plaintiff or by a person with the authority of the plaintiff or plaintiffs.
- (2) If the application is made in reliance on a failure by the company to comply with a statutory demand, the affidavit must:

- (a) verify service of the demand on the company; and
  - (b) verify the failure of the company to comply with the demand; and
  - (c) state whether and, if so, to what extent the debt, or each of the debts, to which the demand relates is still due and payable by the company at the date when the affidavit is made.
- (3) If the application is made in reliance on the ground mentioned in paragraph 461 (1) (a) of the Law, the affidavit must:
- (a) state whether the company is able to pay all its debts as and when they become due and payable; and
  - (b) refer to the company's most recent balance sheet and profit and loss statement as an annexure or exhibit to the affidavit, or explain their absence.
- (4) The affidavit must be made within 7 days before the originating process is filed.

### **5.5 Consent of liquidator (s 532 (9) of the Law) — Form 8**

- (1) In this rule:  
*liquidator* does not include a provisional liquidator.
- (2) For the purposes of subsection 532 (9) of the Law, the consent of an official liquidator to act as liquidator of a company must be in accordance with Form 8.
- (3) In an application for an order that a company be wound up, the plaintiff must:
- (a) before the hearing of the application, file the consent mentioned in subrule (2) of an official liquidator who would be entitled to be appointed as liquidator of the company; and
  - (b) serve a copy of the consent on the company at least 1 day before the hearing.

### **5.6 Notice of application for winding up — Form 9**

- (1) Unless the Court otherwise orders, the plaintiff must publish a notice of the application for an order that a company be wound up.
- (2) The notice must be:
- (a) in accordance with Form 9; and
  - (b) published in accordance with rule 2.11:
    - (i) at least 3 days after the originating process is served on the company; and
    - (ii) at least 7 days before the date fixed for hearing of the application.

### **5.7 Applicant to make copies of documents available**

A copy of any document filed in a proceeding to which this Division applies must be available at the plaintiff's address for service for inspection by a creditor, contributory or officer of the company, or an officer of a creditor or contributory of the company.

### **5.8 Discontinuance of application for winding up**

An application for an order that a company be wound up may not be discontinued except with the leave of the Court.

**5.9 Appearance before Registrar [or other Court officer]**

After filing an originating process seeking an order that a company be wound up, the plaintiff must, if required:

- (a) appear before the Registrar [or other Court officer] on a date to be appointed by the Registrar [or other Court officer]; and
- (b) satisfy the Registrar [or other Court officer] that the plaintiff has complied with the Law and these Rules in relation to applications for a winding up order.

**5.10 Order substituting plaintiff in application for winding up (s 465B of the Law) — Form 10**

- (1) If the Court makes an order under section 465B of the Law, the Court may also order that the substituted plaintiff or plaintiffs publish a notice stating that the substituted plaintiff or plaintiffs intend to apply for an order that the company be wound up.
- (2) The notice must be:
  - (a) in accordance with Form 10; and
  - (b) published in accordance with rule 2.11 or as otherwise directed by the Court.

**5.11 Notice of winding up order and appointment of liquidator — Form 11**

- (1) This rule applies if the Court orders that a company be wound up and an official liquidator be appointed as liquidator of the company.
- (2) Not later than the day after the order is made, the plaintiff must inform the liquidator of the appointment.
- (3) As soon as practicable after being informed of the appointment, the liquidator must publish a notice of the winding up order and the liquidator's appointment.
- (4) The notice must be:
  - (a) in accordance with Form 11; and
  - (b) published in accordance with rule 2.11.
- (5) In this rule:  
*liquidator* does not include a provisional liquidator.

**Division 6 Provisional liquidators (Part 5.4B of the Law)****6.1 Appointment of provisional liquidator (s 472 of the Law) — Form 8**

- (1) An application by a company, a creditor or contributory of the company, or the Commission, under subsection 472 (2) of the Law, for an official liquidator to be appointed as a provisional liquidator of the company must be accompanied by the written consent of the official liquidator.
- (2) The consent must be in accordance with Form 8.

- (3) An order appointing a provisional liquidator of a company must include a short description of the property of the company that the provisional liquidator may take into the provisional liquidator's custody.
- (4) The Court may require the plaintiff to give an undertaking as to damages.

## **6.2 Notice of appointment of provisional liquidator — Form 12**

- (1) This rule applies if the Court orders that an official liquidator be appointed as a provisional liquidator of a company.
- (2) Not later than the day after the order is made, the plaintiff must:
  - (a) except if the plaintiff is the Commission — lodge an office copy of the order with the Commission; and
  - (b) serve an office copy of the order on the company (except if the plaintiff is the company) and on any other person as directed by the Court; and
  - (c) give to the provisional liquidator an office copy of the order and a written statement that the order has been served as required by paragraph (b).
- (3) As soon as practicable after the order is made, the provisional liquidator must publish a notice of the provisional liquidator's appointment.
- (4) The notice must be:
  - (a) in accordance with Form 12; and
  - (b) published in accordance with rule 2.11.

## **Division 7 Liquidators**

### **7.1 Resignation of liquidator (s 473 (1) of the Law)**

- (1) A liquidator appointed by the Court who wishes to resign office must file with the Registrar, and lodge with the Commission, a memorandum of resignation.
- (2) The resignation takes effect on the filing and lodging of the memorandum.

### **7.2 Filling vacancy in office of liquidator (s 473 (7), s 502 of the Law)**

- (1) If, for any reason, there is no liquidator acting in a winding up, the Court may:
  - (a) in the case of a winding up by the Court — appoint another official liquidator whose written consent in accordance with Form 8 has been filed; and
  - (b) in the case of a voluntary winding up — appoint another registered liquidator whose written consent in accordance with Form 8 has been filed.
- (2) The Court may make the appointment:
  - (a) in any case — on application by the Commission, a creditor or a contributory; or
  - (b) in the case of a winding up by the Court — on its own initiative.

### **7.3 Report to liquidator as to company's affairs (s 475 of the Law)**

- (1) If a person is required under section 475 of the Law to submit and verify a report as to the affairs of a company, the liquidator must give to the person the appropriate forms and instructions for the preparation of the report.
- (2) Except by order of the Court, no person is to be allowed out of the property of a company any costs or expenses incurred in relation to the preparation of the report that have not been:
  - (a) sanctioned by the liquidator before being incurred; or
  - (b) taxed or assessed.
- (3) The liquidator must report to the Court any default in complying with the requirements of section 475 of the Law.
- (4) In this rule:  
*liquidator* includes a provisional liquidator.

### **7.4 Liquidator to file certificate and copy of settled list of contributories (s 478 of the Law)**

If, in a winding up by the Court, a liquidator has settled and certified a list, or supplementary list, of contributories, the liquidator must, within 14 days after doing so, file the certificate and a copy of the list.

### **7.5 Release of liquidator and deregistration of company (s 480 (c) and (d) of the Law)**

- (1) This rule applies to an application by the liquidator of a company:
  - (a) for an order that the liquidator be released; or
  - (b) for an order that the liquidator be released and that the Commission deregister the company.
- (2) The interlocutory process seeking the order must include:
  - (a) a notice stating that any objection to the release of the liquidator must be made by filing and serving a notice of objection, in the prescribed form, within 21 days after the date of service of the interlocutory process; and
  - (b) a statement setting out the terms of subsection 481 (3) of the Law.

*Note* Subsection 481 (3) of the Law provides that an order of the Court releasing a liquidator discharges the liquidator from all liability in respect of any act done or default made by the liquidator in the administration of the affairs of the company, or otherwise in relation to the liquidator's conduct as liquidator, but any such order may be revoked on proof that it was obtained by fraud or by suppression or by concealment of any material fact.

- (3) The supporting affidavit must include details of the following matters:
  - (a) whether the whole of the company's property has been realised or whether so much of the company's property has been realised as, in the liquidator's opinion, can be realised without needlessly protracting the winding up;
  - (b) any calls made on contributories in the course of the winding up;
  - (c) any dividends paid in the course of the winding up;
  - (d) whether the committee of inspection (if any) has passed a resolution approving the liquidator's release;
  - (e) whether the Commission has appointed an auditor to report on an account or statement of the position in the winding up under subsection 539 (2) of the Law;

- (f) whether the Court has ordered a report on the accounts of the liquidator to be prepared;
  - (g) whether any objection to the release of the liquidator has been received by the liquidator from:
    - (i) an auditor appointed by the Commission or by the Court; or
    - (ii) any creditor, contributory or other interested person;
  - (h) whether any report has been submitted by the liquidator to the Commission under section 533 of the Law;
  - (i) whether the liquidator considers it necessary to report on the affairs of the company or any of its officers;
  - (j) any property disclaimed in the course of the winding up;
  - (k) any remuneration paid or payable to the liquidator and how such remuneration was determined;
  - (l) any costs, charges or expenses payable by the liquidator if the Court grants the liquidator's release;
  - (m) if the application is made under paragraph 480 (c) of the Law — the facts and circumstances by reason of which it is submitted that the company should not be deregistered.
- (4) The liquidator must include in the supporting affidavit the statements set out in paragraphs (a) and (b) of this subrule, including, if appropriate, the words in brackets:
- (a) 'To the best of my belief, there has been no act done or default made by me in the administration of the affairs of the subject corporation or otherwise in relation to my conduct as liquidator which is likely to give rise to any liability to the subject corporation or any creditor or contributory [except as disclosed in this affidavit]';
  - (b) 'I am not aware of any claim made by any person that there has been any such act or default [except as disclosed in this affidavit]'.
- (5) The liquidator must file with, or annex to, the supporting affidavit:
- (a) a statement of the financial position of the company at the date when the interlocutory process seeking release was filed; and
  - (b) a summary of the liquidator's receipts and payments in winding up the company.
- (6) Unless the Court otherwise orders, the liquidator must serve by prepaid post, on each creditor who has proved a debt in the course of the winding up, and on each contributory, a copy of the interlocutory process accompanied by:
- (a) a copy of the summary of the liquidator's receipts and payments in winding up the company; and
  - (b) a copy of the statement of the financial position of the company at the date when the interlocutory process seeking release was filed.

## **7.6 Objection to release of liquidator — Form 13**

- (1) A creditor or contributory of a company who wishes to object to the release of the liquidator of the company must, within 21 days after the date of service of the interlocutory process seeking release:
- (a) file:
    - (i) a notice of objection in accordance with Form 13; and
    - (ii) if appropriate, an affidavit stating any facts relied on; and
  - (b) serve a copy of the notice and the affidavit (if any) on the liquidator.
- (2) If the liquidator is served with a notice of objection by a creditor or contributory, the liquidator must, within 3 days after being served, serve on the creditor or contributory a copy of the affidavit supporting the interlocutory process.

**7.7 Report on accounts of liquidator (s 481 of the Law)**

- (1) If the Court orders that a report on the accounts of a liquidator be prepared under subsection 481 (1) of the Law, the liquidator must give to the auditor appointed to prepare the report all information, books and vouchers required to prepare the report.
- (2) On completing the report, the auditor must:
  - (a) file a copy of the report in a sealed envelope that is marked with the title and number of the proceeding and the words 'Auditor's report under subsection 481 (1) of the Corporations Law'; and
  - (b) serve a copy of the report on the liquidator; and
  - (c) lodge a copy of the report with the Commission.
- (3) Except with the leave of the Court, a report is not available for inspection by any person except the liquidator or the Commission.

**7.8 Application for payment of call (s 483 (3) (b) of the Law) — Form 14**

The affidavit in support of an application by the liquidator of a company, under paragraph 483 (3) (b) of the Law, for an order for the payment of a call must be in accordance with Form 14.

**7.9 Distribution of surplus by liquidator with special leave of the Court (s 488 (2) of the Law) — Form 15**

- (1) The affidavit in support of an application for special leave to distribute a surplus must state how the liquidator intends to distribute the surplus including the name and address of each person to whom the liquidator intends to distribute any part of the surplus.
- (2) At least 14 days before the date fixed for hearing of the application, the liquidator must publish a notice of the application.
- (3) The notice must be:
  - (a) in accordance with Form 15; and
  - (b) published in accordance with rule 2.11.

**7.10 Powers delegated to liquidator by the Court (s 488 of the Law)**

Subject to the Corporations Law, the Corporations Regulations, these Rules, and any order of the Court, the powers and duties conferred or imposed on the Court by Part 5.4B of the Law in respect of the matters mentioned in subsection 488 (1) of the Law may be exercised or performed by a liquidator appointed by the Court as an officer of the Court and subject to the control of the Court.

**7.11 Inquiry into conduct of liquidator (s 536 of the Law)**

- (1) A complaint to the Court under paragraph 536 (1) (b) of the Law must be made:
  - (a) in the case of a winding up by the Court — by an interlocutory process seeking an inquiry; and
  - (b) in the case of a voluntary winding up — by an originating process seeking an inquiry.

- (2) A report to the Court by the Commission under subsection 536 (2) of the Law must be made:
  - (a) in the case of a winding up by the Court — by filing:
    - (i) an interlocutory process seeking orders under the subsection; and
    - (ii) a written report in a sealed envelope that is marked with the title and number of the proceeding; and
  - (b) in the case of a voluntary winding up — by filing:
    - (i) an originating process seeking orders under the subsection; and
    - (ii) a written report in a sealed envelope that is marked with the title of the proceeding and provision for its number.
- (3) The contents of a report filed under subrule (2) need not, at the time of filing, be verified by an affidavit.
- (4) Except with the leave of the Court, a report made under subsection 536 (2) of the Law is not available for inspection by any person except the liquidator or the Commission.
- (5) In this rule:  
*liquidator* includes a provisional liquidator.

## **Division 8 Special managers (Part 5.4B of the Law)**

### **8.1 Application for appointment of special manager (s 484 of the Law)**

- (1) An application by a liquidator for the appointment of a special manager in relation to a company must state the powers which, in the liquidator's opinion, should be entrusted by the Court to the special manager.
- (2) The supporting affidavit must state:
  - (a) the circumstances making it proper that a special manager be appointed; and
  - (b) details of the remuneration proposed to be paid to the special manager; and
  - (c) whether any committee of inspection in the winding up, or a meeting of creditors, has approved the appointment of a special manager.

### **8.2 Security given by special manager (s 484 of the Law)**

- (1) The Court may, from time to time, direct that the amount of security given by a special manager be varied.
- (2) Unless the Court otherwise directs, the costs of furnishing the security given by a special manager in respect of a particular winding up:
  - (a) are the personal expenses of the special manager; and
  - (b) must not be charged against the property of the company as an expense incurred in the winding up.

### **8.3 Special manager's receipts and payments (s 484 of the Law)**

- (1) A special manager must give to the liquidator:
  - (a) an account of the special manager's receipts and payments; and
  - (b) a statutory declaration verifying the account.
- (2) If the liquidator approves the account, the liquidator must include the total amounts of the special manager's receipts and payments in the liquidator's accounts.

## **Division 9 Remuneration of office-holders**

### **9.1 Remuneration of receiver (s 425 (1) of the Law) —Form 16**

- (1) This rule applies to an application by a receiver of property of a corporation for an order under subsection 425 (1) of the Law fixing the receiver's remuneration.

*Note* Under paragraph 425 (2) (b) of the Law, the Court may exercise its power to make an order fixing the remuneration of a receiver even if the receiver has died, or has ceased to act, before the making of the order or the application for the order.

- (2) At least 21 days before filing an originating process, or interlocutory process, seeking the order, the receiver must serve a notice in accordance with Form 16 of the receiver's intention to apply for the order, and a copy of any affidavit on which the receiver intends to rely, on the following persons:
  - (a) the person who appointed the receiver;
  - (b) any creditor holding security over all or any of the same property of the corporation (except if the creditor is the person who appointed the receiver);
  - (c) any administrator, liquidator or provisional liquidator of the corporation;
  - (d) any administrator of a deed of company arrangement executed by the corporation;
  - (e) if there is no person of the kind mentioned in paragraph (c) or (d):
    - (i) each of the 5 largest (measured by amount of debt) unsecured creditors of the corporation; and
    - (ii) each member of the corporation whose shareholding represents at least 10 per cent of the issued capital of the corporation.

- (3) Within 21 days after the last service of the documents mentioned in subrule (2), any creditor or contributory, or any person mentioned in paragraph (2) (c), (d) or (e), may give to the receiver a notice of objection to the remuneration claimed, stating the grounds of objection.
- (4) If the receiver does not receive a notice of objection within the period mentioned in subrule (3):
  - (a) the receiver may file an affidavit, made after the end of that period, in support of the originating process, or interlocutory process, seeking the order stating:
    - (i) the date, or dates, when the notice and affidavit required to be served under subrule (2) were served; and
    - (ii) that the receiver has not received any notice of objection to the remuneration claimed within the period mentioned in subrule (3); and
  - (b) the receiver may endorse the originating process, or interlocutory process, with a request that the application be dealt with in the absence of the public and without any attendance by, or on behalf of, the receiver; and
  - (c) the application may be so dealt with.
- (5) If the receiver receives a notice of objection within the period mentioned in subrule (3), the receiver must serve a copy of the originating process, or interlocutory process, seeking the order on each creditor or contributory, or other person, who has given a notice of objection.
- (6) An affidavit in support of the originating process, or interlocutory process, seeking the order must:
  - (a) state the nature of the work carried out by the receiver; and
  - (b) state the amount of remuneration claimed; and
  - (c) include a summary of the receipts taken and payments made by the receiver for the period for which remuneration is claimed; and
  - (d) if the receivership is continuing — give details of any matters delaying the completion of the receivership.

## **9.2 Remuneration of administrator (s 449E (1) of the Law) — Form 16**

- (1) This rule applies to an application by the administrator of a company under administration, or of a deed of company arrangement, for an order under subsection 449E (1) of the Law fixing the administrator's remuneration.
- (2) The administrator must not apply for the order until after the end of 28 days after the date when a meeting of creditors mentioned in paragraph 449E (1) (a) of the Law was held.
- (3) At least 21 days before filing an originating process, or interlocutory process, seeking the order, the administrator must serve a notice in accordance with Form 16 of the administrator's intention to apply for the order, and a copy of any affidavit on which the administrator intends to rely, on the following persons:
  - (a) each creditor who was present, in person or by proxy at the meeting of creditors;
  - (b) each member of any committee of inspection;
  - (c) each member of the company whose shareholding represents at least 10 per cent of the issued capital of the company.
- (4) Within 21 days after the last service of the documents mentioned in subrule (3), any creditor or contributory may give to the administrator a notice of objection to the remuneration claimed, stating the grounds of objection.

- (5) If the administrator does not receive a notice of objection within the period mentioned in subrule (4):
  - (a) the administrator may file an affidavit, made after the end of that period, in support of the originating process, or interlocutory process, seeking the order stating:
    - (i) the date, or dates, when the notice and affidavit required to be served under subrule (3) were served; and
    - (ii) that the administrator has not received any notice of objection to the remuneration claimed within the period mentioned in subrule (4); and
  - (b) the administrator may endorse the originating process, or interlocutory process, with a request that the application be dealt with in the absence of the public and without any attendance by, or on behalf of, the administrator; and
  - (c) the application may be so dealt with.
- (6) If the administrator receives a notice of objection within the period mentioned in subrule (4), the administrator must serve a copy of the originating process, or interlocutory process, seeking the order on each creditor or contributory who has given a notice of objection.
- (7) An affidavit in support of the originating process, or interlocutory process, seeking the order must:
  - (a) state the nature of the work carried out by the administrator; and
  - (b) state the amount of remuneration claimed; and
  - (c) include a summary of the receipts taken and payments made by the administrator for the period for which remuneration is claimed; and
  - (d) if the administration is continuing — give details of any matters delaying the completion of the administration.

### **9.3 Remuneration of provisional liquidator (s 473 (2) of the Law) — Form 16**

- (1) This rule applies to an application by a provisional liquidator of a company for an order under subsection 473 (2) of the Law determining the provisional liquidator's remuneration.
- (2) The application must be made by interlocutory process in the winding up proceeding.
- (3) At least 21 days before filing the interlocutory process seeking the order, the provisional liquidator must serve a notice in accordance with Form 16 of the provisional liquidator's intention to apply for the order, and a copy of any affidavit on which the provisional liquidator intends to rely, on the following persons:
  - (a) any liquidator (except the provisional liquidator) of the company;
  - (b) each member of any committee of inspection or, if there is no committee of inspection, each of the 5 largest (measured by amount of debt) creditors of the company;
  - (c) each member of the company whose shareholding represents at least 10 per cent of the issued capital of the company.
- (4) Within 21 days after the last service of the documents mentioned in subrule (3), the liquidator, or any creditor or contributory, may give to the provisional liquidator a notice of objection to the remuneration claimed, stating the grounds of objection.
- (5) If the provisional liquidator does not receive a notice of objection within the period mentioned in subrule (4):

- (a) the provisional liquidator may file an affidavit, made after the end of that period, in support of the interlocutory process seeking the order stating:
    - (i) the the date, or dates, when the notice and affidavit required to be served under subrule (3) were served; and
    - (ii) that provisional liquidator has not received any notice of objection to the remuneration claimed within the period mentioned in subrule (4); and
  - (b) the provisional liquidator may endorse the interlocutory process with a request that the application be dealt with in the absence of the public and without any attendance by, or on behalf of, the provisional liquidator; and
  - (c) the application may be so dealt with.
- (6) If the provisional liquidator receives a notice of objection within the period mentioned in subrule (4), the provisional liquidator must serve a copy of the interlocutory process seeking the order:
- (a) on each creditor or contributory who has given a notice of objection; and
  - (b) on the liquidator (if any).
- (7) An affidavit in support of the interlocutory process seeking the order must:
- (a) state the nature of the work carried out by the provisional liquidator; and
  - (b) state the amount of remuneration claimed; and
  - (c) include a summary of the receipts taken and payments made by the provisional liquidator for the period for which remuneration is claimed; and
  - (d) if the winding up proceeding has not been determined — give details of:
    - (i) any reasons known to the provisional liquidator why the winding up proceeding has not been determined; and
    - (ii) any reasons why the provisional liquidator's remuneration should be determined before the determination of the winding up proceeding.

#### **9.4 Remuneration of liquidator (s 473 (3) of the Law) — Form 16**

- (1) This rule applies to an application by a liquidator of a company for an order under subsection 473 (3) of the Law determining the liquidator's remuneration.
- (2) The application:
  - (a) must be made by interlocutory process in the winding up proceeding; and
  - (b) must not be made until after the end of 28 days after the date of the meeting of creditors mentioned in subsection 473 (4) of the Law.

- (3) At least 21 days before filing the interlocutory process seeking the order, the liquidator must serve a notice in accordance with Form 16 of the liquidator's intention to apply for the order, and a copy of any affidavit on which the liquidator intends to rely, on the following persons:
  - (a) each creditor who was present, in person or by proxy, at the meeting of creditors;
  - (b) each member of any committee of inspection;
  - (c) each member of the company whose shareholding represents at least 10 per cent of the issued capital of the company.
- (4) Within 21 days after the last service of the documents mentioned in subrule (3), any creditor or contributory may give to the liquidator a notice of objection to the remuneration claimed, stating the grounds of objection.
- (5) If the liquidator does not receive a notice of objection within the period mentioned in subrule (4):
  - (a) the liquidator may file an affidavit, made after the end of that period, in support of the interlocutory process seeking the order stating:
    - (i) the date, or dates, when the notice and affidavit required to be served under subrule (3) were served; and
    - (ii) that the liquidator has not received any notice of objection to the remuneration claimed within the period mentioned in subrule (4); and
  - (b) the liquidator may endorse the interlocutory process with a request that the application be dealt with in the absence of the public and without any attendance by, or on behalf of, the liquidator; and
  - (c) the application may be so dealt with.
- (6) If the liquidator receives a notice of objection within the period mentioned in subrule (4), the liquidator must serve a copy of the interlocutory process seeking the order on each creditor or contributory who has given a notice of objection.
- (7) An affidavit in support of the interlocutory process seeking the order must:
  - (a) state the nature of the work carried out by the liquidator; and
  - (b) state the amount of remuneration claimed; and
  - (c) include a summary of the receipts taken and payments made by the liquidator for the period for which remuneration is claimed; and
  - (d) if the winding up is continuing — give details of any matters delaying the completion of the winding up.

## **9.5 Remuneration of special manager (s 484 (2) of the Law) — Form 16**

- (1) This rule applies to an application by a special manager of the property or business of a company for an order under subsection 484 (2) of the Law fixing the special manager's remuneration.
- (2) The application must be made by interlocutory process in the winding up proceeding.

- (3) At least 21 days before filing the interlocutory process seeking the order, the special manager must serve a notice in accordance with Form 16 of the special manager's intention to apply for the order, and a copy of any affidavit on which the special manager intends to rely, on the following persons:
  - (a) the liquidator of the company;
  - (b) each member of any committee of inspection or, if there is no committee of inspection, each of the 5 largest (measured by amount of debt) creditors of the company;
  - (c) each member of the company whose shareholding represents at least 10 per cent of the issued capital of the company.
- (4) Within 21 days after the last service of the documents mentioned in subrule (3), the liquidator, or any creditor or contributory, may give to the special manager a notice of objection to the remuneration claimed, stating the grounds of objection.
- (5) If the special manager does not receive a notice of objection within the period mentioned in subrule (4):
  - (a) the special manager may file an affidavit, made after the end of that period, in support of the interlocutory process seeking the order stating:
    - (i) the date, or dates, when the notice and affidavit required to be served under subrule (3) were served; and
    - (ii) that the special manager has not received any notice of objection to the remuneration claimed within the period mentioned in subrule (4); and
  - (b) the special manager may endorse the interlocutory process with a request that the application be dealt with in the absence of the public and without any attendance by, or on behalf of, the special manager; and
  - (c) the application may be so dealt with.
- (6) If the special manager receives a notice of objection within the period mentioned in subrule (4), the special manager must serve a copy of the interlocutory process seeking the order:
  - (a) on each creditor or contributory who has given a notice of objection; and
  - (b) on the liquidator.
- (7) The affidavit in support of the interlocutory process seeking the order must:
  - (a) state the nature of the work carried out by the special manager; and
  - (b) state the amount of remuneration claimed; and
  - (c) include a summary of the receipts taken and payments made by the special manager for the period for which remuneration is claimed; and
  - (d) if the special management is continuing — give details of any matters delaying the completion of the special management.

## **Division 10 Winding up generally**

### **10.1 Determination of value of debts or claims (s 554A (2) of the Law)**

A reference to the Court by a liquidator of a company under paragraph 554A (2) (b) of the Law must be made:

- (a) in the case of a winding up by the Court — by filing an interlocutory process seeking an order estimating, or determining a method for working out, the value of the debt or claim; and
- (b) in the case of a voluntary winding up — by filing an originating process seeking an order estimating, or determining a method for working out, the value of the debt or claim.

### **10.2 Disclaimer of contract (s 568 (1A) of the Law)**

- (1) The affidavit in support of an application by a liquidator, under section 568 (1A) of the Law, for leave to disclaim a contract in relation to a company must:
  - (a) specify the persons interested, and their interests, under the contract; and
  - (b) state the facts on which it is submitted that the contract should be disclaimed.
- (2) The liquidator must serve the affidavit on each party to the contract (except the company) and on any person interested in the contract.

### **10.3 Winding up Part 5.7 bodies (s 583, s 585 of the Law) and registered schemes (s 601ND of the Law)**

These Rules apply, with any necessary adaptations, and in the same way as they apply to a company, in relation to the winding up of a Part 5.7 body or a registered scheme.

## **Division 11 Examinations and orders (Part 5.9, Divisions 1 and 2 of the Law)**

### **11.1 Definition for Division 11**

In this Division:

*examination summons* means a summons under section 596A or 596B of the Law for the examination of a person about a corporation's examinable affairs.

### **11.2 Application for examination or investigation under s 411, s 423 or s 536 (3) of the Law**

- (1) An application for an order for the examination or investigation of a person under section 411 or 423 or subsection 536 (3) of the Law may be made by:
  - (a) the Commission; or
  - (b) a person authorised by the Commission; or
  - (c) a creditor or contributory; or
  - (d) any other person aggrieved by the conduct of:
    - (i) a person appointed to administer a compromise or arrangement; or
    - (ii) a controller; or
    - (iii) a liquidator or provisional liquidator.

- (2) The application may be made ex parte.
- (3) The provisions of this Division that apply to an examination under Division 1 of Part 5.9 of the Law apply, with any necessary adaptations, to an examination or an investigation under section 411 or 423 or subsection 536 (3) of the Law.

### **11.3 Application for examination summons (s 596A, s 596B of the Law) — Form 17**

- (1) An application for the issue of an examination summons must be made by filing an interlocutory process or an originating process, as the case requires.
- (2) The application may be made ex parte.
- (3) The originating process, or interlocutory process, seeking the issue of the examination summons must be:
  - (a) supported by an affidavit stating the facts in support of the process; and
  - (b) accompanied by a draft examination summons.
- (4) The originating process, or interlocutory process, and supporting affidavit must be filed in a sealed envelope marked, as appropriate:
  - (a) ‘Application and supporting affidavit for issue of summons for examination under section 596A of the Corporations Law’; or
  - (b) ‘Application and supporting affidavit for issue of summons for examination under section 596B of the Corporations Law’.
- (5) If the application is not made by the liquidator, the liquidator must be given notice of the application and, if required by the liquidator, served with a copy of the originating process, or interlocutory process, and the supporting affidavit.
- (6) If the application is not made by the Commission, the Commission must be given notice of the application and, if required by the Commission, served with a copy of the originating process, or interlocutory process, and the supporting affidavit.
- (7) Unless the Court otherwise orders, an affidavit in support of an application for an examination summons is not available for inspection by any person.
- (8) An examination summons is to be in accordance with Form 17.

### **11.4 Service of examination summons**

An examination summons issued by the Court must be personally served, or served in any other manner as the Court may direct, on the person who is to be examined at least 8 days before the date fixed for the examination.

### **11.5 Discharge of examination summons**

- (1) This rule applies if a person is served with an examination summons.
- (2) Within 3 days after the person is served with the examination summons, the person may apply to the Court for an order discharging the summons by filing:
  - (a) an interlocutory process seeking an order discharging the summons; and
  - (b) an affidavit stating the facts in support of the interlocutory process.

- (3) As soon as practicable after filing the interlocutory process seeking the order and the supporting affidavit, the person must serve a copy of the interlocutory process and the supporting affidavit on:
  - (a) the person who applied for the examination; and
  - (b) unless that person is the Commission or a person authorised by the Commission — the Commission.

#### **11.6 Filing of record of examination (s 597 (13) of the Law)**

If the Court makes an order in relation to an examination under subsection 597 (13) of the Law, the Court may give directions for the filing of the written record of the examination.

#### **11.7 Authentication of transcript of examination (s 597 (14) of the Law)**

For the purposes of subsection 597 (14) of the Law, a transcript of an examination may be authenticated:

- (a) by the person, or persons, who prepared the record of examination, or under whose supervision the record was prepared, certifying in writing signed by the person or persons, that the record is a true transcript of the record of examination; or
- (b) by any person present at the examination, or any part of the examination, signing the person's name at the bottom of each page of the written record that records a part of the examination at which the person was present.

#### **11.8 Inspection of record or transcript of examination or investigation under s 411, s 423 or s 536 of the Law**

- (1) A written record or transcript of an examination or investigation under section 411, 423 or 536 is not available for inspection by any person except:
  - (a) with the consent of the liquidator (if any) or the Commission; or
  - (b) by leave of the Court.
- (2) This rule does not apply to the liquidator, the Commission or any person authorised by the Commission.

#### **11.9 Entitlement to record or transcript of examination held in public**

- (1) This rule applies if:
  - (a) an examination under section 597 of the Law is held wholly or partly in public; and
  - (b) a written record or transcript of the examination is filed in the Court.
- (2) The person examined may apply to the Registrar [or other Court officer], within 3 years after the date of completion of the examination, for a copy of the record or transcript of the part of the examination of the person held in public.
- (3) On receiving an application from a person under subrule (2), and any applicable fee, the Registrar [or other Court officer] must give a copy of the record or transcript to the person.

#### **11.10 Default in relation to examination**

- (1) This rule applies if a person is summoned or ordered by the Court to attend for examination, and:
  - (a) without reasonable cause, the person:
    - (i) fails to attend at the time and place appointed; or

- (ii) fails to attend from day to day until the conclusion of the examination; or
  - (iii) refuses or fails to take an oath or make an affirmation; or
  - (iv) refuses or fails to answer a question that the Court directs the person to answer; or
  - (v) refuses or fails to produce books that the summons requires the person to produce; or
  - (vi) fails to comply with a requirement by the Court to sign a written record of the examination; or
- (b) before the day fixed for the examination, the person who applied for the summons or order satisfies the Court that there is reason to believe that the person summoned or ordered to attend for examination has absconded or is about to abscond.
- (2) The Court may:
- (a) issue a warrant for the arrest of the person summoned or ordered to attend for examination; and
  - (b) make any other orders that the Court thinks just or necessary.

#### **11.11 Service of application for order in relation to breaches etc by person concerned with corporation (s 598 of the Law)**

- (1) This rule applies to a person applying for an order under section 598 of the Law.
- (2) In addition to complying with rules 2.7 and 2.8, the person must serve a copy of the originating process, or interlocutory process, as the case requires, and the supporting affidavit on any liquidator or provisional liquidator (except if the person is the liquidator or provisional liquidator) of the corporation or body.

*Note* Under rule 2.7, a plaintiff must serve a copy of the originating process, and any supporting affidavit, on a defendant to the proceeding and, if necessary, on the corporation to which the proceeding relates; and an applicant must serve a copy of an interlocutory process, and any supporting affidavit, on a respondent to the proceeding and, if necessary, on the corporation to which the proceeding relates. In certain cases, these documents may also be required to be served on the Commission — see rule 2.8.

### **Division 12 Acquisition of shares (Chapter 6 of the Law) and Securities (Chapter 7 of the Law)**

#### **12.1 Service on Commission in relation to proceedings under Chapter 6 or 7 of the Law**

If the Commission is not a party to an application made under Chapter 6 or 7 of the Law, the plaintiff must serve a copy of the originating process and the supporting affidavit on the Commission as soon as practicable after filing the originating process.

#### **12.2 Application for summons for appearance of person (s 1092 (3) of the Law) — Form 18**

- (1) An application for the issue of a summons under subsection 1092 (3) of the Law must be made by filing an originating process or an interlocutory process.
- (2) The application may be made ex parte.
- (3) The originating process, or interlocutory process, seeking the issue of the summons must be:
  - (a) supported by an affidavit stating the facts in support of the process; and

- (b) accompanied by a draft summons.
- (4) Unless the Court otherwise orders, a summons issued under this rule is to be in accordance with Form 18.

### **12.3 Application for orders relating to refusal to register transfer or transmission of shares etc (s 1094 of the Law)**

As soon as practicable after filing an originating process seeking an order under section 1094 of the Law, the plaintiff must serve a copy of the originating process and the supporting affidavit on:

- (a) the company; and
- (b) any person against whom an order is sought.

## **Division 13 The futures industry (Chapter 8 of the Law)**

### **13.1 Appeal against decision of futures exchange or futures association (s 1135 of the Law)**

For the purposes of subsection 1135 (1) of the Law, a written notice of appeal against a decision of a futures exchange or futures association must:

- (a) be in the form of an originating process; and
- (b) state whether the whole, or part only, of the decision is complained of and, if part only, identify that part; and
- (c) state concisely the grounds of appeal.

### **13.2 Proceedings against futures organisation to establish claim against fidelity fund (s 1243 of the Law)**

A person who has been given leave by the Court, under subsection 1243 (3) of the Law, to bring a proceeding to establish a claim against the fidelity fund of a futures organisation may bring the claim in the proceeding in which the leave was granted.

**Division 14 Powers of Courts (Part 9.5 of the Law)****14.1 Appeal from act, omission or decision of administrator, receiver or liquidator, etc (s 554A, s 1321 of the Law)**

- (1) All appeals to the Court authorised by the Law must be commenced by an originating process, or interlocutory process, stating:
  - (a) the act, omission or decision complained of; and
  - (b) in the case of an appeal against a decision — whether the whole or part only and, if part only, which part of the decision is complained of; and
  - (c) the grounds on which the complaint is based.
- (2) Unless the Law or the Corporations Regulations otherwise provide, the originating process, or interlocutory process, must be filed within:
  - (a) 21 days after the date of the act, omission or decision appealed against; or
  - (b) any further time allowed by the Court.
- (3) The Court may extend the time for filing the originating process, or interlocutory process, either before or after the time for filing expires and whether or not the application for extension is made before the time expires.
- (4) As soon as practicable after filing the originating process, or interlocutory process, and, in any case, at least 5 days before the date fixed for hearing, the person instituting the appeal must serve a copy of the originating process, or interlocutory process, and any supporting affidavit, on each person directly affected by the appeal.
- (5) As soon as practicable after being served with a copy of the originating process, or interlocutory process, and any supporting affidavit, a person whose act, omission or decision is being appealed against must file an affidavit:
  - (a) stating the basis on which the act, omission or decision was done or made; and
  - (b) annexing or exhibiting a copy of all relevant documents that have not been put in evidence by the person instituting the appeal.

**Division 15 Proceedings under the ASC Law****15.1 Reference to Court of question of law arising at hearing of Commission (s 61 of the ASC Law)**

Rule 72 of the Supreme Court Rules applies, with any necessary adaptations, to a reference of a question of law arising at a hearing by the Commission to the Court under section 61 of the ASC Law.

**15.2 Reference to Court of question of law arising at hearing of Corporations and Securities Panel (s 196 of the ASC Law)**

Rule 72 of the Supreme Court Rules applies, with any necessary adaptations, to a reference of a question of law arising at a hearing by the Corporations and Securities Panel to the Court under section 196 of the ASC Law.

**15.3 Application for inquiry (s 70, s 201, s 219 of the ASC Law)**

An application for an inquiry under subsection 70 (3), 201 (3) or 219 (7) of the ASC Law must be made by filing an originating process seeking an inquiry and orders under the relevant subsection.

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**Division 16 Powers of Masters****16.1 Powers of Masters**

A Master may hear and determine any summons brought under these rules, subject to the limitations contained in Rule 106.01(3) of the Supreme Court Rules.

**16.2** An applicant may, at the time of issuing an originating process or an interlocutory process, or a respondent may, at the time of filing an appearance, file an application, requesting that the matter be heard by a Judge, if it is an application under the following sections of the Law: 411, 716, 741, 1323, 1324 or 1325.

**16.3** Any application brought pursuant to Rule 16.2 hereof shall be dealt with before the substantive application is heard. A Judge before whom such an application is brought may direct that it, or any issue relating to it, be heard by a Master.

**Schedule 1****Forms (rule 1.6)****Form 1****Document title**

(rule 2.1)

IN THE [*name of Court*]No. of [*year*]DIVISION: [*insert if appropriate*]REGISTRY: [*insert if appropriate*]

IN THE MATTER OF [*full name of corporation to which the proceeding relates and, if applicable, the words 'in liquidation', 'receiver appointed', 'receiver and manager appointed', 'controller acting', or 'under administration'*]

ACN or ARBN: [*insert ACN or ARBN*]

AB (and Others)

Plaintiff(s)

[*list, in a schedule, any further plaintiffs*]

CD (and Others)

Defendant(s)

[*list, in a schedule, any further defendants*]

**Form 2            Originating process**  
(rule 2.2)

[Title]

**A.    DETAILS OF APPLICATION**

This application is made under \*section/\*regulation [number] of the \*Corporations Law/\*ASC Law/\*Corporations Regulations.

[State briefly the nature of the proceeding, eg application for winding-up on ground of insolvency; or complaint about a receiver.]

On the facts stated in the supporting affidavit(s), the plaintiff claims:

1

2

etc

AND

Date:

.....  
*Signature of plaintiff or  
plaintiff's legal practitioner*

**B.    NOTICE TO DEFENDANT(S)**

TO: [name and address of each defendant (if any)].

This application will be heard by ..... at [address of Court] at ..... \*am/\*pm on ..... If you or your legal practitioner do not appear before the Court at that time, the application may be dealt with, and an order made, in your absence. As soon after that time as the business of the Court will allow, any of the following may happen:

- (a) the application may be heard and final relief given;
- (b) directions may be given for the future conduct of the proceeding;
- (c) any interlocutory application may be heard.

Before appearing before the Court, you must file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff.

*Note* Unless the Court otherwise orders, a defendant that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

**C. APPLICATION FOR WINDING UP ON GROUND OF INSOLVENCY**

**[Complete this section if this originating process is seeking an order that a company be wound up in insolvency on the ground that the company has failed to comply with a statutory demand (see section 459Q of the Corporations Law)]**

*[Set out particulars of service of the statutory demand on the company and of the failure to comply with the demand]*

**[Attach to this originating process a copy of the statutory demand and, if the demand has been varied by an order made under subsection 459H (4) of the Corporations Law because of a dispute or offsetting claim, a copy of the order made under that subsection.]**

**[The affidavit in support of this originating process must:**

- (a) verify service of the demand on the company; and*
- (b) verify the failure of the company to comply with the demand; and*
- (c) state whether and, if so, to what extent the debt, or each of the debts, to which the demand relates is still due and payable at the date when the affidavit is made.]*

**D. FILING**

Date of filing: *[date of filing to be entered by Registrar [or other Court officer]]*

.....  
*Registrar [or other Court officer]*

This originating process is filed by *[name]* for the plaintiff.

**E. SERVICE**

The plaintiff's address for service is *[address of plaintiff's legal practitioner or of plaintiff]*.

\*It is not intended to serve a copy of this originating process on any person.

*OR*

\*It is intended to serve a copy of this originating process on each defendant and on any person listed below:

*[name of defendant and any other person on whom a copy of the originating process is to be served]*

**[Complete the following section if the time for service has been abridged]**

The time by which a copy of this originating process is to be served has been abridged by order made by *[name of Judge or other Court officer]* on *[date]* to *[time and date]*.

\* *Omit if not applicable*

**Form 3**            **Interlocutory process**  
(rule 2.2)

[Title]

**A.            DETAILS OF INTERLOCUTORY APPLICATION**

\*This interlocutory application is made under \*section/\*regulation [number] of the \*Corporations Law/\*ASC Law/\*Corporations Regulations.

On the facts stated in the supporting affidavit(s), the applicant, [name], applies for the following interlocutory relief:

1

2

etc

AND

Date:

.....  
*Signature of applicant making this application or  
applicant's legal practitioner*

**B.            NOTICE TO RESPONDENT(S)**

TO: [name and address of each respondent to this interlocutory process (if any). If applicable, also state the respondent's address for service.]

This interlocutory application will be heard by ..... at [address of Court] at ..... \*am/\*pm on ..... If you or your legal practitioner do not appear before the Court at that time, the application may be dealt with, and an order made, in your absence.

Before appearing before the Court, you must, except if you have already done so or you are the plaintiff in this proceeding, file a notice of appearance, in the prescribed form, in the Registry and serve a copy of it on the plaintiff in the originating process.

<p><i>Note</i> Unless the Court otherwise orders, a respondent that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.</p>
--

**C.            FILING**

This interlocutory process is filed by [name] for the applicant.

**D. SERVICE**

The applicant's address for service is [*address of applicant's legal practitioner or of applicant*].

\*It is not intended to serve a copy of this interlocutory process on any person.

*OR*

\*It is intended to serve a copy of this interlocutory process on each respondent and on any person listed below:

[*name of respondent and any other person on whom a copy of the interlocutory process is to be served*]

**[Complete the following section if the time for service has been abridged]**

The time by which a copy of this interlocutory process is to be served has been abridged by order made by [*name of Judge or other Court officer*] on [*date*] to [*time and date*].

\* *Omit if not applicable*

**Form 4**            **Notice of appearance**  
(rule 2.9)

[Title]

**A.     DETAILS OF PERSON INTENDING TO APPEAR**

Notice is given that [state full name and address], [briefly state your interest in the proceeding, eg a creditor for \$ (amount), or a contributory, of the corporation] intends to appear before the Court at the hearing of the application to be heard at [name of Court and address] on [date] and, if applicable, to \*oppose/\*support the application.

*Note* Unless the Court otherwise orders, a defendant or respondent that is a corporation must be represented at a hearing by a legal practitioner. It may be represented at a hearing by a director of the corporation only if the Court grants leave.

**B.     GROUNDS OF OPPOSITION TO WINDING UP**

[Complete this section only if you are opposing an application to wind up a company]

The grounds on which I oppose the application for winding up are:

- 1
- 2
- etc

**C.     SERVICE**

[This section must be completed]

The address for service of the person giving this notice is [address of person's legal practitioner or of person].

.....  
Signature of person giving notice  
or of person's legal practitioner

\* Omit if not applicable

**Form 5**            **Notice of intervention by the Commission**  
(rule 2.10)

[*Title*]

The Australian Securities and Investments Commission, whose address for service is [*address*], intervenes in this proceeding.

Date:

.....  
*Signed on behalf of the Commission*

Name of signatory: [*name*].

Capacity of signatory: [*capacity*].

**Form 6**            **Notice of hearing to approve compromise or arrangement**  
(rule 3.4)

TO all the creditors and members of [*name of company*].

TAKE NOTICE that at . . . . . \*am/\*pm on . . . . ., the . . . . . at [*address of Court*] will hear an application by [*name of plaintiff*] seeking the approval of a compromise or arrangement between the above-named company and its \*members/\*creditors as proposed by a resolution passed by the meeting of the \*members/\*creditors of the company held on [*date*].

**[*Complete this section if applicable*]**

The proposed compromise or arrangement as passed by the meeting was amended from the form of compromise or arrangement previously sent to you in the following respects:

[*Set out the details of any amendment made at the meeting*]

If you wish to oppose the approval of the compromise or arrangement, you must file and serve on the plaintiff a notice of appearance, in the prescribed form, together with any affidavit on which you wish to rely at the hearing. The notice of appearance and affidavit must be served on the plaintiff at its address for service at least 1 day before the date fixed for the hearing of the application.

**[*This section must be completed*]**

The address for service of the plaintiff is [*address of plaintiff's legal practitioner or of plaintiff*].

Name of person giving notice or of person's legal practitioner [*name*]

\* *Omit if not applicable*

**Form 7            Affidavit accompanying statutory demand**  
(rule 5.2)

[Name of creditor(s)]

Creditor(s)

[Name of debtor company]

Debtor company

I, [name] of [address and occupation], \*say on oath/\*affirm [or \*make oath and say/\*solemnly and sincerely declare and affirm]:

- 1    I am [state deponent's relationship to the creditor(s), eg, 'the creditor', '(name), one of the creditors', 'a director of the creditor', 'a director of (name), one of the creditors'] named in the statutory demand, which this affidavit accompanies, relating to the \*debt/\*debts owed by [name of debtor company].
- 2    [If the deponent is not the creditor, state the facts entitling the deponent to make the affidavit, eg 'I am authorised by the creditor(s) to make this affidavit on its/their behalf].
- 3    [State the source of the deponent's knowledge of the matters stated in the affidavit in relation to the debt or each of the debts, eg 'I am the person who, on behalf of the creditor(s), had the dealings with the debtor company that gave rise to the debt', 'I have inspected the business records of the creditor in relation to the debtor company's account with the creditor'].
- 4    \*The debt of \$[amount]/\*The total \$[amount] of the debts mentioned in the statutory demand is due and payable by the debtor company.
- 5    I believe that there is no genuine dispute about the existence or amount of the \*debt/\*any of the debts.

\*Sworn/\*affirmed at: [place of swearing or affirmation] on [date]

OR

\*Sworn/\*affirmed by the above-named deponent at: [place of swearing or affirmation] this day of [month] [year]

.....  
Signature of deponent

Before me:

.....  
Signature and designation of person before whom deponent swears or affirms affidavit

\* Omit if not applicable

**Form 8            Consent of liquidator/provisional liquidator**  
(rules 5.5, 6.1)

[*Title*]

I, [*name*], of [*address*], an official liquidator, consent to be appointed by the Court and to act as the \*liquidator/\*provisional liquidator of [*name of company*].

I am not aware of any conflict of interest or duty that would make it improper for me to act as \*liquidator/\*provisional liquidator of the company.

Date:

.....  
*Signature of official liquidator*

\* *Omit if not applicable*



**Form 10          Notice of application for winding up order by substituted plaintiff**  
(rule 5.10)

IN THE [*name of Court*]

No.    of [*year*]

[*Name of company*]

ACN: [*ACN of company to which proceeding relates*]

- 1    [*Name of substituted plaintiff*], who was, by order of the [*name of Court*], substituted as a plaintiff, will apply to the Court at . . . . .\*am/\*pm on . . . . . at [*address of Court*] for an order that the above company be wound up.
- 2    The address for service of the substituted plaintiff is [*address of substituted plaintiff's legal practitioner or of substituted plaintiff*].
- 3    Any person intending to appear at the hearing must file a notice of appearance, in accordance with the prescribed form, together with any affidavit on which the person intends to rely, and serve a copy of the notice and any affidavit on the substituted plaintiff at its address for service at least 3 days before the date fixed for the hearing.

Date:

.....  
*Signature of person giving notice  
or of person's legal practitioner*

\* *Omit if not applicable*

**Form 11**      **Notice of winding up order and of appointment of liquidator**  
(rule 5.11)

IN THE [*name of Court*]

AT [*location of Court*]

IN THE MATTER OF [*name of company to which the proceeding relates*]

ACN: [*ACN of company to which proceeding relates*]

On [*date*], the [*name of Court*] in Proceeding No.      of [*year*], ordered the winding up of [*name of company*] and I was appointed as liquidator of the company.

Date:

Name and address of liquidator: [*name and address*]

**Form 12**      **Notice of appointment of provisional liquidator**  
(rule 6.2)

IN THE [*name of Court*]

AT [*location of Court*]

IN THE MATTER OF [*name of company to which the proceeding relates*]

ACN: [*ACN of company to which proceeding relates*]

On [*date*], in Proceeding No.      of [*year*], heard by the [*name of Court*], I was appointed as the provisional liquidator of the above company.

Date:

Name and address of provisional liquidator: [*name and address*]

**Form 13            Notice by creditor or contributory of objection to release of liquidator**  
(rule 7.6)

[Title]

[Name of creditor/contributory] of [address of creditor/contributory], a creditor of [name of company] for \$[amount], or a contributory of [name of company] holding [number] shares in the company, objects to the grant of a release to [name of liquidator] of [address of liquidator], who is the liquidator of [name of company], on the following grounds:

[set out the grounds upon which the objection is made]

Date:

.....  
*Signature of objector  
or objector's legal practitioner*

Name of objector or objector's legal practitioner: [name].

The objector's address for service is [address of objector or objector's legal practitioner].

**Form 14      Affidavit in support of application for order for payment of call**  
(rule 7.8)

[Title]

I, [name] of [address], liquidator, \*say on oath/\*affirm [or \*make oath and say/\*solemnly and sincerely declare and affirm]:

- 1 I am the liquidator of [name of company] (the company).
- 2 On [date] I made a call of \$[amount] per share on all the contributories of the company [or specify the class of contributories on whom the call was made]. \*Annexed/\*Exhibited and marked **A** is a copy of the notice of the call. Each contributory whose name is shown in the Schedule marked **B** was duly served with notice of the call in the form annexed or exhibited and marked **A**.
- 3 Each contributory of the company whose name is set out in column 2 of the Schedule marked **B** has not paid, or caused to be paid, to me the sum specified opposite the contributory's name in column 5 of the Schedule, which is due from that contributory under the call.
- 4 The amount set out opposite the name of each contributory in column 6 of the Schedule is an estimate of the amount due by that contributory in respect of the costs of applying for and giving effect to the order for payment of the call. The estimate of the amounts so due by the several contributories has been reached by apportioning the costs among the contributories who have not paid the call according to the liability of the respective contributories to contribute.
- 5 The amount set out opposite the name of each contributory in column 7 of the Schedule is the total of the amount due by that contributory in respect of the call as set out in column 5 and the amount due in respect of costs as set out in column 6.

\*Sworn/\*affirmed at: [place of swearing or affirmation] on [date]

OR

\*Sworn/\*affirmed by the above-named deponent at: [place of swearing or affirmation] this  
day of [month] [year]

.....  
Signature of deponent

Before me:

.....  
Signature and designation of  
person before whom deponent  
swears or affirms affidavit

\* Omit if not applicable

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**Schedule B**

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<b>Number on list of contributories</b>	<b>Name</b>	<b>Address</b>	<b>Character in which included in the list</b>	<b>Unpaid amount of call</b>	<b>Proportion of costs of application</b>	<b>Total amount payable</b>
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**Form 15**      **Notice of application for leave to distribute a surplus**  
(rule 7.9)

IN THE [*name of Court and address*]

APPLICATION NO:

IN THE MATTER OF [*company name*]

ACN: [*ACN of company to which proceeding relates*]

On . . . . . at . . . . ., the . . . . . will hear an application by the liquidator of [*name of company*] in Proceeding No. of [*year*] for leave to distribute a surplus in respect of the liquidation of the company.

Any person intending to appear at the hearing must file a notice of appearance, in accordance with the prescribed form, together with any affidavit on which the person intends to rely, and serve a copy of the notice and affidavit on the liquidator at the address shown below at least 3 days before the date fixed for the hearing.

Name of liquidator: [*name*].

The liquidator's address for service is [*address*].

.....  
*Signature of liquidator*

**Form 16            Notice of intention to apply for remuneration**  
(rules 9.1, 9.2, 9.3, 9.4, 9.5)

IN THE MATTER OF [*company name*]

ACN: [*ACN of company to which proceeding relates*]

TO: [*name and address of person to whom notice is given*]

TAKE NOTICE that, not less than 21 days after this notice is served on you, I, [*name and address*], the \*receiver/\*administrator/\*liquidator/\*provisional liquidator/\*special manager of the above company, intend to apply to the Court to determine my remuneration.

If you object to my application, you must, within 21 days after being served with this notice, serve on me a notice of objection stating the grounds of objection to the remuneration claimed.

Date:

.....  
*Signature of \*receiver/\*administrator/\*liquidator/  
\*provisional liquidator/\*special manager*

\* *Omit if not applicable*

**Form 17          Summons for public examination**  
(rule 11.3)

[Title]

**A.          DETAILS OF SUMMONS**

TO: [name and address of person to be examined]

You are summoned under \*section 596A/\*section 596B of the Corporations Law to:

- (a) attend before . . . . . at [address of Court] at . . . . .  
\*am/\*pm on . . . . ., and from day to day until excused by the Court, to be examined on  
oath or affirmation about the examinable affairs of [name of corporation]; and
- (b) \*to produce at the examination the following books [specify books — include in a  
schedule if necessary].

Date:

.....  
Registrar [or other Court officer]

**B.          NOTICE TO PERSON TO BE EXAMINED**

The Court may order that the questions put to you and the answers given by you at the examination are to be recorded in writing and signed by you.

If you do not attend the examination in accordance with this summons, without reasonable cause, you may be arrested and imprisoned without further notice.

\* Omit if not applicable



**REMUNERATION TRIBUNAL**

**REPORT RELATING TO DETERMINATION NO. 8 OF 1999**

**CONVEYANCE ALLOWANCES**

1. At paragraph 5.6 in the Tribunal's report relating to Determination No. 5 of 1998, the Tribunal stated the following in relation to motor vehicles:

“Both the Government's and Judicial Remuneration Consultative Committee (JRCC's) submissions advised that the current provisions were being reviewed with the objective of these provisions being clearer and easier to understand. The Tribunal confirms that when these provisions have been finalised it will meet at the earliest convenience to consider the proposed provisions”.
2. The Tribunal has now received a proposed Determination for the provision of motor vehicles and the payment of Conveyance Allowances which has the support of the JRCC and the Government.
3. The proposed Determination did not alter the substance of the present scheme and sought to:
  - 3.1 Adjust the detailed provisions to remove redundant provisions and reflect the changed sales tax and related arrangements now in force;
  - 3.2 Simplify the administration of the scheme and introduce various flexible provisions designed to reduce the need for the Tribunal to constantly upgrade it;
  - 3.3 Address a number of detailed administrative aspects which were causing practical problems for the State Courts Administration; and
  - 3.4 Avoid some of the anomalies which have recently been experienced when new vehicle models are introduced prior to a change in the Tribunal's Determination.
4. The Tribunal sought comments from the relevant statutory officers all of whom also supported the proposal.
5. In view of the similarities of the provision of motor vehicles and the payment of conveyance allowances between members of the judiciary and statutory office holders, the Tribunal has determined that it is appropriate to have one determination on this matter and having considered all of the above comments has determined that the attached Determination will apply effective from 23 November 1999.
6. On 22 October 1999 the Tribunal received advice that the models of motor vehicles shown in current Determinations in relation to conveyance allowances have been superseded. It has therefore been necessary to update the Schedule of motor vehicles and make any appropriate adjustments to the annual allowances. This Determination reflects those changes and provides for the transitional provisions outlined in Clause 5 to apply.

RL Dahlenburg AM  
**PRESIDENT**

Dated 26 November 1999.

No. 8 of 1999

**DETERMINATION OF THE REMUNERATION TRIBUNAL****CONVEYANCE ALLOWANCES****1. SCOPE OF DETERMINATION**

This Determination applies to Judges, Statutory Officers and Court Officers.

**2. INTERPRETATION**

2.1. In this Determination, unless the contrary appears:

“**Commissioner**” means the person for the time being appointed to, or carrying out, the duties of, the Commissioner of Public Employment under the *Public Sector Management Act, 1995*;

“**Court Officer**” means any of the following:  
the State Coroner;  
Commissioners of the Environment, Resources and Development Court.

“**Executives**” means persons appointed to an executive position under the *Public Sector Management Act, 1995*;

“**Judges**” means any of the following members of the judiciary:

the Chief Justice of the Supreme Court;  
Puisne Judges of the Supreme Court;  
Masters of the Supreme Court;  
the Chief Judge of the District Court;  
Judges of the Environment, Resources and Development Court;  
Masters of the District Court;  
other District Court Judges;  
the Chief Magistrate;  
the Deputy Chief Magistrate;  
Supervising Magistrates;  
the Assisting Supervising Magistrate of the Adelaide Magistrates Court;  
Stipendiary Magistrates;  
the Supervising Industrial Magistrate;  
other Industrial Magistrates;  
His Honour Judge WD Jennings, Senior Judge of the Industrial Relations Court and President of the Industrial Relations Commission;  
and other Judges of the Industrial Relations Court who hold joint commissions in the Australian Industrial Relations Commission and the Industrial Relations Commission of South Australia.

“**Retirement**” bears the same meaning as in the *Judges Pension Act* and in the *Superannuation Act*.

“**Statutory Officers**” means any of the following statutory office holders:

Deputy Presidents of the Industrial Relations Commission;  
Commissioners of the Industrial Relations Commission;  
the Auditor General;  
the Electoral Commissioner;  
the Ombudsman;  
the Deputy Electoral Commissioner; and  
the Employee Ombudsman.

- 2.2. For the purposes of this Determination, “**salary**” bears the same meaning as in the *Judges Pension Act* and in the *Superannuation Act* to the intent and effect that any amount paid by way of allowance is not “salary”, and that any abatement or reduction of salary in accordance with this Determination will not affect the determination of entitlements or obligations pursuant to those Acts.

### 3. CONVEYANCE ALLOWANCES

#### 3.1. **Amount of Allowances**

Subject to the conditions set out in this Determination, Judges, Court Officers, and Statutory Officers are entitled to receive a conveyance allowance payable fortnightly at an annual rate as follows:

##### 3.1.1. For:

Judges of the Supreme Court;  
the Chief Judge of the District Court;  
the Senior Judge of the Industrial Relations Court;  
the President of the Industrial Relations Commission;  
the Auditor General;  
an amount which is the higher of:

- (a) \$12,857; and
- (b) the amount determined from time to time by the Commissioner as the annual charge payable by Executives for a Calais sedan, less the sum of \$758.

##### 3.1.2. For:

Judges of the District Court;  
Judges of the Industrial Relations Court;  
Judges of the Environment, Resources and Development Court;  
and

Masters of the Supreme Court;  
the Electoral Commissioner;  
the Ombudsman;  
an amount which is the higher of:

- (a) \$10,838; and
- (b) the amount determined from time to time by the Commissioner as the annual charge payable by Executives for a Berlina sedan, less the sum of \$758.

3.1.3. For:

The Chief Magistrate;  
the Deputy Chief Magistrate;  
Supervising Magistrates;  
Stipendiary Magistrates;  
Industrial Magistrates;  
Masters of the District Court;  
the State Coroner;  
Deputy Presidents (other than Judges) and Commissioners of the Industrial Relations Commission; and  
Commissioners of the Environment, Resources and Development Court;  
the Employee Ombudsman;  
the Deputy Electoral Commissioner;  
an amount which is the higher of:

- (a) \$8,832; and
- (b) the amount determined from time to time by the Commissioner as the annual charge payable by Executives for a Magna 6 cylinder sedan, less the sum of \$758.

3.2. **Temporary Appointees**

Persons appointed to act as a Judge, Court Officer or Statutory Officer, on a temporary basis who are not provided with a vehicle in their substantive position and who serve in that capacity for a period in excess of one calendar month, are entitled to receive after the expiration of the first calendar month of service, a conveyance allowance in accordance with clause 3.1.

### 3.3. Use of Taxis and Private Vehicles

#### 3.3.1 Judges and Court Officer

A Judge or Court Officer is not entitled to the use of a vehicle provided by the State Courts Administrator or to engage taxis or hire car at the expense of the State Courts Administrator, or to seek the payment of any additional allowance for the use of a private vehicle, whether for official or unofficial purposes unless:

- (a) it has been certified by the State Courts Administrator that it was inefficient for the Judge or Court Officer to use the vehicle available for their private use; or
- (b) such use or engagement is consistent with a general direction given by the Chief Judicial Officer of the relevant Court, or in the case of Court Officers, the presiding officer of the relevant Tribunal, as to the circumstances where the vehicle available for private use, need not be used by reason of efficiency.

An example of circumstances where such certification or general directions may be given is for journeys to and from the airport where it may be more efficient for a Judge or Statutory Officer to use a taxi.

#### 3.3.2 Other Statutory Officers

A Statutory Officer, other than a Court Officer, must not engage a taxi or hire car, and is not entitled to the payment of any additional allowance for the use of a private vehicle, whether for official or unofficial purposes, unless it is inefficient to use the vehicle available for the Officer's private use.

#### 3.3.3 Amount of Reimbursement

When any person subject to this Determination is seeking payment of an additional allowance to cover the use of a private motor vehicle for official purposes, reimbursement of the cost will be made, calculated at the rate per kilometre at a rate equating to that pursuant to the SA Public Sector Salaried Employees Interim Award.

## 4. VEHICLES FOR PRIVATE USE

### 4.1. Selection of Vehicle

Judges and Court Officers, by notice in writing directed to the State Courts Administrator and Statutory Officers, by notice in writing directed to the Director, Fleet SA, are entitled to elect to have a motor vehicle of any model and type in the schedule of vehicles from time to time approved by the Commissioner as being available for private use by Executives, allocated to him or her upon the conditions specified in this Determination. The types and models of approved vehicles and the annual charges payable for their use, determined by the Commissioner, and current at the date of this Determination, are set out in the Schedule.

#### 4.2. **Alternative Vehicle**

An alternative vehicle may be supplied where required because of a Judge's, Court Officer's or Statutory Officer's, disability. The annual charge for the use of the vehicle will be calculated on the same basis as the calculation made by the Commissioner for annual charges for use of motor vehicles by Executives.

#### 4.3. **Temporary Appointees**

Persons appointed to act as a Judge, Court Officer, or Statutory Officer, on a temporary basis are not entitled to make an election under clause 4.1.

#### 4.4. **Charges for Use of Vehicles**

The amount payable by a Judge, Court Officer, or Statutory Officer, for the use of a selected vehicle is the amount set out in the Schedule adjacent to the description of the type of vehicle under the heading "Annual Charge Payable".

#### 4.5. **Payment of Vehicle Charges**

If a Judge, Court Officer, or Statutory Officer makes an election under clause 4.1 and a vehicle is supplied in accordance with that election, then the salary and allowances otherwise payable to the Judge, Court Officer, or Statutory Officer must be abated and reduced so as to offset the charges for the use of the vehicle for the period during which the Judge, Court Officer, or Statutory Officer, has the use of the vehicle.

#### 4.6. **New Models or Types**

##### 4.6.1. If:

- (a) a new model of a type specified in the Schedule; or
- (b) a new type of vehicle

becomes available for selection by a Judge, Court Officer, or Statutory Officer, after the date of election and before the placement of a binding order by or on behalf of:

- (a) the State Courts Administrator in relation to a Judge, or a Court Officer; or
- (b) the Director, Fleet SA, in relation to a Statutory Officer

the Judge, Court Officer, or Statutory Officer is entitled to withdraw the original election and elect to take the new model or type of vehicle.

- 4.6.2. The annual charge payable for a new model or new type of vehicle is that amount determined by the Commissioner as the annual charge for private use of the vehicle by Executives. The current criteria are on the basis that:
- (a) the charge covers the purchase price or leasing cost, and operating and maintenance costs of the vehicle;
  - (b) fringe benefits tax is payable;
  - (c) operating costs are calculated on the basis of an average of 70% private usage;
  - (d) the vehicle will travel 17,000 kilometres per year;
  - (e) the charge includes sales tax on the purchase price of the vehicle;
  - (f) the vehicle will be retained for 3 years or 60,000 kilometres travelled, whichever first occurs.
- 4.6.3. If a model or type of vehicle selected by a Judge, Court Officer, or Statutory Officer, becomes unavailable before the placement of a binding order, the Judge, Court Officer, or Statutory Officer, must be advised accordingly and allowed to make a further election under clause 4.1.
- 4.6.4. If a model becomes unavailable after the date of placement of a binding order and a later or better model vehicle is supplied, any Judge, Court Officer, or Statutory Officer, who has selected the unavailable vehicle is liable only to pay the annual charge for the vehicle as selected, and not the charge payable for the vehicle as supplied.

#### 4.7. **Accessories**

The Judge, Court Officer, or Statutory Officer, may choose to have approved accessories fitted to the vehicle. All such accessories fitted must be manufacturer approved options. The full cost of the accessories and the expense of having them fitted (and including any tax incurred) is payable by the Judge, Court Officer, or Statutory Officer. When the vehicle is due for return the Judge, Court Officer, or Statutory Officer, may have personally-installed accessories removed from the vehicle, providing the Judge, Court Officer, or Statutory Officer, meets the full cost of restoring the vehicle to the same condition as if the accessories had not been fitted. No compensation will be paid if options are left on the vehicle unless agreed by:

- (a) in the case of Judges and Court Officers, the State Courts Administrator; and
- (b) in the case of Statutory Officers, the Director, Fleet SA.

Options such as airbags, ABS brake systems and cruise control may not be removed, and tow bars must not be reinstalled on another vehicle.

#### 4.8. **Retention of Vehicle**

Once having made an election and receiving the vehicle, the Judge, Court Officer, or Statutory Officer, must keep the vehicle for a period equivalent to the period determined from time to time by the Commissioner for Public Employment as the period for the replacement of vehicles provided to Executives.

At the conclusion of that period the Judge, Court Officer, or Statutory Officer, will be entitled to make a new election, or, if he or she does not make an election, to be paid the allowance.

#### 4.9. **Conditions of Use**

The vehicle will be fully maintained, serviced and insured by;

- (a) the State Courts Administrator on behalf of Judges and Court Officers, and;
- (b) the Director, Fleet SA, on behalf of Statutory Officers.

Parking for the vehicle will be made available at or near the place of duty of the Judge, Court Officer, or Statutory Officer, and the vehicle will be available for private and official use subject to the following:

- 4.9.1. The Judge, Court Officer, or Statutory Officer, must make the vehicle available for official use (including for official use by the Judge, Court Officer, or Statutory Officer) at all times whilst the vehicle is parked at or near the usual place of work of the Judge, Court Officer, or Statutory Officer, and the Judge, or Statutory Officer, does not require the vehicle for private use; and
- 4.9.2. The State Courts Administrator, in relation to Judges and Court Officers, and the Director of Fleet SA, in relation to Statutory Officers will enable the Judge, Court Officer, or Statutory Officer to refuel the vehicle providing that the vehicle is fuelled in accordance with any requirements specified by the Commissioner, which may include requirements that the vehicle be fuelled using a particular brand of motor fuel and that it be only fuelled in South Australia. (If fuelled otherwise than in accordance with those requirements, it will be at the cost of the Judge, Court Officer, or Statutory Officer).
- 4.9.3. The Judge or Court Officer must make the vehicle available as required by the State Courts Administrator and the Statutory Officer must make the vehicle available as required by the Director, Fleet SA, for the purposes of the maintenance and repair of the vehicle and must deliver the vehicle to such place as may be specified by the State Courts Administrator or Director, Fleet SA, from time to time for that purpose.

- 4.9.4. The State Courts Administrator, in relation to Judges and Court Officers and the Director, Fleet SA, in relation to Statutory Officers will ensure that Judges, Court Officers and Statutory Officers are insured (which may be pursuant to Government "self insurance") in respect of compulsory third party liability, third party property damage and any property damage to the vehicle and will hold the Judge, Court Officer, or Statutory Officer harmless in respect of any such property damage. Personal items within the vehicle need not be covered. The Judge, Court Officer, or Statutory Officer must comply with any requirements of the insurance policy of which the member is aware or should have been aware.
- 4.9.5. The Judge, Court Officer, or Statutory Officer, will be responsible for any driving or parking fines for offences incurred.
- 4.9.6. The vehicle is available to the Judge, Court Officer, or Statutory Officer, while on leave. Where the Judge, Court Officer, or Statutory Officer, is absent from duty for a period greater than 7 days then the Judge, Court Officer, or Statutory Officer, will be responsible for fuelling the vehicle until the Judge, Court Officer, or Statutory Officer, returns to duty.
- 4.9.7. Vehicles may be driven interstate during periods of leave and there is no limit to privately travelled kilometres. Fuel charges for private interstate trips are entirely the personal responsibility of the Judge, Court Officer, or Statutory Officer.

#### 4.10. **Special Conditions of Use**

Notwithstanding anything else in this Determination:

- 4.10.1. where any damage is the result of wilful or deliberate act of any person, the State Courts Administrator, in relation to Judges or Court Officers, and the Director, Fleet SA, in relation to Statutory Officers, may take such action as he or she thinks fit to recover the cost of such damage;
- 4.10.2. the insurance and discharges are not applicable if the driver is under the influence of drugs and/or alcohol;
- 4.10.3. the insurance and discharges are not applicable if the insurance has been brought to the attention of the Judge, Court Officer, or Statutory Officer and is avoided by an action of the driver of the vehicle;
- 4.10.4. where the insurance policy contains an excess clause, then the Judge, or Court Officer will be liable to repay the State Courts Administrator, and in relation to Statutory Officers liable to pay the Director, Fleet SA the amount of that excess (or any part thereof) in the event that it becomes payable by reason of the driver of the vehicle being blameworthy for any of the damage giving rise to a claim on the policy when the vehicle is being used other than for official use.

#### 4.11. **Care of Vehicle**

The Judge, Court Officer, or Statutory Officer is responsible for ensuring that reasonable care is taken of the vehicle. Off street parking at the home of the person concerned is to be used if available and reasonable steps are to be taken to ensure its security. Where any damage to a vehicle supplied to a Judge or Court Officer is, in the opinion of the Courts Administration Council, the consequence of a serious breach of the obligations imposed by this clause, the Judge, or Court Officer must, on demand, pay the Courts Administration Authority the proper cost of rectification of such damage. Where any damage to a vehicle supplied to a Statutory Officer is, in the opinion of the Director, Fleet SA, the consequence of a serious breach of the obligations imposed by this clause, the Statutory Officer concerned must, on demand, pay to Fleet SA the proper cost of rectification of such damage.

#### 4.12. **Additional Drivers**

The vehicle may be driven by any other Government employee who requires the vehicle for official use. Judges and Court Officers must nominate to the State Courts Administrator and Statutory Officers must nominate to the Director, Fleet SA respectively, the names of any persons to use the vehicle at times when it is not required to be available for official use and, subject to the control and direction of the Judge, Court Officer, or Statutory Officer, such persons will be authorised to use the vehicle upon such nomination. The vehicle must not be driven by an "L" or "P" plate driver who is not the person to whom the vehicle is allocated under this Determination other than in an emergency situation.

#### 4.13. **Right to Purchase**

At any time during the 12 months immediately preceding the date of his or her retirement, a Judge or Court Officer, by notice in writing to the State Courts Administrator, and a Statutory Officer, by notice in writing to the Director, Fleet SA may elect to purchase the vehicle then allocated to him or her as at the date of his or her retirement. After such notification has been given the State Courts Administrator or the Director, Fleet SA, must take such steps as are necessary to ensure that it can sell the vehicle to the member.

#### 4.14. **No Changeover**

A Judge, Court Officer, or Statutory Officer who makes an election under clause 4.13 shall not be permitted or required to hand a vehicle in for normally scheduled changeover where that changeover would occur between the date of election and the date of retirement.

#### 4.15. **Conditions of Purchase**

The conditions of in relation to a purchase made following an election under clause 4.13 shall be:

4.15.1. The price will be the fair market value for such a vehicle sold without any statutory warranty.

4.15.2. The price shall be agreed between the Director, Fleet SA, and the prospective retiree, due regard being had to prices generally recovered for such vehicles at Fleet SA public auctions.

4.15.3. Failing such agreement, the price shall be determined by an independent valuer agreed by the parties. Where the prospective retiree is a Judge or Court Officer any fee payable to such a valuer shall be borne in equal shares by the prospective retiree and the State Courts Administrator. Where the prospective retiree is a Statutory Officer any fee payable to such a valuer shall be borne in equal shares with half payable by the respective retiree and the other half being payable from funds appropriated to pay expenses associated with the statutory office held by the retiree.

4.15.4. The price shall be payable in full on or prior to the date of retirement of the Judge, Court Officer or Statutory Officer.

#### 5. **TRANSITIONAL PROVISIONS**

5.1. During the transitional period following the first introduction of these conditions, a Judge, Court Officer or Statutory Officer will be deemed to have made the relevant election at the time that he/she last received a Government vehicle, but otherwise will hold the vehicle subject to these conditions as from the date of the introduction of these conditions.

#### 6. **DATE OF OPERATION**

The allowances prescribed in Clause 3 are operative from 23 November, 1999 and supersede those of all previous Determinations covering persons whose office is listed herein.

RL Dahlenburg AM  
**PRESIDENT**

D. Flux  
**MEMBER**

HR Bachmann  
**MEMBER**

Dated 26 November 1999.

**SCHEDULE**

<b>TYPE OF VEHICLE</b>	<b>ANNUAL CHARGE PAYABLE</b>
Calais Sedan VT2	\$13,615
Commodore VT2 Executive Sedan 3.8L	\$10,048
Commodore VT2 Executive Wagon 3.8L	\$10,680
Commodore VT2 Acclaim Sedan 3.8L	\$11,171
Commodore VT2 Acclaim Wagon 3.8L	\$11,739
Commodore VT2 Berlina Sedan 3.8L	\$11,596
Commodore VT2 Berlina Wagon 3.8L	\$12,346
TH Magna 6 cyl Sedan (3.5 litre)	\$9,590
TH Magna 6 cyl Wagon (3.5 litre)	\$10,263
TH Magna Advance 6 cyl Sedan (3.5 litre)	\$10,741
TH Magna Advance 6 cyl Wagon (3.5 litre)	\$10,838
TH Magna Altera LS Sedan (3.5 litre)	\$11,179
TH Magna Altera LS Wagon (3.5 litre)	\$11,948
KH Verada Ei Sedan (3.5 litre)	\$11,369
KH Verada Ei Wagon (3.5 litre)	\$12,997
KH Verada Xi Sedan (3.5 litre)	\$12,904

**Third Party Insurance Premium Schedule**

**EFFECTIVE 28/11/99**

METROPOLITAN AREA "A" Garaged or kept in a Metropolitan Postcode Area (see overleaf)					Where a vehicle is within more than one category the premium shall be that fixed for the category deemed by the insurer to be the appropriate category for that vehicle.  Where the Act 1 provides for a vehicle to be registered and insured for a term beyond 12 months, a premium calculated in proportion to the 12 monthly premium applies.	COUNTRY AREA "B" Garaged or kept in a Country Postcode Area (see overleaf)				
Premium Class	Insurance premium					Premium Class	Insurance premium			
	12 mths \$	9 mths \$	6 mths \$	3 mths \$			12 mths \$	9 mths \$	6 mths \$	3 mths \$
Description of vehicle and use										
<b>CARS</b>										
<b>1</b>	270	204	138	70	Private or Business Passenger Vehicles: any motor vehicle with sedan, station wagon, multi-passenger or self-propelled caravan body type with a seating capacity of not more than 12 persons, used for social, domestic, pleasure or business purposes.	<b>51</b>	189	143	97	49
<b>MOTOR CYCLES</b>										
Motor Cycles, Tricycles and Quadcycles with an engine capacity										
<b>14</b>	40	30	21	10	- not exceeding 50cc	<b>64</b>	24	18	12	6
<b>15</b>	124	94	64	32	- exceeding 50cc but not exceeding 250cc	<b>65</b>	54	41	28	14
<b>16</b>	124	94	64	32	- exceeding 250cc but not exceeding 600cc	<b>66</b>	81	61	42	21
<b>20</b>	310	235	159	80	- exceeding 600cc	<b>70</b>	243	184	125	63
<b>GOODS CARRYING VEHICLES</b>										
Goods Carrying Vehicles: Any motor vehicle (including trailers, vans, tow trucks, trucks and prime movers, but excluding classes 4 and 54) constructed or adapted for the carriage of goods										
<b>2</b>	313	237	160	81	- Light (Gross Vehicle Mass not exceeding 4.5 tonnes)	<b>52</b>	189	143	97	49
<b>3</b>	510	386	261	132	- Medium (Gross Vehicle Mass exceeding 4.5 tonnes but Gross Combination Mass not exceeding 35 tonnes)	<b>53</b>	335	254	172	87
<b>11</b>	715	542	366	185	- Heavy (Gross Combination Mass exceeding 35 tonnes)	<b>71</b>	715	542	366	185
<b>4</b>	148	112	76	38	Primary Producer's goods carrying vehicles registered subject to the conditions applicable to Section 25 or 34 of the Act 1.	<b>54</b>	103	78	53	27
<b>TRAILERS</b>										
<b>11</b>	N/A	N/A	N/A	N/A	Trailers (ie a vehicle, or a machine on wheels, that is not self-propelled, and is constructed or adapted for being drawn by a motor vehicle).	<b>61</b>	N/A	N/A	N/A	371
<b>TRADE</b>										
<b>See Over</b>	Premium charged according to class (see over)				Car Carrier's Extension and Trade Plates see over.	<b>See Over</b>	Premium charged according to class (see over)			
<b>PUBLIC PASSENGER VEHICLES</b>										
<b>5</b>	2,159	1,635	1,106	559	Taxis: registered or licensed as metered taxis by the Passenger Transport Board or by another authority.	<b>55</b>	459	348	235	119
<b>6</b>	702	532	360	182	Hire and Drive Yourself vehicles: (excluding buses, motor cycles and trailers)	<b>56</b>	702	532	360	182
Public Passenger Vehicles: all vehicles (including Hire and Drive Yourself buses) used for carrying passengers for fare or other consideration, but excluding classes 5, 6, 32, 55 and 56										
<b>7</b>	540	409	277	140	- Small (authorized to carry up to 12 seated persons)	<b>57</b>	273	207	140	71
<b>8</b>	891	673	457	231	- Medium (authorized to carry between 13 and 35 seated persons)	<b>58</b>	273	207	140	71
<b>9</b>	1,309	992	671	339	- Large (authorized to carry more than 35 persons)	<b>59</b>	324	245	166	84
<b>10</b>	162	123	83	42	Public Passenger Vehicles: not for fare or other consideration (ie vehicles used for public passenger transport at no cost to the passenger).	<b>60</b>	81	61	42	21
<b>32</b>	5,127	3,884	2,628	1,328	Public Municipal Omnibuses: all public passenger vehicles used in the provision of Regular Passenger Services in Metropolitan Adelaide pursuant to a contract under Part 5 of the Passenger Transport Act 1994 and which also use the integrated ticketing system prescribed by the Passenger Transport Board from time to time.	-	-	-	-	-
<b>SPECIAL PURPOSE</b>										
<b>19</b>	59	45	30	15	Historic and Left Hand Drive Vehicles conditionally registered under Section 25 of the Act 1 and Regulations - Schedule 1.	<b>69</b>	59	45	30	15
<b>18</b>	27	20	14	7	Conditionally registered farm tractors or self-propelled agricultural implements whilst on roads 2. Other farm vehicles registered under Section 25 and Regulations of the Act 1 whilst on roads 2 between rural landholdings which are no more than 30k apart and are farmed by the vehicle owner. Land Yachts and Golf Buggies.	<b>68</b>	27	20	14	7
<b>29</b>	216	164	111	56	Special Purpose Vehicles: - any vehicles not specifically designed for the carriage of passengers or goods (including all other vehicles listed in this schedule). Miscellaneous Vehicles: - ambulances, undertakers' hearses, mourning coaches and vehicles used solely for Fire Fighting or State Emergency Service purposes.	<b>79</b>	65	49	33	17
<b>PERMIT</b>										
<b>17</b>	13	13	13	13	Vehicles Under Permit: vehicles provided with registration permit under Section 16 and Regulation 10 of the Act 1 (excluding trailers).	<b>67</b>	13	13	13	13

1 Motor Vehicles Act, 1959 and amendments  
2 As defined in the Motor Vehicles Act, 1959

REAR SIDE OF PREMIUM SCHEDULE  
EFFECTIVE 28/11/99

METROPOLITAN AREA "A"					Third Party Insurance Premium Schedule					COUNTRY AREA "B"				
Premium Class	Insurance premium				Description of vehicle and use	Premium Class	Insurance premium							
	12 mths \$	9mths \$	6 mths \$	3 mths \$			12 mths \$	9mths \$	6 mths \$	3 mths \$				
<b>CAR CARRIER'S EXTENSION</b>														
Car Carrier's Extension (unregistered vehicles in the physical and legal control of the Car Carrier within 500 metres of the registered car carrying vehicle.														
The premium for car carrying vehicles, including the car carrier's extension as defined, is as follows:														
22	475	359	243	123	Goods Carrying - Light (Gross Vehicle Mass not exceeding 4.5 tonnes)	72	259	196	133	67				
23	672	508	344	174	- Medium (Gross Vehicle Mass exceeding 4.5 tonnes but Gross Combined Mass not exceeding 35 tonnes)	73	405	307	208	105				
24	877	664	449	227	- Heavy (Gross Combined Mass exceeding 35 tonnes)	74	785	595	402	203				
25	162	122	83	42	Trailers:	75	70	53	36	18				
<b>TRADE</b>														
12	As per Premium Class 3 As per Premium Class 1 As per Premium Class 16 As per Premium Class 11 As per Premium Class 18 As per Premium Class 29				Motor Trader's Plate: Trade plates issued under Section 62 of the Act. 1 <i>Category of use</i> A Goods Carrying - Gross Vehicle Mass exceeding 4.5 tonnes B Motor Vehicles - Gross Vehicle Mass not exceeding 4.5 tonnes C Motor Cycles D Trailers E1 Agricultural Machinery E2 Special Purpose Vehicles <i>Where more than one category of use is allowed, the highest premium is to apply</i>					62		As per Premium Class 53 As per Premium Class 51 As per Premium Class 66 As per Premium Class 61 As per Premium Class 68 As per Premium Class 79		

IMPORTANT INFORMATION FOR VEHICLE OWNERS ON  
COMPULSORY THIRD PARTY INSURANCE

SELECTING THE PREMIUM CLASS

The premium class and premium payable may be determined by referring to the Third Party Insurance Schedule shown overleaf and above.

In determining the premium class, attention should be given to:

- Type of vehicle
- The purpose for which it is used
- The postcode district in which it is usually garaged, kept or operated (see below)

**A - METROPOLITAN AREA**

The metropolitan area consists of the following postcodes:

5000	5013	5023	5039	5049	5067	5081	5091	5108	5118	5136	5152	5162	5172	5243
5004	5014	5024	5040	5050	5068	5082	5092	5109	5120	5137	5153	5163	5173	5244
5005	5015	5025	5041	5051	5069	5083	5093	5110	5121	5138	5154	5164	5201	5245
5006	5016	5031	5042	5052	5070	5084	5094	5111	5125	5139	5155	5165	5231	5250
5007	5017	5032	5043	5061	5071	5085	5095	5112	5126	5140	5156	5166	5232	5251
5008	5018	5033	5044	5062	5072	5086	5096	5113	5127	5141	5157	5167	5233	5252
5009	5019	5034	5045	5063	5073	5087	5097	5114	5131	5142	5158	5168	5234	5942
5010	5020	5035	5046	5064	5074	5088	5098	5115	5132	5144	5159	5169	5240	5950
5011	5021	5037	5047	5065	5075	5089	5106	5116	5133	5150	5160	5170	5241	
5012	5022	5038	5048	5066	5076	5090	5107	5117	5134	5151	5161	5171	5242	

**B - COUNTRY AREA**

The country area is any district within the State of South Australia outside the above metropolitan area.

In the case of premium class 16 or 66 and 20 or 70, the insurance premium payable is based on the normal place of residence of the owner or the principal place of business of a Corporate Body.

It is advisable to check the insurance class and insurance premium payable shown on the registration renewal notice. If the information shown is incorrect, Registration and Licensing should be notified immediately.

An Application to Change the Insurance Premium Class on a Registration is required where the premium has altered due to:

- A change of residential and / or garaging address
- A change in concession status
- An alteration to the construction of the vehicle
- A change in the use of the vehicle

**"EXCESS" PROVISIONS - MOTOR VEHICLES ACT**

Section 124ab of the Motor Vehicles Act states that where an insured person (and that includes the drivers) incurs a liability (against which he or she is insured under the policy) and is more than 25% at fault, the insurer may recover up to \$300.00 from the insured person as a debt. This does not prevent the insurer at a later date exercising any other right of recovery against you under part IV of the Act (e.g. for breach of warranty relating to intoxicating liquor).

**It is an offence to provide false information or withhold any information which may be necessary to determine the appropriate insurance premium.**

## REGULATIONS UNDER THE NATIONAL ELECTRICITY (SOUTH AUSTRALIA) ACT 1996

No. 246 of 1999

*At the Executive Council Office at Adelaide 2 December 1999*

PURSUANT to the *National Electricity (South Australia) Act 1996* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

### SUMMARY OF PROVISIONS

1. Citation
2. Commencement
3. Insertion of reg. 14
  14. Maximum civil monetary liabilities of NEMMCO or network service providers

#### Citation

1. The *National Electricity (South Australia) Regulations* (see *Gazette* 8 December 1998 p. 1820) are referred to in these regulations as "the principal regulations".

#### Commencement

2. These regulations will come into operation on 12 December 1999.

#### Insertion of reg. 14

3. The following regulation is inserted after regulation 13 of the principal regulations:

#### **Maximum civil monetary liabilities of NEMMCO or network service providers**

14. (1) For the purposes of section 77A(4)(c) of the *National Electricity Law*, maximum amounts are prescribed as follows:

- (a) the maximum amount of NEMMCO's civil monetary liability to each person who suffers loss as a result of a relevant event is, in respect of that event, \$2 million;
- (b) however, if the amount of NEMMCO's civil monetary liability to the person in respect of that event (as affected, if at all, by paragraph (a)) exceeds the prescribed amount, the maximum amount of NEMMCO's civil monetary liability to that person in respect of that event is the prescribed amount;
- (c) the maximum amount of each network service provider's civil monetary liability to each person who suffers loss as a result of a relevant event is, in respect of that event, \$2 million;
- (d) however, if the amount of the network service provider's civil monetary liability to the person in respect of that event (as affected, if at all, by paragraph (c)) exceeds the prescribed amount, the maximum amount of the network service provider's civil monetary liability to that person in respect of that event is the prescribed amount;
- (e) paragraphs (a), (b), (c) and (d) do not apply in relation to civil monetary liability for death or bodily injury;

- (f) the maximum amount of the civil monetary liability of each officer or employee of NEMMCO or a network service provider to each person who suffers loss as a result of a relevant event is, in respect of that event, \$1.

(2) NEMMCO and each network service provider must ensure that the following provisions are complied with in relation to claims against NEMMCO or the network service provider alleging civil monetary liabilities in respect of relevant events:

- (a) the claims must be dealt with in an orderly manner, without bad faith and with reasonable dispatch;
- (b) a register must be maintained containing the following in relation to each claim lodged with it:
- (i) a unique identifier assigned to the claim and linked to each entry in the register relating to the claim;
  - (ii) the date on which the claim was lodged;
  - (iii) the amount of the claim (if stated by the claimant);
  - (iv) the date or dates on which the relevant event to which the claim relates is alleged to have occurred;
  - (v) the date of payment of the claim;
  - (vi) the amount paid on the claim;
- (c) running totals must be kept in the register of—
- (i) the amounts of the claims (as stated by the claimants); and
  - (ii) the amounts paid on the claims;
- (d) the running totals kept in the register must be made available for inspection by the public, during ordinary business hours and at no fee, in each participating jurisdiction in which NEMMCO or the network service provider carries on business;
- (e) a person appointed by NECA must be allowed, at any time during ordinary business hours, to conduct inspections of the register and other records of NEMMCO or the network service provider, and to question officers and employees of NEMMCO or the network service provider, for the sole purpose of checking the accuracy of the register.

(3) In this regulation—

**"prescribed amount"** means—

- (a) in relation to NEMMCO—the amount obtained by deducting from \$100 million the aggregate of the amounts already paid by NEMMCO in

- discharge of NEMMCO's civil monetary liabilities to persons suffering losses as a result of relevant events;
- (b) in relation to a network service provider—the amount obtained by deducting from \$100 million the aggregate of the amounts already paid by the network service provider in discharge of the network service provider's civil monetary liabilities to persons suffering losses as a result of relevant events;

**"relevant event"** means—

- (a) in relation to NEMMCO—a negligent act or omission, or a series of connected negligent acts or omissions, in the performance or exercise, or purported performance or exercise, of a function or power of NEMMCO under the *National Electricity Law* or the Code, done or made during the period of 12 months from the prescribed day;
- (b) in relation to a network service provider—a negligent act or omission, or a series of connected negligent acts or omissions, in the performance or exercise, or purported performance or exercise, of a system operations function or power, done or made during the period of 12 months from the prescribed day;
- (c) in relation to an officer or employee of NEMMCO—a negligent act or omission, or a series of connected negligent acts or omissions, in the performance or exercise, or purported performance or exercise, of a function or power of NEMMCO under the *National Electricity Law* or the Code;
- (d) in relation to an officer or employee of a network service provider—a negligent act or omission, or a series of connected negligent acts or omissions, in the performance or exercise, or purported performance or exercise, of a system operations function or power.

**REGULATIONS UNDER THE PUBLIC CORPORATIONS ACT 1993**

No. 247 of 1999

*At the Executive Council Office at Adelaide 2 December 1999*

PURSUANT to the *Public Corporations Act 1993* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

ROB LUCAS Treasurer

**SUMMARY OF PROVISIONS**

1. Citation
2. Commencement
3. Variation of reg. 1—Citation
4. Variation of reg. 3—Interpretation
5. Variation of reg. 4—ETSA Energy Corporation to continue as RESI Energy Corporation
6. Variation of reg. 6—Composition of board
7. Variation of reg. 8—Functions of Energy Corporation
8. Variation of reg. 10—Energy Corporation's charter
9. Variation of reg. 11—Performance statements

**Citation**

1. The *Public Corporations (ETSA Energy Corporation) Regulations 1995* (see *Gazette* 29 June 1995 p. 3118) are referred to in these regulations as "the principal regulations".

**Commencement**

2. These regulations will come into operation on the day on which section 8 of the *Statutes Amendment (Electricity) Act 1999* comes into operation.

**Variation of reg. 1—Citation**

3. Regulation 1 of the principal regulations is varied by striking out "ETSA" and substituting "RESI".

**Variation of reg. 3—Interpretation**

4. Regulation 3 of the principal regulations is varied—

(a) by striking out from the definition of "Energy Corporation" "ETSA" and substituting "RESI";

(b) by striking out the definition of "ETSA" and substituting the following definition:

"RESI" means *RESI Corporation* continued in existence under the *Electricity Corporations Act 1994*.

**Variation of reg. 4—ETSA Energy Corporation to continue as RESI Energy Corporation**

4. Regulation 4 of the principal regulations is varied by striking out subregulation (1) and substituting the following subregulation:

(1) *ETSA Energy Corporation* continues in existence as a subsidiary of RESI (formerly ETSA Corporation) as *RESI Energy Corporation*.

**Variation of reg. 6—Composition of board**

5. Regulation 6 of the principal regulations is varied—

- (a) by striking out from subsection (1)(a) "ETSA" and substituting "RESI";
- (b) by striking out from subsection (1)(b) "ETSA" and substituting "RESI".

**Variation of reg. 8—Functions of Energy Corporation**

6. Regulation 8 of the principal regulations is varied—

- (a) by striking out from paragraph (c) "ETSA's" and substituting "RESI's";
- (b) by striking out from paragraph (d) "ETSA's" and substituting "RESI's";
- (c) by striking out from paragraph (e) "ETSA" and substituting "RESI".

**Variation of reg. 10—Energy Corporation's charter**

7. Regulation 10 of the principal regulations is varied—

- (a) by striking out subregulation (1);
- (b) by striking out from subregulation (2) "The charter must be consistent with ETSA's" and substituting "The charter for the Energy Corporation must be consistent with RESI's";
- (c) by striking out from subregulation (4) "ETSA" and "ETSA's" and substituting respectively "RESI" and "RESI's";
- (d) by striking out from subregulation (5) "ETSA" and substituting "RESI".

**Variation of reg. 11—Performance statements**

8. Regulation 11 of the principal regulations is varied—

- (a) by striking out subregulation (1) and substituting the following subregulation:

(1) The Energy Corporation's performance statement must set the various performance targets that the Corporation is to pursue in the coming financial year and may deal with such other matters as RESI considers appropriate.;

- (b) by striking out from subregulation (2) "ETSA" and substituting "RESI";
- (c) by striking out from subregulation (3) "ETSA" and substituting "RESI".

**REGULATIONS UNDER THE PUBLIC CORPORATIONS ACT 1993**

No. 248 of 1999

*At the Executive Council Office at Adelaide 2 December 1999*

PURSUANT to the *Public Corporations Act 1993* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

ROB LUCAS Treasurer

**SUMMARY OF PROVISIONS**

1. Citation
2. Commencement
3. Variation of reg. 1—Citation
4. Variation of reg. 3—Interpretation
5. Variation of reg. 4—ETSA Power Corporation to continue as RESI Power Corporation
6. Variation of reg. 6—Composition of board
7. Variation of reg. 11—Functions of Power Corporation
8. Variation of reg. 13—Power Corporation's charter
9. Variation of reg. 14—Performance statements

**Citation**

1. The *Public Corporations (ETSA Power Corporation) Regulations 1995* (see *Gazette* 29 June 1995 p. 3113) are referred to in these regulations as "the principal regulations".

**Commencement**

2. These regulations will come into operation on the day on which section 8 of the *Statutes Amendment (Electricity) Act 1999* comes into operation.

**Variation of reg. 1—Citation**

3. Regulation 1 of the principal regulations is varied by striking out "ETSA" and substituting "RESI".

**Variation of reg. 3—Interpretation**

4. Regulation 3 of the principal regulations is varied—

(a) by striking out the definition of "ETSA";

(b) by striking out from the definition of "Power Corporation" "ETSA" and substituting "RESI";

(c) by inserting after the definition of "Power Corporation" the following definition:

"RESI" means *RESI Corporation* continued in existence under the *Electricity Corporations Act 1994*.

**Variation of reg. 4—ETSA Power Corporation to continue as RESI Power Corporation**

5. Regulation 4 of the principal regulations is varied by striking out subregulation (1) and substituting the following subregulation:

(1) *ETSA Power Corporation* continues in existence as a subsidiary of RESI (formerly ETSA Corporation) as *RESI Power Corporation*.

**Variation of reg. 6—Composition of board**

6. Regulation 6 of the principal regulations is varied—

(a) by striking out from subsection (1)(a) "ETSA" and substituting "RESI";

(b) by striking out from subsection (1)(b) "ETSA" and substituting "RESI".

**Variation of reg. 11—Functions of Power Corporation**

7. Regulation 11 of the principal regulations is varied by striking out from paragraph (i) "ETSA" and substituting "RESI".

**Variation of reg. 13—Power Corporation's charter**

8. Regulation 13 of the principal regulations is varied—

(a) by striking out subregulation (1);

(b) by striking out from subregulation (2) "The charter must be consistent with ETSA's" and substituting "The charter for the Power Corporation must be consistent with RESI's";

(c) by striking out from subregulation (4) "ETSA" and "ETSA's" and substituting respectively "RESI" and "RESI's";

(d) by striking out from subregulation (5) "ETSA" and substituting "RESI".

**Variation of reg. 14—Performance statements**

9. Regulation 14 of the principal regulations is varied—

(a) by striking out subregulation (1) and substituting the following subregulation:

(1) The Power Corporation's performance statement must set the various performance targets that the Corporation is to pursue in the coming financial year and may deal with such other matters as RESI considers appropriate.;

(b) by striking out from subregulation (2) "ETSA" and substituting "RESI";

(c) by striking out from subregulation (3) "ETSA" and substituting "RESI".

**REGULATIONS UNDER THE PUBLIC CORPORATIONS ACT 1993**

No. 249 of 1999

*At the Executive Council Office at Adelaide 2 December 1999*

PURSUANT to the *Public Corporations Act 1993* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

ROB LUCAS Treasurer

**SUMMARY OF PROVISIONS**

1. Citation
2. Commencement
3. Variation of reg. 1—Citation
4. Variation of reg. 3—Interpretation
5. Variation of reg. 4—ETSA Transmission Corporation to continue as Transmission Lessor Corporation
6. Variation of reg. 6A—Conditions of membership
7. Variation of reg. 8—Functions of Transmission Corporation
8. Variation of reg. 10—Transmission Corporation's charter
9. Variation of reg. 11—Performance statements

**Citation**

1. The *Public Corporations (ETSA Transmission Corporation) Regulations 1995* (see *Gazette* 29 June 1995 p. 3122), as varied, are referred to in these regulations as "the principal regulations".

**Commencement**

2. These regulations will come into operation on the day on which section 8 of the *Statutes Amendment (Electricity) Act 1999* comes into operation.

**Variation of reg. 1—Citation**

3. Regulation 1 of the principal regulations is varied by striking out "*ETSA Transmission Corporation*" and substituting "*Transmission Lessor Corporation*".

**Variation of reg. 3—Interpretation**

4. Regulation 3 of the principal regulations is varied—

(a) by striking out the definition of "**ETSA**";

(b) by striking out the definition of "**Transmission Corporation**" and substituting the following definitions:

"**RESI**" means *RESI Corporation* continued in existence under the *Electricity Corporations Act 1994*;

**"Transmission Corporation"** means *Transmission Lessor Corporation* established under these regulations.

**Variation of reg. 4—ETSA Transmission Corporation to continue as Transmission Lessor Corporation**

5. Regulation 4 of the principal regulations is varied by striking out subregulation (1) and substituting the following subregulation:

(1) *ETSA Transmission Corporation* continues in existence as a subsidiary of RESI (formerly ETSA Corporation) as *Transmission Lessor Corporation*.

**Variation of reg. 6A—Conditions of membership**

6. Regulation 6A of the principal regulations is varied by striking out from subregulation (2)(*ea*) "ETSA" and substituting "RESI".

**Variation of reg. 8—Functions of Transmission Corporation**

7. Regulation 8 of the principal regulations is varied by striking out from paragraph (*i*) "ETSA" and substituting "RESI".

**Variation of reg. 10—Transmission Corporation's charter**

8. Regulation 10 of the principal regulations is varied—

- (a) by striking out subregulation (1);
- (b) by striking out from subregulation (2) "The charter must be consistent with ETSA's" and substituting "The charter for the Transmission Corporation must be consistent with RESI's";
- (c) by striking out from subregulation (4) "ETSA" and "ETSA's" and substituting respectively "RESI" and "RESI's";
- (d) by striking out from subregulation (5) "ETSA" and substituting "RESI".

**Variation of reg. 11—Performance statements**

9. Regulation 11 of the principal regulations is varied—

- (a) by striking out subregulation (1) and substituting the following subregulation:

(1) The Transmission Corporation's performance statement must set the various performance targets that the Corporation is to pursue in the coming financial year and may deal with such other matters as RESI considers appropriate.;

- (b) by striking out from subregulation (2) "ETSA" and substituting "RESI";
- (c) by striking out from subregulation (3) "ETSA" and substituting "RESI".

**REGULATIONS UNDER THE RETAIL AND COMMERCIAL LEASES ACT 1995**

No. 250 of 1999

*At the Executive Council Office at Adelaide 2 December 1999*

PURSUANT to the *Retail and Commercial Leases Act 1995* and with the advice and consent of the Executive Council, I make the following regulations.

E. J. NEAL Governor

PURSUANT to section 10AA(2) of the *Subordinate Legislation Act 1978*, I certify that, in my opinion, it is necessary or appropriate that the following regulations come into operation as set out below.

K. T. GRIFFIN Minister for Consumer Affairs

**SUMMARY OF PROVISIONS**

1. Citation
2. Commencement
3. Variation of reg. 4—Exclusions from application of Act

**Citation**

1. The *Retail and Commercial Leases Regulations 1995* (see *Gazette* 29 June 1995 p. 3101), as varied, are referred to in these regulations as "the principal regulations".

**Commencement**

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

**Variation of reg. 4—Exclusions from application of Act**

3. Regulation 4 of the principal regulations is varied by inserting after paragraph (b) of subregulation (1) the following paragraph:

- (c) any retail shop lease to which Distribution Lessor Corporation, Generation Lessor Corporation or ETSA Transmission Corporation is a party as lessor.

T&amp;F 106/99 CS

SUZANNE M. CARMAN Clerk of the Council

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## CITY OF ADELAIDE

*Temporary Road Closures*

NOTICE is hereby given that the council of the Corporation of the City of Adelaide at its meeting held on 22 November 1999, passed, *inter alia*, the following resolutions:

Pursuant to section 359 of the Local Government Act 1934, as amended, the roads described in the following schedule, between the hours specified in the schedule, be closed to all vehicles except for emergency vehicles or those given express permission to enter by the Chief Executive Officer.

## SCHEDULE

Location	From	To
Fenn Place between North Terrace and Hindley Street	7 p.m. on Friday, 31 December 1999	10 a.m. on Saturday, 1 January 2000
Hyde Street between Pirie Street and Flinders Street	6 p.m. on Friday, 31 December 1999	8 a.m. on Saturday, 1 January 2000
Freeman Lane between Pirie Street and a point 45.5 m south of Pirie Street	5 p.m. on Friday, 31 December 1999	10 a.m. on Saturday, 1 January 2000
Freemasons Lane between Pirie Street and a point 52.4 m south of Pirie Street	5 p.m. on Friday, 31 December 1999	10 a.m. on Saturday, 1 January 2000
Clarendon Street between Hindley Street and Philip Street	7 a.m. on Sunday, 19 December 1999	6 a.m. on Monday, 20 December 1999
Hindley Street between King William Street and Morphett Street	7 p.m. on Friday, 31 December 1999	11 a.m. on Saturday, 1 January 2000
Gouger Street between King William Street and Morphett Street	7 p.m. on Friday, 31 December 1999	11 a.m. on Saturday, 1 January 2000
Rundle Street between East Terrace and Frome Street	7 p.m. on Friday, 31 December 1999	11 a.m. on Saturday, 1 January 2000

JUDE MUNRO, Chief Executive Officer

## CITY OF BURNSIDE

*Periodical Review*

NOTICE is hereby given that the City of Burnside has reviewed its composition and elector representation arrangements, in accordance with the requirements of section 24(2) of the Local Government Act, 1934, as amended.

Pursuant to the provisions of Section 24 (11) of the said Act, the Electoral Commissioner has certified that the review undertaken by Council satisfied the requirements of Section 24, and therefore may now be put into effect as from the day of the first general election held after the expiration of five months from the publication of this notice.

The revised arrangements are as follows:

1. The current composition of Council, that is the Mayor and 12 Councillors, is to be retained.
2. The number of wards will be six.
3. The wards will be entitled as follows:
  - Ward 1 Beaumont Ward
  - Ward 2 Burnside Ward
  - Ward 3 Eastwood and Glenunga Ward
  - Ward 4 Kensington Gardens & Magill
  - Ward 5 Kensington Park Ward
  - Ward 6 Rose Park & Toorak Gardens
4. Each Ward is to be represented by two Councillors.
5. The boundaries of the Wards are defined in the following Schedules 1 to 6.

## THE FIRST SCHEDULE

Ward 1—Beaumont Ward: Comprising that portion of the Hundred of Adelaide, County of Adelaide, bounded as follows:

Commencing at a point on the centre of Greenhill Road, being its intersection with the centre of Portrush Road, suburb of Linden Park; thence easterly along the centre of Greenhill Road to the centre of Devereux Road; southerly along the centre of Devereux Road to the centre of Cooper Place, suburb of Beaumont; easterly along the centre of Cooper Place to the centre of Glynburn Road; northerly along the centre of Glynburn Road to the centre of McAllan Avenue; easterly and generally south-easterly along the centre of McAllan Avenue to the centre of Waterfall Gully Road; generally south-easterly along the centre of Waterfall Gully Road, suburbs of Beaumont

and Waterfall Gully to the centre of the road north of and adjoining allotment 10 (FP 129664); easterly along the latter centre of the road to an eastern boundary of the municipal of the City of Burnside; generally south-easterly, generally westerly and generally north-westerly along the boundaries of the municipality of the City of Burnside to a north-western corner of the suburb of Mount Osmond, adjacent to the Old Toll House; easterly and generally north-easterly along the northern, western and north-western boundaries of the suburb of Mount Osmond to the southern boundary of the suburb of Beaumont, adjacent to Tregenza Close; generally westerly along the southern boundaries of the suburbs of Beaumont and St Georges; thence northerly along the western boundaries of the suburbs of St Georges and Linden Park (the centre of Portrush Road) to the point of commencement and crossing all intervening roads.

## THE SECOND SCHEDULE

Ward 2—Burnside Ward: Comprising that portion of the Hundred of Adelaide, County of Adelaide, bounded as follows:-

Commencing at a point on the centre of Kensington Road, being its intersection with the centre of Glynburn Road, suburb of Erindale; thence southerly along the Centre of Glynburn Road, suburbs of Erindale and Burnside to the centre of McAllan Avenue; easterly and generally south-easterly along the centre of McAllan Avenue to the centre of Waterfall Gully Road; generally south-easterly along The Centre of Waterfall Gully Road, suburb of Burnside to the centre of the road south of and adjoining allotment 100 (DP 31781); easterly along the latter centre of the road to an eastern boundary of the municipality of the City of Burnside; generally northerly, easterly and northerly along the boundaries of the municipality of the City of Burnside to a south-eastern corner of the suburb of Wattle Park, being a point on the centre of Kensington Road; thence northerly, easterly, northerly, westerly, south-westerly and generally westerly along the east, southern, northern and north-western boundaries of the suburb of Wattle Park and the northern boundary of the suburb of Erindale (the centre of Kensington Road) to the point of commencement and crossing all intervening roads.

## THE THIRD SCHEDULE

Ward 3—Eastwood and Glenunga Ward: Comprising did portion of the Hundred of Adelaide, County of Adelaide, bounded as follows:

Commencing at a point on the centre of Greenhill Road, being its intersection with the centre of Portrush Road, suburb of Glenside; thence southerly along the centre of Portrush Road, suburbs of Glenside and Glen Osmond to a northern boundary of the suburb of Glen Osmond (the southern boundary of the suburb of St Georges); generally easterly along northern boundaries of the suburb of Glen Osmond to a north-eastern corner of the latter suburb, adjacent to Tregenza Close; generally south-westerly and westerly along the south-eastern, southern and eastern boundaries of the suburb of Glen Osmond to a south-western boundary of the municipality of the City of Burnside; generally north-westerly along the boundaries of the municipality of the City of Burnside to the north-eastern corner of the said municipality; easterly along a northern boundary of the municipality of the City of Burnside to a north-western corner of the said municipality, thence south-easterly to the centre of Greenhill Road and continuing easterly along the centre of Greenhill Road, suburb of Glenside to the point of commencement and crossing all intervening roads.

## THE FOURTH SCHEDULE

Ward 4—Kensington Gardens and Magill Ward: Comprising that portion of the Hundred of Adelaide, County of Adelaide, bounded as follows:

Commencing at a point on a northern boundary of the municipality of the City of Burnside, being its intersection with the centre of Glynburn Road, suburb of Kensington Gardens; thence easterly, generally south-easterly, generally south-westerly and generally westerly along the boundaries of the municipality of the City of Burnside to a south-western corner of the suburb of Skye, being a point on the centre of Kensington Road; northerly, easterly, northerly, westerly, south-westerly and generally westerly along the western and northern boundaries of the suburb of Skye, a southern boundary of the suburb of Auldana (the centre of Coach Road), the south-eastern and southern boundaries of the suburb of Rosslyn Park and the southern boundary of the suburb of Kensington Gardens (the centre of Kensington Road) to the centre of Glynburn Road, suburb of Kensington Gardens; thence northerly along the centre of Glynburn Road to the point of commencement and crossing all intervening roads.

## THE FIFTH SCHEDULE

Ward 5—Kensington Park Ward: Comprising that portion of the Hundred of Adelaide, County of Adelaide, bounded as follows:

Commencing at a point on a northern boundary of the municipality of the City of Burnside, being its intersection with the centre of Glynburn Road, suburb of Kensington Park; thence southerly along the centre of Glynburn Road suburbs of Kensington Park, Leabrook and Hazelwood Park to the centre of Cooper Place, suburb of Hazelwood Park; westerly along the centre of Cooper Place to the centre of Devereux Road; northerly along the centre of Devereux Road to the centre of Greenhill Road; easterly along the centre of Greenhill Road to a western boundary of the suburb of Hazelwood Park (adjacent to Hazelwood Avenue); northerly along western boundaries of the suburbs of Hazelwood Park and Leabrook; generally westerly along southern boundaries of the suburb of Leabrook to a western boundary of the municipality of the City of Burnside (adjacent to allotment 1—DP 1885); thence generally northerly, westerly, northerly and easterly along the boundaries of the municipality of the City of Burnside to the point of commencement and crossing all intervening roads.

## THE SIXTH SCHEDULE

Ward 6—Rose Park and Toorak Gardens Ward: Comprising that portion of the Hundred of Adelaide, County of Adelaide, bounded as follows:-

Commencing at a point on the centre of Greenhill Road, being the south-eastern corner of the suburb of Tusmore; thence northerly and generally westerly along eastern and northern boundaries of the suburb of Tusmore to a western boundary of the municipality of the City of Burnside (adjacent to allotment 1—DP 1885); generally westerly, northerly, westerly and generally southerly along the boundaries of the municipality of the City of Burnside to a north-western corner of the said municipality; thence south-easterly to the centre of Greenhill Road and continuing easterly along the centre of Greenhill Road, suburbs of Dulwich, Toorak Gardens and

Tusmore to the point of commencement and crossing all intervening roads.

R. W. S. DONNE, Chief Executive Officer

## CITY OF CAMPBELLTOWN

*Periodical Review*

NOTICE is hereby given that the City of Campbelltown, in accordance with the requirements of section 24 (2) of the Local Government Act 1934, as amended, has reviewed its composition and elector representation arrangements.

Pursuant to section 24 (11) (a) of the said Act, the Electoral Commissioner has certified that the review undertaken by council satisfies the requirements of section 24 and may therefore now be put into effect as from the day of the first general election held after the expiration of five months from the publication of this notice.

The revised representation arrangements are as follows:

1. The number of elected members remains unchanged and comprises a Mayor, four Aldermen and 10 Councillors.
2. The number of wards remains unchanged.
3. The number of Councillors representing each ward is described in Schedule 1.
4. The boundaries of Hectorville Ward and Newton Ward are altered and adjusted by severing from the said Hectorville Ward the land defined in Schedule 2 and annexing same to the said Newton Ward.
5. The boundaries of Gorge Ward and River Ward are altered and adjusted by severing from the said Gorge Ward the land defined in Schedule 3 and annexing same to the said River Ward.

## SCHEDULE 1

Ward Name:	Number of Councillors
Gorge Ward.....	2
Hectorville Ward.....	2
Newton Ward.....	2
River Ward.....	2
Woodforde Ward.....	2

## SCHEDULE 2

Comprising that portion of the Hundred of Adelaide, County of Adelaide, bounded as follows:

Commencing at a point on a western boundary of the municipality of the City of Campbelltown (the centre of Glynburn Road), being its intersection with the production south-westerly of the centre of Hectorville Road, suburb of Hectorville; thence northerly along the western boundary of the municipality of the City of Campbelltown to the centre of Montacute Road; easterly along the centre of Montacute Road to the centre of Hectorville Road; thence south-westerly along the centre of Hectorville Road and its production to the point of commencement and crossing all intervening roads.

## SCHEDULE 3

Comprising that portion of the Hundred of Adelaide, County of Adelaide, bounded as follows:

Commencing at a point on the northern boundary of the municipality of the City of Campbelltown (the centre of the River Torrens), being its intersection with the production northerly of the centre of Silkes Road, suburb of Paradise; thence generally north-easterly along the centre of the River Torrens to its intersection with the production northerly of the centre of Schulze Road; southerly along the latter production and centre of Schulze Road and the centre of Schulze Court and its production to the centre of Gorge Road; south-westerly along the centre of Gorge Road to the centre of Hamilton Terrace; north-westerly, westerly and south-westerly along the centre of Hamilton Terrace to the centre of Gorge Road; north-westerly and westerly along the centre of Gorge Road to the centre of Silkes Road; thence northerly along the centre of Silkes Road and its production to the point of commencement and crossing all intervening roads.

P. VLATKO, Chief Executive Officer

## CITY OF HOLDFAST BAY

*Periodical Review*

NOTICE is hereby given that the City of Holdfast Bay has reviewed its composition and elector representation arrangements, in accordance with the requirements of section 24 (2) of the Local Government Act 1934, as amended.

Pursuant to the provisions of section 24 (11) of the said Act, the Electoral Commissioner has certified that the review undertaken by council satisfied the requirements of section 24, and therefore may now be put into effect, as from the day of the first general election held after the expiration of five months from the publication of this notice.

The revised arrangements are as follows:

1. The current composition of council, that is the Mayor and 12 Councillors, is to be retained.
2. The number of wards will be four.
3. The wards will be entitled as follows:
  - Ward 1—Glenelg Ward
  - Ward 2—Somerton Ward
  - Ward 3—Brighton Ward
  - Ward 4—Seacliff Ward
4. Each ward is to be represented by three Councillors.
5. The boundaries of the wards are defined in Schedule 1 to 4.

*Definition of Boundaries*

## THE FIRST SCHEDULE

Ward 1—Glenelg Ward: Comprising those portions of the Hundreds of Adelaide and Noarlunga, County of Adelaide, bounded as follows:

Commencing at a point on the western boundary (the sea coast) of the municipality of the City of Holdfast Bay, being its intersection with the production westerly of the centre of Kent Street, suburb of Glenelg; thence easterly along the latter production and centre of Kent Street to the centre of St Johns Right of Way; northerly along the centre of St Johns Right of Way to the centre of Lymington Street; easterly along the centres of Lymington Street and Maturin Road to the centre of Partridge Street; northerly along the centre of Partridge Street to the centre of High Street; generally easterly along the centre of High Street to the centre of Brighton Road; northerly along the centre of Brighton Road to the centre of the Glenelg-Adelaide Tramway; easterly along the centre of the Glenelg-Adelaide Tramway to an eastern boundary of the municipality of the City of Glenelg; thence generally north-easterly, northerly, generally westerly, generally north-westerly, westerly and generally southerly along the boundaries of the municipality of the City of Holdfast Bay to the point of commencement and crossing all intervening roads and tramway.

## THE SECOND SCHEDULE

Ward 2—Somerton Ward: Comprising that portion of the Hundred of Noarlunga, County of Adelaide, bounded as follows:

Commencing at a point on the western boundary (the sea coast) of the municipality of the City of Holdfast Bay, being its intersection with the production westerly of the centre of Kent Street, suburb of Glenelg; thence easterly along the latter production and centre of Kent Street to the centre of St Johns Right of Way; northerly along the centre of St Johns Right of Way to the centre of Lymington Street; easterly along the centres of Lymington Street and Maturin Road to the centre of Partridge Street; northerly along the centre of Partridge Street to the centre of High Street; generally easterly along the centre of High Street to the centre of Brighton Road; northerly along the centre of Brighton Road to the centre of the Glenelg-Adelaide Tramway; easterly along the centre of the Glenelg-Adelaide Tramway to an eastern boundary of the municipality of the City of Holdfast Bay; southerly, westerly, south-easterly, easterly and generally southerly along the boundaries of the municipality of the City of Holdfast Bay to the centre of Oaklands Road, suburb of Somerton Park; westerly along the centre of Oaklands Road to the centre of Brighton Road; northerly along the centre of Brighton Road to the centre of Whyte Street and its production to the western boundary (the sea coast) of the municipality of the City of Holdfast Bay; thence generally northerly along the latter boundary to the point of commencement and crossing all intervening roads and tramway.

## THE THIRD SCHEDULE

Ward 3—Brighton Ward: Comprising that portion of the Hundred of Noarlunga, County of Adelaide, bounded as follows:

Commencing at a point on the western boundary (the sea coast) of the municipality of the City of Holdfast Bay, being its intersection with the production westerly of the centre of Beach Road, suburb of Brighton; thence easterly along the latter production and centre of Beach Road, across railway and continuing easterly along the centres of Old Beach Road and Sturt Road to an eastern boundary of the municipality of the City of Holdfast Bay; generally northerly along the boundaries of the municipality of the City of Holdfast Bay to the centre of Oaklands Road, suburb of Somerton Park; westerly along the centre of Oaklands Road to the centre of Brighton Road; northerly along the centre of Brighton Road to the centre of Whyte Street; westerly along the centre of Whyte Street and its production to the western boundary (the sea coast) of the municipality of the City of Holdfast Bay; thence generally southerly along the latter boundary to the point of commencement and crossing all intervening roads and railways.

## THE FOURTH SCHEDULE

Ward 4—Seacliff Ward: Comprising that portion of the Hundred of Noarlunga, County of Adelaide, bounded as follows:

Commencing at a point on the western boundary (the sea coast) of the municipality of the City of Holdfast Bay, being its intersection with the production westerly of the centre of Beach Road, suburb of Brighton; thence easterly along the latter production and centre of Beach Road, across railway and continuing easterly along the centres of Old Beach Road and Sturt Road to an eastern boundary of the municipality of the City of Holdfast Bay; thence southerly, westerly, southerly, generally westerly and generally northerly along the boundaries of the municipality of the City of Holdfast Bay to the point of commencement and crossing all intervening roads and railways.

Dated 2 December 1999.

D. AYLEN, Chief Executive Officer

## THE RURAL CITY OF MURRAY BRIDGE

*Change of Meeting Schedule*

NOTICE is hereby given that The Rural City of Murray Bridge at its meeting held on 11 October 1999, resolved that council hold only one meeting in December 1999 and January 2000, and these meetings be held on Monday, 13 December 1999 and Monday, 24 January 2000.

R. J. FOSTER, Chief Executive Officer

*Temporary Road Closure*

NOTICE is hereby given that The Rural City of Murray Bridge at its meeting held on 8 November 1999, resolved that pursuant to section 359 of the Local Government Act 1934, as amended, all vehicles be excluded from the carriageway of Bridge Street between the hours of 5 p.m. and 9 p.m. on Thursday, 23 December 1999, from the intersection of Swanport Road/Mannum Road to the junction of East Terrace for the purpose of conducting a street party (with the exception of vehicles being driven or parked under authority from the organisers of the street party).

R. J. FOSTER, Chief Executive Officer

## RURAL CITY OF MURRAY BRIDGE

*Periodical Review*

NOTICE is hereby given that the Rural City of Murray Bridge, in accordance with the requirements of section 24 (2) of the Local Government Act 1934, as amended, has reviewed its composition and elector representation arrangements.

Pursuant to section 24 (11) (a) of the said Act, the Electoral Commissioner has certified that the review undertaken by council satisfies the requirements of section 24 and may therefore now be put into effect as from the day of the first general election held after the expiration of five months from the publication of this notice.

The revised representation arrangements are as follows:

1. The number of elected members is reduced from 12 to 10 and comprises a Mayor and nine Councillors.
2. The number of councillors representing each ward is described in Schedule 1.
3. Alter and adjust the boundaries of North Ward and West Ward of the District of the Rural City of Murray Bridge by severing from the said North Ward the land defined in Schedule 2 and annexing same to the said West Ward.
4. The number of wards is reduced from six to three as follows:
  - (i) East Ward and North Ward of the District of the Rural City of Murray Bridge (*vide Government Gazette* 1 February 1990 pages 248 to 250) to be united to form one ward to be known as Mobilong Ward and to exclude the annexure as per Schedule 2.
  - (ii) West Ward and Central Ward of the District of the Rural City of Murray Bridge (*vide Government Gazette* 1 February 1990 pages 248 to 250) to be united to form one ward to be known as Monarto Ward and to include the annexure as per Schedule 2.
  - (iii) South Ward and River Ward of the District of the Rural City of Murray Bridge (*vide Government Gazette* 1 February 1990 pages 248 to 250) to be united to form one ward to be known as Brinkley Ward.

## SCHEDULE 1

Ward Name:	Number of Councillors
Mobilong.....	3
Monarto.....	3
Brinkley.....	3

## SCHEDULE 2

Comprising that portion of the Hundred of Mobilong, County of Sturt, bounded as follows:

Commencing at a point on the centre of the road (Adelaide Road) north-west of and adjoining allotment 230 (Filed Plan 167045), area of Murray Bridge, being its intersection with the centre of the road (Maurice Road) south-west of and adjoining allotment 230 (Filed Plan 167045); thence north-easterly along the centre of Adelaide Road to the centre of the road (Myall Avenue) north-east of and adjoining allotment 156 (Filed Plan 12980); south-easterly along the centre of Myall Avenue to the centre of the road (Standen Street) south-east of and adjoining allotment 440 (Filed Plan 167255); south-westerly along the centre of Standen Street to the centre of the road (Maurice Road) south-west of and adjoining allotment 223 (Filed Plan 167038); thence north-westerly along the centre of Maurice Road to the point of commencement and crossing all intervening roads.

R. J. FOSTER, Chief Executive Officer.

## CITY OF NORWOOD, PAYNEHAM AND ST PETERS

*Periodical Review*

NOTICE is hereby given that the City of Norwood, Payneham and St Peters, in accordance with the requirements of section 24 (2), of the Local Government Act 1934, as amended, has reviewed its composition and elector representation arrangements.

Pursuant to section 24 (11) (a) of the said Act, the Electoral Commissioner has certified that the review undertaken by council satisfies the requirements of section 24 and may therefore now be

put into effect as from the day of the first general election held after the expiration of five months from the publication of this notice.

The new composition and representation arrangements are as follows:

1. The number of elected members remains at 16, and comprises a Mayor and 15 Councillors.
2. The number of wards remains at seven.
3. The number of Councillors representing each ward remains the same and is as follows:

Ward Name:	Number of Councillors
East Adelaide/Hackney.....	2
Stepney/Maylands.....	2
Torrens.....	3
Payneham.....	2
Trinity.....	2
Norwood/Kent Town.....	2
Kensington.....	2

Revisions have been made to the boundaries of the Stepney/Maylands Ward and Kensington Ward.

The boundaries of all wards are defined as follows:

East Adelaide/Hackney Ward: no change.

Stepney/Maylands Ward: alter and adjust the boundaries of Kensington Ward and Stepney/Maylands Ward of the City of Norwood, Payneham and St Peters by severing from the said Kensington Ward the land defined in the first schedule and annexing same to the said Stepney/Maylands Ward.

Torrens Ward: no change.

Payneham Ward: no change.

Trinity Ward: no change.

Norwood/Kent Town Ward: no change.

Kensington Ward: alter and adjust the boundaries of Kensington Ward and Stepney/Maylands Ward of the City of Norwood, Payneham and St Peters by severing from the said Kensington Ward the land defined in the first schedule.

## THE FIRST SCHEDULE

Comprising that portion of the Hundred of Adelaide, County of Adelaide, bounded as follows:

Commencing at a point on an eastern boundary of the municipality of Norwood, Payneham and St Peters (the centre of Portrush Road), being its intersection with the production easterly of the centre of Beulah Road, suburb of Norwood; thence westerly along the latter production and centre of Beulah Road to the centre of Edward Street; northerly along the centre of Edward Street to the centre of Magill Road; easterly along the centre of Magill Road to the centre of Portrush Road; thence southerly along the centre of Portrush Road to the point of commencement and crossing all intervening roads.

M. BARONE, Chief Executive Officer

## CITY OF PLAYFORD

*Roads (Opening and Closing) Act 1991*

NOTICE is hereby given that the Corporation of the City of Playford, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, proposes to make a road process order to close the whole of public road (Walkway) between McKenzie Road and Johnston Road, Elizabeth Downs being allotments 456 and 458 in deposited plan 7072, more particularly delineated as 'B' and 'C' in Preliminary Plan No. PP32/0526.

Closed road 'B' is to be transferred to Colin Visser and Geraldine Dawn Visser, 24 McKenzie Road, Elizabeth Downs, S.A. 5113.

Closed road 'C' is to be transferred to Thomas Edward Camplin and Barbara Dawn Camplin, 23 Johnston Road, Elizabeth Downs, S.A. 5113.

Subject to any easements that may be required.

The plan and a statement of affected owners may be inspected at the council's office and the office of the Surveyor-General during normal office hours. Any application for easement or objection must be lodged with the City of Playford, Civic Centre,

Warooka Drive, Smithfield, S.A. 5114 and the Adelaide office of the Surveyor-General, 101 Grenfell Street, Adelaide, S.A. 5000, in writing, giving full details and made within 28 days of this notice.

The City of Playford will give notification of a meeting to deal with any submissions if required.

T. JACKSON, Chief Executive Officer

#### PORT PIRIE REGIONAL COUNCIL

##### *Periodical Review*

NOTICE is hereby given that the Port Pirie Regional Council has reviewed its composition and elector representation arrangements in accordance with the requirements of section 24 (2) of the Local Government Act 1934, as amended.

Pursuant to the provisions of section 24 (11) of the said Act, the Electoral Commissioner has certified that the review undertaken by council satisfied the requirements of section 24, and therefore may now be put into effect, as from the day of the first general election held after the expiration of five months from the publication of this notice.

The findings of the review were that:

- (a) the number of elected members be reduced to 13, these being the Mayor and 12 Councillors; and
- (b) the council area not be divided into wards, thereby requiring all members to represent the council area as a whole, and be elected from council wide or 'at large' elections.

P. J. ARNOLD, Chief Executive Officer

#### CITY OF WEST TORRENS

##### *Periodical Review*

NOTICE is hereby given that the City of West Torrens has reviewed its composition and elector representation arrangements, in accordance with the requirements of section 24 (2) of the Local Government Act 1934, as amended.

Pursuant to the provisions of section 24 (11) of the said Act, the Electoral Commissioner has certified that the review undertaken by council satisfied the requirements of section 24, and therefore may now be put into effect, as from the day of the first general election held after the expiration of five months from the publication of this notice.

The findings of the review are as follows:

1. The existing ward structure, which divides the council area into seven wards, is to be retained, without amendment.
2. The wards will continue to be entitled as follows:
  - Ward 1—Kerwick
  - Ward 2—Hilton
  - Ward 3—Plympton
  - Ward 4—Lockleys
  - Ward 5—Airport
  - Ward 6—Morphett
  - Ward 7—Thebarton
3. The number of elected members is to be reduced to fifteen, these being the Mayor and fourteen Councillors.
4. Each of the wards is to be represented by two Councillors.

T. STARR, City Manager

#### TOWN OF GAWLER

##### *Periodical Review*

NOTICE is hereby given that the Corporation of the Town of Gawler has reviewed its composition and elector representation arrangements, in accordance with the requirements of section 24 (2) of the Local Government Act 1934, as amended.

Pursuant to the provisions of section 24 (11) (a) of the said Act, the Electoral Commissioner has certified that the review undertaken by council satisfied the requirements of section 24, and therefore may now be put into effect, as from the day of the first general election held after the expiration of five months from the publication of this notice.

The findings of the review were that:

- (a) the number of elected members be reduced to 11, these being the Mayor and 10 Councillors; and

- (b) the council area not be divided into wards, thereby requiring all members to represent the council area as a whole, and be elected from council wide or 'at large' elections.

J. MCEACHEN, Town Manager

#### TOWN OF WALKERVILLE

##### *Road Closure*

NOTICE is hereby given that the Corporation of the Town of Walkerville, at its meeting held on 15 November 1999, resolved pursuant to section 359 of the Local Government Act 1934, as amended, to exclude all classes of vehicles with the exception of bicycles and emergency services vehicles, from that portion of the south-eastern side of Cluny Avenue, extending from the north-eastern boundary alignment of Stephen Terrace for a distance of 2 metres in a north-easterly direction, as depicted on Council Drawing No. 990867C.C01/A.

R. W. WALLACE, Chief Executive Officer

#### ALEXANDRINA COUNCIL

##### *Appointment*

NOTICE is hereby given that John L. Coombe (Chief Executive Officer) will be on annual leave from 28 December 1999 until 17 January 2000, both dates inclusive. Desmond Commerford will be Acting Chief Executive Officer during the dates as listed above.

J. L. COOMBE, Chief Executive Officer

##### *Change of Meeting Time*

NOTICE is hereby given that the council meeting scheduled for 20 December 1999 at Goolwa will commence at 9.30 a.m. in lieu of 5 p.m.

J. L. COOMBE, Chief Executive Officer

#### ALEXANDRINA COUNCIL

##### *Temporary Road Closure*

NOTICE is hereby given that in accordance with section 359 of the Local Government Act 1934, as amended, High Street from South Terrace to Grey Street; Grey Street from High Street to Sunter Street; Sunter Street from Grey Street to Rankine Street; Rankine Street from Albyn Terrace to Donald Street; Donald Street from Rankine Street to Dawson Street and Dawson Street from Donald Street to Albyn Terrace, Strathalbyn be closed on Friday, 10 December 1999, from 5 p.m. to 6.30 p.m. and that Albyn Terrace from Dawson Street to Rankine Street be closed from 5 p.m. to midnight for the purpose of the Strathalbyn Christmas Pageant and the Community Christmas Party.

J. L. COOMBE, Chief Executive Officer

#### ALEXANDRINA COUNCIL

##### *Roads (Opening and Closing) Act 1991*

NOTICE is hereby given that portion of the public road known as Thomson Place, Currency Creek and marked 'A' on the Preliminary Plan No. PP32/0528 is to be closed. The closed road is to be merged with allotments 2 and 4 in Deposited Plan 52272 and Allotment 91 in Filed Plan 215906 and Allotments 237, 239 and 254 Town of Currency Creek, Hundred of Nangkita.

The closed road is to be transferred to P. Dingsdale.

The preliminary plan and associated statements prepared pursuant to section 9 of the Roads (Opening and Closing) Act 1991, are available for examination to the public at the office of the Alexandrina Council, 16 Dawson Street, Goolwa and at the Adelaide office of the Surveyor-General, 101 Grenfell Street, Adelaide, during normal office hours.

Any person who wishes to object to this proposal may lodge a written objection to the Alexandrina Council, P.O. Box 21, Goolwa, S.A. 5214 and a copy forwarded to the Surveyor-General, 101 Grenfell Street, Adelaide, S.A. 5000 within 28 days of the date of this notice. Any objectors must include their full name and address, stating their reasons for objecting and stating whether or not they wish to make submissions to the Alexandrina Council at a meeting convened to consider such objections.

Any land owner adjoining or other person substantially affected by the closure may apply for an easement over all or part of the proposed road closure. Such application shall be in writing to the Alexandrina Council, P.O. Box 21, Goolwa, S.A. 5214 and a copy must be forwarded to the office of the Surveyor-General, 101 Grenfell Street, Adelaide, S.A. 5000 within 28 days of the date of this notice. The applicants must include their full name and address giving particulars of the nature and location of the easement being applied for, specifying the land to which the easement is to be annexed and stating the reasons for the application for easement.

J. L. COOMBE, Chief Executive Officer

#### THE BAROSSA COUNCIL

##### *Temporary Street Closure for the Staging of the Tanunda Christmas Parade*

NOTICE is hereby given that pursuant to the provisions of section 359 of the Local Government Act 1934, as amended, the Barossa Council resolves that Murray Street, Tanunda, from Theodor Street to Sobels Street, will be closed to all vehicles, except emergency vehicles and authorised service vehicles, between 5 p.m. and 11 p.m. on Friday, 3 December 1999.

J. G. JONES, Chief Executive Officer

#### THE BAROSSA COUNCIL

##### *Temporary Street Closure for the Mount Pleasant and District Community Christmas Party*

NOTICE is hereby given that pursuant to the provisions of section 359 of the Local Government Act 1934, as amended, the Barossa Council resolves that Melrose Street, Mount Pleasant, will be closed to all vehicles, except emergency vehicles and authorised service vehicles, between 5.45 p.m. and 6.45 p.m. on Saturday, 5 December 1999.

J. G. JONES, Chief Executive Officer

#### DISTRICT COUNCIL OF CEDUNA

##### ROADS (OPENING AND CLOSING) ACT 1991

##### *Public Road—North-east of Maltee, Hundred of Pethick*

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the District Council of Ceduna has intentions to implement a road process to close and transfer to Benjamin John Hughes and Brenda Irene Hughes portion of the public road which divides section 4 from section 5 and more particularly delineated and lettered 'A' on Preliminary Plan No. PP32/0523.

A statement of persons affected by the process together with a copy of the preliminary plan is available for public inspection at the offices of the District Council of Ceduna, 44 O'Loughlin Terrace, Ceduna and at the Adelaide Offices of the Surveyor-General during normal office hours.

Any person who may wish to object to the proposed road process, or any person who may wish to apply for an easement to be granted in that person's favour over the land subject to the proposed closure must lodge with the said council a notice of objection or an application for easement within 28 days of the date of this publication of this notice.

All objections shall be in writing stating the objector's full name and address and the reasons for the objection and whether the objector wishes to appear in person or be represented at a meeting convened by the council for the determination of objections.

An application for easement shall be in writing stating the applicant's full name and address, the reasons for the application for the grant of easement, full details of the nature and location of the easement applied for and whether the easement will be in favour of adjoining or nearby land, and if so, specifying the land to which the easement will be annexed.

Where a submission is made the council will give notification of a meeting at which the matter will be considered so that the person making the submission or their representative may attend if so desired.

A copy of any objection or application shall, at the same time it is lodged with the council be forwarded to the Adelaide Office of the Surveyor-General.

Dated 23 November 1999.

T. IRVINE, Chief Executive Officer

#### THE COORONG DISTRICT COUNCIL

##### *Meeting Dates and Places*

NOTICE is hereby given that the next ordinary meetings of council will be held at 9.30 a.m. in the following towns on the dates shown:

Meningie:  
11 January 2000  
11 April 2000

Tintinara:  
8 February 2000  
9 May 2000

Tailem Bend:  
14 March 2000  
13 June 2000

W. R. PATERSON, Chief Executive Officer

#### COORONG DISTRICT COUNCIL

##### *Temporary Street Closures*

NOTICE is hereby given that in the interest of traffic control and public safety for the purposes of the annual Christmas celebrations and late night shopping and pursuant to section 359 of the Local Government Act 1934, as amended, all classes of motor vehicles with the exception of emergency vehicles be excluded from the following streets:

- Becker Terrace, Tintinara, between High Street and Gully Street during the period of 6.30 p.m. to 9 p.m. on Friday, 24 December 1999;
- Railway Terrace, Tailem Bend, between Mallee Street and Russell Street; Willow Street, Tailem Bend, between Murray Street and Railway Terrace during the period 5.30 p.m. to 9 p.m. on Friday, 24 December 1999.

W. R. PATERSON, Chief Executive Officer

##### *Temporary Street Closure*

NOTICE is hereby given that in the interest of traffic control and public safety and pursuant to section 359 of the Local Government Act 1934, as amended, all classes of motor vehicles be excluded from Willow Street between Railway Terrace and Murray Street during the period of 5.30 p.m. to 7.30 p.m. on Tuesday, 7 December 1999.

W. R. PATERSON, Chief Executive Officer

#### THE COORONG DISTRICT COUNCIL

##### *Periodical Review*

NOTICE is hereby given that the Coorong District Council, in accordance with the requirements of section 24 (2) of the Local Government Act 1934, as amended, has reviewed its composition and elector representation arrangements.

Pursuant to section 24 (11) (a) of the said Act, the Electoral Commissioner has certified that the review undertaken by council satisfies the requirements of section 24 and may therefore now be put into effect as from the day of the first general election held after the expiration of the five months from the publication of this notice.

The revised representation arrangements are as follows:

1. The number of elected members is to remain the same and comprises 12 councillors of which one is the Chairman.
2. The number of wards is reduced from 8 to 3.
3. The number of councillors representing each ward is described as follows:

Ward Name:	Number of Councillors
Parks.....	3
Mallee.....	5
Lakes.....	4

4. The boundaries of wards are defined in Schedules 1 to 3.

SCHEDULE 1

Parks Ward—Comprising the whole of the Hundreds of Kirkpatrick, Livingston, Strawbridge, Coneybeer and Lewis, and that portion of the Hundred of Carcuma, County of Buccleuch within the Coorong district; the whole of the Hundreds of Colebatch, Richards, Coombe and McNamara, County of Cardwell; the whole of the Hundred of Archibald and that portion of the Hundred of Makin, County of Buckingham within the Coorong district; and that portion of Out of Hundreds, County of Chandos within the Coorong district.

## SCHEDULE 2

Mallee Ward—Comprising the whole of the Hundreds of Sherlock, Roby and Peake, County of Buccleuch, and that portion of the Hundred of Seymour, County of Russell within the Coorong district.

## SCHEDULE 3

Lakes Ward—Comprising the whole of the Hundreds of Malcolm, Coolinong, Baker, Bonney and Jeffries, County of Russell, and the whole of the Hundreds of Glynd, Field, Santo and Messent, County of Cardwell.

W. R. PATERSON, Chief Executive Officer

## DISTRICT COUNCIL OF ELLISTON

*Change of Meeting Date*

NOTICE is hereby given that the next ordinary meeting of council will be held on Wednesday, 22 December 1999, commencing at 9.30 a.m., in lieu of the meeting which was scheduled to be held on Friday, 17 December 1999.

*Office Closure*

Notice is hereby given that at the meeting held on 22 November 1999, council resolved that the District Office, Beach Terrace, Elliston will be closed from 5 p.m., Friday, 24 December 1999 to 3 January 2000 inclusive.

*Street Closure—Lock*

At the meeting of 22 November 1999, pursuant to section 59 of the Summary Offences Act 1953, council ordered to close that portion of Ettridge Street from Dearman Street to Railway Terrace, Lock, on Friday, 17 December 1999 until midnight 17 December 1999, for the purpose of holding the Lock Christmas Street Party.

D. E. HITCHCOCK, Chief Executive Officer

## THE FLINDERS RANGES COUNCIL

*Office Closure*

NOTICE is hereby given that the offices of The Flinders Ranges Council, located at both Quorn and Hawker, will be closed from Monday, 27 December 1999 until Monday, 3 January 2000 inclusive.

D. CEARNS, Chief Executive Officer

## DISTRICT COUNCIL OF GRANT

*Revocation of Appointments*

NOTICE is hereby given that at a meeting held on Monday, 15 November 1999, council revoked the appointment of Edward Wolinski as an:

Authorised Officer—Development Act 1993—Section 18 (1) (a) and (b).

Authorised Person—Local Government Act 1934, as amended—Section 82 (1).

Authorised Officer—Public and Environmental Health Act 1987—Section 7 (1).

Fire Prevention Officer—Country Fires Act 1989—Section 34 (1).

Authorised Officer—Food Act 1985—Section 8 (2).

J. C. MCPHERSON, Deputy District Manager

## DISTRICT COUNCIL OF GRANT

*Revocation of Appointments*

NOTICE is hereby given that at a meeting held on Monday, 15 November 1999, council revoked the appointment of Christopher Wayne Carson as an:

Authorised Person—Local Government Act 1934, as amended—Section 82 (1).

Authorised Person—Electricity Act 1996—Section 4.

Authorised Officer—Environment Protection (Burning) Policy—Section 85. Environment Protection Act 1993.

Authorised Officer—Impounding Act 1920—Section 14 (2).

J. C. MCPHERSON, Deputy District Manager

## DISTRICT COUNCIL OF KIMBA

*Temporary Street Closure*

NOTICE is hereby given, pursuant to section 359 of the Local Government Act 1934, as amended, that the defined portions of the following streets in Kimba will be closed to vehicular traffic for the following purposes:

Christmas Tree Celebrations:

High Street between Cross Street and North Terrace on 24 December 1999 from 5.30 p.m. to midnight.

New Years Eve Celebrations:

High Street between Cross Street and North Terrace from noon on 31 December 1999 to noon on 1 January 2000.

M. D. CANT, Chief Executive Officer

## DISTRICT COUNCIL OF LACEPEDE

*Temporary Road Closure*

NOTICE is hereby given that pursuant to section 359 of the Local Government Act 1934, as amended, the District Council of Lacepede hereby resolves to close the following road for the purpose of the Kingston SE Triathlon:

Marine Parade from Arthur Street to Pinks Beach Road.

All vehicles other than emergency and official vehicles should be excluded from the designated area between the hours of 8 a.m. and 11 a.m. on Sunday, 13 February 2000.

S. J. RUFUS, Chief Executive Officer

## DISTRICT COUNCIL OF LACEPEDE

*Periodical Review*

NOTICE is hereby given that the District Council of Lacepede in accordance with the requirements of section 24 (2) of the Local Government Act 1934, as amended, has reviewed its composition and elector representation arrangements.

Pursuant to section 24 (11) (a) of the said Act, the Electoral Commissioner has certified that the review undertaken by council satisfies the requirements of section 24 and may therefore now be put into effect as from the day of the first general election held after the expiration of five months from the publication of this notice.

The revised representation arrangements are as follows:

1. The number of elected members remains at 11 councillors.
2. The number of wards remains at 5.
3. The number of councillors representing each ward is described in Schedule 1.
4. The boundaries of the wards have remained the same.

#### SCHEDULE 1

Ward Name:	Number of Councillors
Coorong.....	1
Marcollat.....	1
Blackford.....	2
Woolmit.....	3
Kingston.....	4

S. J. RUFUS, Chief Executive Officer

### DISTRICT COUNCIL OF MALLALA

#### *Periodical Review*

NOTICE is hereby given that the District Council of Mallala has reviewed its composition and elector representation arrangements, in accordance with the requirements of section 24 (2) of the Local Government Act 1934, as amended.

Pursuant to the provisions of section 24 (11) of the said Act, the Electoral Commissioner has certified that the review undertaken by council satisfied the requirements of section 24, and therefore may now be put into effect, as from the day of the first general election held after the expiration of five months from the publication of this notice.

The revised arrangements are as follows:

1. The current composition of council, that is 11 Councillors, is to be retained, and the Chairman will continue to be chosen by the elected members of council, pursuant to the provisions of section 43 (3) of the Local Government Act 1934.

2. The number of wards will be four.
3. The wards will be entitled as follows:

Ward 1—Dublin Ward  
Ward 2—Mallala Ward  
Ward 3—Two Wells Ward  
Ward 4—Lewiston Ward

4. Dublin Ward and Mallala Ward are each to be represented by two Councillors, Two Wells Ward is to be represented by three Councillors, and Lewiston Ward is to be represented by four Councillors.

5. The boundaries of the wards are defined in Schedules 1 to 4.

#### *Definition of Boundaries*

##### THE FIRST SCHEDULE

Dublin Ward—Comprising the whole of the Hundred of Dublin and that portion of the Hundred of Port Gawler, County of Gawler, bounded as follows:

Commencing at a point on the northern boundary of the district Council District of Mallala, being the north-eastern corner of the Hundred of Dublin; thence southerly along the eastern boundary of the Hundred of Dublin and continuing southerly along the centre of Frost Road to the centre of Port Wakefield Road; south-easterly along the centre of Port Wakefield Road to the centre of the River Light; generally south-westerly along the centre of the River Light to a south-western boundary (the sea coast) of the district Council District of Mallala; thence generally north-westerly and easterly along the boundaries of the district Council District of Mallala to the point of commencement and crossing all intervening roads and railways.

##### THE SECOND SCHEDULE

Mallala Ward—Comprising the portion of the Hundred of Grace, County of Gawler, within the district Council District of Mallala.

##### THE THIRD SCHEDULE

Two Wells Ward—Comprising that portion of the Hundred of Port Gawler, County of Gawler, bounded as follows:

Commencing at a point on the southern boundary of the district Council District of Mallala (the southern boundary of the Hundred of Port Gawler), being its intersection with the centre of the Port Pirie-Salisbury Railway; thence generally north-westerly along the said centre of the railway to its intersection with the production westerly of the centre of Dawkins Road, suburb of Two Wells; easterly along the latter production and centre of Dawkins Road to the centre of Germantown Road; northerly along the centre of Germantown Road to the northern boundary of the Hundred of Port Gawler; westerly along the latter boundary to the centre of the road (Frost Road) west of and adjoining allotment 5 (FP 3704); southerly along the centre of Frost Road to the centre of Port Wakefield; south-easterly along the centre of Port Wakefield Road to the centre of the River Light; generally south-westerly along the centre of the River Light to a south-western boundary (the sea coast) of the district Council District of Mallala; thence generally south-easterly and generally north-easterly along the boundaries of the district Council District of Mallala to the point of commencement and crossing all intervening roads and railways.

##### THE FOURTH SCHEDULE

Lewiston Ward—Comprising that portion of the Hundred of Port Gawler, County of Gawler, bounded as follows:

Commencing at a point on the southern boundary of the district Council District of Mallala (the southern boundary of the Hundred of Port Gawler), being its intersection with the centre of the Port Pirie-Salisbury Railway; thence generally north-westerly along the said centre of the railway to its intersection with the production westerly of the centre of Dawkins Road, suburb of Two Wells; easterly along the latter production and centre of Dawkins Road to the centre of Germantown Road; northerly along the centre of Germantown Road to the northern boundary of the Hundred of Port Gawler; easterly along the latter boundary to the eastern boundary of the district Council District of Mallala; thence generally southerly and generally westerly along the boundaries of the district Council District of Mallala to the point of commencement and crossing all intervening roads and railways.

Dated 2 December 1999.

C. DUNLOP, Chief Executive Officer

### MID MURRAY COUNCIL

#### *Temporary Road Closure*

NOTICE is hereby given that at a meeting of council held on 8 November 1999, it was resolved that pursuant to section 359 of the Local Government Act 1934, as amended, the following roads in the Cadell Township will be closed to all but procession traffic and emergency vehicles on Saturday, 11 December 1999:

- McGuire Terrace, between lot 166 and lot 120, from 4.30 p.m. to 6.30 p.m.;
- Dearden Terrace, between lot 134 and lot 175, from 4.30 p.m. to 6.30 p.m.;
- McGuire Terrace, between lot 146 and lot 120, from 4.30 p.m. to 10 p.m.,

for the purpose of conducting the annual Cadell Christmas Pageant.

G. R. BRUS, Chief Executive Officer

## MID MURRAY COUNCIL

*Periodical Review*

NOTICE is hereby given that the Mid Murray Council has, in accordance with the requirements of section 24 (2) of the Local Government Act 1934, as amended, reviewed its composition and elector representation arrangements.

Pursuant to the provisions of section 24 (11) (a) of the Act, the Electoral Commissioner has certified that the review undertaken by council satisfies the requirements of section 24 and may therefore now be put into effect as from the day of the first general election held after the expiration of five months from the publication of this notice.

The revised arrangements are as follows:

1. The number of elected members remains at 12, these being the Mayor and 11 Councillors.
2. The number of wards remain at five.
3. The number of councillors representing each ward is as follows:

Ward Name:	Number of Councillors
River North Ward.....	3
River South Ward.....	2
Randell Ward.....	3
Sturt Ward.....	2
Reedy Creek Ward.....	1

4. Alterations and adjustments have been made to the boundaries of Palmer-Tungkillo Ward and Sturt Ward by severing from the said Palmer-Tungkillo Ward the land defined in The First Schedule and annexing same to the said Sturt Ward.

5. Alterations and adjustments have been made to the boundaries of Randell Ward and Palmer-Tungkillo Ward by severing from the said Randell Ward the land defined in The Second Schedule and annexing same to the said Palmer-Tungkillo Ward.

6. The name of Palmer-Tungkillo Ward to be altered to Reedy Creek Ward.

7. Except for the alterations and adjustment defined in The First Schedule and the Second Schedule the ward boundaries remain as proclaimed in the *Government Gazette* on 13 February 1997, at pages 910 and 911 and in the *Government Gazette* on 27 March 1997, at page 1338.

*Definition of Boundaries*

## THE FIRST SCHEDULE

Comprising all that portion of the Hundred of Jutland, County of Sturt within the district of Mid Murray.

## THE SECOND SCHEDULE

Comprising that portion of the Hundred of Finnis, County of Sturt, bounded as follows:

Commencing at a point on the western boundary of the Hundred of Finnis, being its intersection with the centre of the road (Adelaide-Mannum Road) north-east of and adjoining section 76, Hundred of Finnis; thence south-easterly along the centre of the Adelaide-Mannum Road to the centre of the road (Ramm Road) north-east of and adjoining section 358; south-easterly along the centre of Ramm Road and continuing southerly along the centre of Boronia Street, township of Mannum to the centre of the road east of and adjoining section 9; generally south-westerly along the centre of the roads east of and adjoining section 9, south-east of and adjoining the land contained in certificate of title 4035/790 and east of and adjoining the land contained in certificate of title 4035/789 to the centre of the road north-west of and adjoining section 744; north-easterly along the latter centre of the road to its intersection with the production north-westerly of a north-eastern boundary of section 744; south-easterly along the latter production and the north-eastern boundaries of sections 744 and 770 and production south-easterly to a south-eastern boundary of Randell Ward (proclaimed in *Government Gazette* of 13 February 1997); thence generally south-westerly, generally easterly, generally southerly, westerly and generally northerly along the boundaries of Randell Ward to the point of commencement and crossing all intervening roads.

G. R. BRUS, Chief Executive Officer

DISTRICT COUNCIL OF MOUNT BARKER

*Periodical Review*

NOTICE is hereby given that the District Council of Mount Barker, in accordance with the requirements of section 24 (2) of the Local Government Act 1934, as amended, has reviewed its composition and elector representation arrangements.

Pursuant to section 24 (11) (a) of the said Act, the Electoral Commissioner has certified that the review undertaken by council satisfies the requirements of section 24 and therefore now be put into effect as from the day of the first general election held after the expiration of five months from the publication of this notice.

The revised representation arrangements are as follows:

1. The number of elected members is reduced from 14 to 11 and comprises a Mayor and 10 Councillors.

2. The number of wards is reduced from eight to three. The wards will be entitled as follows:

- Ward 1—North Ward
- Ward 2—Central Ward
- Ward 3—South Ward

4. North Ward and Central Ward are each to be represented by four Councillors and South Ward is to be represented by two Councillors.

5. The boundaries of the wards are defined in Schedules 1 to 3.

## SCHEDULE 1

North Ward: Comprising those portions of the Hundreds of Kuitpo and Onkaparinga, County of Adelaide, that portion of the Hundred of Macclesfield, County of Hindmarsh, bounded as follows:

Commencing at a point on the south-eastern boundary of the district Council District of Mount Barker, being its intersection with the centre of the South Eastern Freeway, Hundred of Kanmantoo; thence generally north-westerly along the centre of the South Eastern Freeway to a northern boundary of the district Council District of Mount Barker, Hundred of Kuitpo; thence generally north-easterly, south-easterly and generally southerly along the boundaries of the district Council District of Mount Barker to the point of commencement and crossing all intervening roads and railways.

## SCHEDULE 2

Central Ward: Comprising that portion of the Hundred of Kuitpo, County of Adelaide, those portions of the Hundreds of Macclesfield and Strathalbyn, County of Hindmarsh and that portion of the Hundred of Kanmantoo, County of Sturt, bounded as follows:

Commencing at a point on a south-eastern boundary of the district Council District of Mount Barker, being its intersection with the centre of the South Eastern Freeway, Hundred of Kanmantoo; thence generally south-westerly, generally north-westerly, generally south-westerly and north-westerly along the boundaries of the district Council District of Mount Barker to the south-eastern corner of allotment 95 (FP 159672), Hundred of Strathalbyn; north-easterly along the production of a south-eastern boundary of allotment 95 (FP 159672) to the centre of the road (Wellington Road) north-east of and adjoining allotment 95 (FP 159672); north-westerly along the centre of Wellington Road to the centre of the road (Bunnetts Road) generally northerly of and adjoining allotment 96 (FP 159673); generally westerly along the centre of Bunnetts Road to the centre of the road (Strathalbyn Road) east of and adjoining allotment 35 (FP 1849), Hundred of Macclesfield; southerly along the centre of Strathalbyn Road to the centre of the road (Bonython Road) south of and adjoining allotment 35 (FP 1849); westerly along the centre of Bonython Road to the centre of the road (Merritt Road) south-west of and adjoining allotment 2 (FP 169); generally north-westerly along the centre of Merritt Road to the centre of the road (Pinchbeck Road) south of and adjoining allotment 3 (DP 44199); generally westerly along the centre of Pinchbeck Road to the centre of the road (Flaxley Road) west of and adjoining allotment 26 (FP 159703); generally north-easterly along the centre of Flaxley Road to the centre of the road (Old Mount Barker Road) south of and adjoining allotment 2 (FP 125337); westerly and generally south-westerly along the centre of Old Mount Barker Road to the centre of the road (Ironstone Road) west of and adjoining allotment 97 (FP 159874); generally northerly along the centre of Ironstone Road west of and adjoining allotment 97 (FP 159874), allotment 20 (FP 159897), allotment 5 (DP 42438) and allotment 38 (FP 159915) to the centre of the road (Hawthorn Road) generally southerly of and adjoining section 194, Hundred of Kuitpo;

generally westerly along the centre of Hawthorn Road, across Echunga Road and continuing north-westerly, northerly and westerly along the centre of Liebelt Road to its intersection with the production southerly of a western boundary of allotment 4 (DP 20429); northerly along the latter production and boundary and the western boundary of allotment 1 (DP 17856) and production to the centre of the road south of and adjoining allotment 1 (FP 159077); westerly along the latter centre of the road to the centre of the road west of and adjoining allotment 1 (FP 159077) and allotment 74 (FP 1159951); northerly along the latter centre of the road to the centre of the road (Kangaroo Reef Road); generally southerly of and adjoining allotment 8 (DID 37195); generally westerly and north-westerly along the centre of Kangaroo Reef Road to the centre of the road (Aldgate-Strathalbyn Road) west of and adjoining allotment 3 (FP 148322); northerly along the latter centre of the road to a northern boundary of the district Council District of Mount Barker; generally north-easterly along the boundaries of the district Council District of Mount Barker to the centre of the South Eastern Freeway; thence generally south-easterly along the centre of the South Eastern Freeway to the point of commencement and crossing all intervening roads and railways.

#### SCHEDULE 3

South Ward: Comprising that portion of the Hundred of Kuitpo, County of Adelaide and those portions of the Hundreds of Kondoparinga, Macclesfield and Strathalbyn, County of Hindmarsh, bounded as follows:

Commencing at a point on a northern boundary of the district Council District of Mount Barker, being its intersection with the centre of the road (Aldgate-Strathalbyn Road) west of and adjoining allotment 3 (FP 148322), Hundred of Kuitpo; thence generally south-westerly, generally southerly, generally easterly and generally north-easterly along the boundaries of the district Council District of Mount Barker to the south-eastern corner of allotment 95 (FP 159672), Hundred of Strathalbyn; north-easterly along the production of a south-eastern boundary of allotment 95 (FP 159672) to the centre of the road (Wellington Road) north-east of and adjoining allotment 95 (FP 159672); north-westerly along the centre of Wellington Road to the centre of the road (Bunnetts Road) generally northerly of and adjoining allotment 96 (FP 159673); generally westerly along the centre of Bunnetts Road to the centre of the road (Strathalbyn Road) east of and adjoining allotment 35 (FP 1849), Hundred of Macclesfield; southerly along the centre of Strathalbyn Road to the centre of the road (Bonython Road) south of and adjoining allotment 35 (FP 1849); westerly along the centre of Bonython Road to the centre of the road (Merritt Road) south-west of and adjoining allotment 2 (FP 169); generally north-westerly along the centre of Merritt Road to the centre of the road (Pinchbeck Road) south of and adjoining allotment 3 (DP 44199); generally westerly along the centre of Pinchbeck Road to the centre of the road (Flaxley Road) west of and adjoining allotment 26 (FP 159703); generally north-easterly along the centre of Flaxley Road to the centre of the road (Old Mount Barker Road) south of and adjoining allotment 2 (FP 125337); westerly and generally south-westerly along the centre of Old Mount Barker Road to the centre of the road (Ironstone Road) west of and adjoining allotment 97 (FP 159874); generally northerly along the centre of Ironstone Road west of and adjoining allotment 97 (FP 159874), allotment 20 (FP 159897), allotment 5 (DP 42438) and allotment 38 (FP 159915) to the centre of the road (Hawthorn Road) generally southerly of and adjoining section 194, Hundred of Kuitpo; generally westerly along the centre of Hawthorn Road, across Echunga Road and continuing north-westerly, northerly and westerly along the centre of Liebelt Road to its intersection with the production southerly of a western boundary of allotment 4 (DP 20429); northerly along the latter production and boundary and the western boundary of allotment 1 (DP 17856) and production to the centre of the road south of and adjoining allotment 1 (FP 159077); westerly along the latter centre of the road to the centre of the road west of and adjoining allotment 1 (FP 159077) and allotment 74 (FP 1159951); northerly along the latter centre of the road to the centre of the road (Kangaroo Reef Road) generally southerly of and adjoining allotment 8 (DP 37195); generally westerly and north-westerly along the centre of Kangaroo Reef Road to the centre of the road (Aldgate-Strathalbyn Road) west of and adjoining allotment 3 (FP 148322); thence northerly along the latter centre of the road to the point of commencement and crossing all intervening roads and railways.

Dated 2 December 1999.

D. H. GOLLAN, Chief Executive Officer

#### NARACOORTE LUCINDALE COUNCIL

##### *Change of Meeting Dates*

NOTICE is hereby given that at a meeting held on 26 October 1999, council resolved that the Council/Committee Meetings of December will be held on 21 December 1999, commencing at 1 p.m.

D. L. BEATON, Chief Executive Officer

#### NARACOORTE LUCINDALE COUNCIL

##### *Temporary Road Closure*

NOTICE is hereby given that at a Works Committee meeting of council, held on Tuesday, 26 October 1999, council pursuant to section 359 of the Local Government Act 1934, as amended, hereby direct that portion of Jones Street between Smith Street and Ormerod Street, be closed to vehicular traffic from 8 a.m. to 5 p.m. on Saturday, 5 February 2000, to conduct special activities.

D. L. BEATON, Chief Executive Officer

##### *Temporary Road Closure*

NOTICE is hereby given that at a Works Committee meeting of council, held on Tuesday, 27 July 1999, council pursuant to section 359 of the Local Government Act 1934, hereby direct that:

Ormerod Street—between the Railway Yards and DeGaris Place;

Smith Street—between McRae Street and DeGaris Place;

McRae Street—between Smith and Ormerod Streets;

DeGaris Place—between Smith and Ormerod Streets,

be closed to vehicular traffic from 4 p.m. until 11 p.m. on Sunday, 19 December 1999, for the purpose of a parade and street party.

D. L. BEATON Chief Executive officer

##### *Temporary Road Closure*

NOTICE is hereby given that at a Works Committee meeting of council, held on Tuesday, 26 October 1999, council pursuant to section 359 of the Local Government Act 1934, hereby direct that portion of Musgrave Avenue, Lucindale, be closed for vehicular traffic between 6 p.m. and midnight on Friday, 17 December 1999, for the purpose of the 1999 Christmas Street Party.

D. L. BEATON Chief Executive Officer

#### NORTHERN AREAS COUNCIL

##### *Periodical Review*

NOTICE is hereby given that the Northern Areas Council in accordance with the requirements of section 24 (2) of the Local Government Act 1934, as amended, has reviewed its composition and elector representation arrangements.

Pursuant to section 24 (11) (a) of the said Act, the Electoral Commissioner has certified that the review undertaken by council satisfies the requirements of section 24 and may therefore now be put into effect as from the day of the first general election held after the expiration of five months from the publication of this notice.

The revised representation arrangements are as follows:

1. Alter and adjust the boundaries of Georgetown Ward and Gladstone Ward of the Northern Areas Council by severing from the said Georgetown Ward the lands defined in The Schedule and annexing same to the said Gladstone Ward.

2. Gladstone Ward and Laura Ward of the Northern Areas Council to be united to form one ward to be known as Rocky River Ward.

3. Jamestown and Spalding Ward boundaries remain unchanged.

4. The number of councillors remains unchanged and is represented in each ward as follows:

Ward Name:	Number of Councillors
Jamestown Ward.....	4
Rocky River Ward.....	3
Georgetown Ward.....	1
Spalding Ward.....	1

#### THE SCHEDULE

1. Comprising that portion of the Hundred of Narridy, County of Victoria, bounded as follows:

Commencing at a point on a western boundary of the Northern Areas Council, being a northern corner of allotment 4 (DP 23220), Hundred of Narridy (a northern corner of Georgetown Ward proclaimed in *Government Gazette* of 23 January 1997 at pages 647, 648 and 649); thence generally easterly along the boundaries of Georgetown Ward to the intersection with the production easterly of the centre of the road south of and adjoining section 229; westerly along the latter production and boundary and its production to the centre of the road generally easterly of and adjoining section 219; generally southerly along the latter centre of the road to its intersection with the production easterly of a southern boundary of section 219; westerly along the latter production and boundary and continuing generally westerly along southern and south-western boundaries of section 219 to a western boundary of the Northern Areas Council; thence northerly along the latter boundary to the point of commencement and crossing all intervening roads.

2. Comprising that portion of the Hundred of Bundaleer, County of Victoria, bounded as follows:

Commencing at a point on a northern boundary of Georgetown Ward proclaimed in *Government Gazette* of 23 January 1997 at pages 647, 648 and 649, being its intersection with the centre of the road west of and adjoining allotment 872 (FP 188194), Hundred of Bundaleer; thence generally easterly and southerly along the boundaries of Georgetown Ward to the south-eastern corner of allotment 1 (DP 36308); westerly along the southern boundary of allotment 1 (DP 36308) and its production to the centre of the road east of and adjoining allotment 876 (FP 188198); southerly along the latter centre of the road to its intersection with the production south-easterly of a south-western boundary of allotment 876 (FP 188198), north-westerly along the latter production and boundary and a further south-western boundary of allotment 876 (FP 188198), southerly and westerly along eastern and southern boundaries of allotment 876 (FP 188198) to an eastern boundary of allotment 30 (DP 2229); southerly along the latter boundary and its production to the intersection with the production easterly of the centre of the road south of and adjoining allotment 30 (DP 2229); westerly along the latter production and the centre of the road south of and adjoining allotment 30 (DP 2229) and section 403 to the centre of the road south-east of and adjoining section 175; south-westerly along the latter centre of the road to the centre of the road south of and adjoining section 175; westerly along the centre of the road south of and adjoining sections 175, 167 and 166 to the centre of the road west of and adjoining section 166; thence northerly along the centre of the road west of and adjoining section 166 and allotment 872 (FP 188194) to the point of commencement and crossing all intervening roads.

P. A. MCINERNEY, Chief Executive Officer

#### DISTRICT COUNCIL OF RENMARK PARINGA

##### *Temporary Road Closure*

NOTICE is hereby given that pursuant to section 359 of the Local Government Act 1934, as amended, the District Council of Renmark Paringa hereby resolves that Murtho Road, Paringa, between Sturt Highway and Railway Terrace, be closed from 11 a.m. to 4 p.m. on Sunday, 19 December 1999 for the purpose of a Children's Christmas Party.

During the period of closure all vehicles except emergency service vehicles are excluded from the said roads.

DR ALI KHAN, Chief Executive Officer

#### MUNICIPAL COUNCIL OF ROXBY DOWNS

##### *Temporary Road Closure*

NOTICE is hereby given that pursuant to the powers vested in the Administrator under the provisions of the Roxby Downs (Indenture Ratification) Act 1982, and in accordance with the provisions of the Local Government Act 1934, as amended, I hereby resolve that the portions of the northern and southern sections of Richardson Place, between Arcoona and Burgoyne Streets, shall be closed to vehicular traffic on the date, time and for the activities listed in the schedule hereunder.

The closure shall apply to vehicular traffic with the exception of Police, emergency or those vehicles involved in the activities.

##### *Schedule*

Millennium Street Party between the hours of 8 p.m. on Friday, 31 December 1999 to 3 a.m. on Saturday, 1 January 2000.

B. BOEHM, Administrator

#### SOUTHERN MALLEE DISTRICT COUNCIL

##### *Temporary Road Closure*

NOTICE is hereby given that council pursuant to section 359 of the Local Government Act 1934, as amended, has approved of applications to temporarily close the following roads to all vehicular traffic, except for authorised vehicles, for the purposes of Late Night Shopping and Christmas Festival Celebrations:

Pinnaroo—17 December 1999:

- Railway Terrace South, Pinnaroo—between the hours of 5.30 p.m. and 10 p.m. on Friday, 17 December 1999 (from Cane Motors to Mann Street intersection and Day Street southerly for 10 m).

Lameroo—23 December 1999:

- North Terrace, Lameroo (from Masonic Lodge to Railway Terrace North).
- Chandos Terrace—eastern carriageway, Lameroo (from Vardon Terrace intersection to and including part of the roundabout adjacent to Railway Terrace North).
- Railway Terrace North, Lameroo (from roundabout to Elders) (between the hours of 6 p.m. and 10 p.m. on Thursday, 23 December 1999).

P. WOOD, Chief Executive Officer

#### DISTRICT COUNCIL OF TATIARA

##### *Supplementary Election*

NOTICE is hereby given that at the close of nominations at 12 noon on Thursday, 25 November 1999, one nomination only was received for the vacant position of Councillor to represent the West Ward.

In accordance with section 96 (12) of the Local Government Act 1934, as amended, and in my capacity as Returning Officer, I declare Richard Lewis Stanbury elected to the vacancy of Councillor for the duration of the term of the current council.

S. H. TULLY, Returning Officer

## WATTLE RANGE COUNCIL

## ROADS (OPENING AND CLOSING) ACT 1991

*(Re-advertised)*

PURSUANT to section 10 of the Roads (Opening and Closing) Act 1991, the Wattle Range Council hereby gives notice of its intent to implement a Road Process Order to:

- (i) close and transfer to BRL Hardy Ltd portion of public road, situated between allotment comprising pieces 71 and 72 in Deposited Plan 45576 shown delineated as 'A' on Preliminary Plan No. PP32/0169;
- (ii) close and transfer to BRL Hardy Ltd portion of public road, situated between allotment comprising pieces 73 and 74 in Deposited Plan 45576 shown delineated as 'B' on Preliminary Plan No. PP32/0169;
- (iii) close and transfer to Michael John Gartner and Alice Winifred Gartner portion of public road, adjoining Allotment 75 in Deposited Plan 45576 shown delineated as 'C' on Preliminary Plan No. PP32/0169.

A statement of persons affected by the Road Process Order, together with a copy of the above drawing is available for inspection at the Council Offices, George Street, Millicent, between the hours of 9 a.m. and 5 p.m. weekdays only. Copies may also be inspected at the Adelaide office of the Surveyor-General during normal office hours.

Any person who may wish to object to the proposed Road Process Order or any person affected by the proposed road closing who may wish to apply for an easement to be granted in that person's favour over the land subject to the proposed road closing must lodge with the said council a notice of objection or an application for an easement within 28 days of the date of this notice.

Any objections lodged shall be in writing giving the objector's full name and address, reasons for the objection and whether the objector wishes to appear in person or be represented at the subsequent meeting when the objection will be determined by council. A copy of such objection shall also be forwarded to the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001.

An application for grant of easement shall be in writing giving full name and address of the person applying for the grant, full details of the nature of the location of the requested easement, whether it will be in favour of the owner of the adjoining or nearby land and if so specify the land to which the easement will be annexed and reasons for the application for grant of easement.

Dated 2 December 1999.

F. BRENNAN, Chief Executive Officer

## DISTRICT COUNCIL OF YORKE PENINSULA

*Periodical Review*

NOTICE is hereby given that the District Council of Yorke Peninsula, in accordance with the requirements of section 24 (2) of the Local Government Act 1934, as amended, has reviewed its composition and elector representation review.

Pursuant to section 24 (11) (a) of the said Act, the Electoral Commissioner has certified that the Review undertaken by council satisfies the requirements of section 24 and may therefore now be put into effect as from the day of the first general election held after the expiration of five months from the publication of this notice.

The revised representation arrangements are as follows:

- (1) The numbers of electors remain the same at 15 plus a Mayor.
- (2) The number of wards is reduced from four to three.
- (3) The number of Councillors representing each ward is as follows:

Kalkabury Ward	5
Gum Flat Ward	3
Innes Penton Vale Ward	5

Revisions have been made to the boundaries of Kalkabury/Gum Flat, Penton Vale/Innes/Gum Flat and the boundary between Penton Vale/Innes is to be deleted.

## FIRST SCHEDULE

Kalkabury Ward: Comprising the whole of the Hundred of Tiparra and portion of the Hundreds of Clinton and Kulparra, County of Daly; the whole of the Hundred of Maitland and portions of the Hundreds of Cunningham and Kilkerran, County of Fergusson, bounded as follows:

Commencing at a point on the southern boundary of the Hundred of Kilkerran, being the south-western corner of section 128S, Hundred of Kilkerran; thence northerly along the western boundaries of sections 128S, 129, 130N, 132 and 133 and production to the centre of the road south of and adjoining section 265; westerly along the centre of the road south of and adjoining sections 265 and 136 and production to the intersection with the production north-easterly of the south-eastern boundary of section 53; south-westerly along the latter production and boundary; northerly along portion of the western boundary of section 53 to the south-eastern corner of section 294; westerly and north-westerly along the southern and south-western boundaries of section 294 and production north-westerly to a north-western boundary (the sea coast) of the district of Yorke Peninsula; generally northerly, generally easterly and generally south-westerly along the boundaries of the district of Yorke Peninsula to the intersection with the production easterly of the northern boundary of section 359, Hundred of Cunningham; westerly along the latter production and boundary and its production to the centre of the road generally south-easterly of and adjoining allotment 3 (Filed Plan 10759); generally south-westerly along the latter centre of the road to the southern boundary of the Hundred of Cunningham; thence westerly along the southern boundaries of the Hundreds of Cunningham, Maitland and Kilkerran to the point of commencement and crossing all intervening roads.

## SECOND SCHEDULE

Gum Flat Word: Comprising the whole of the Hundreds of Curramulka, Koolywurtie, Minlacowie, Muloowurtie, Ramsay and Wauraltee and portions of the Hundreds of Cunningham, Kilkerran, and Moorowie, County of Fergusson, bounded as follows:

Commencing at a point on the southern boundary of the Hundred of Kilkerran, being the south-western corner of section 128S, Hundred of Kilkerran; thence northerly along the western boundaries of sections 128S, 129, 130N, 132 and 133 and production to the centre of the road south of and adjoining section 265; westerly along the centre of the road south of and adjoining sections 265 and 136 and production to the intersection with the production north-easterly of the south-eastern boundary of section 53; south-westerly along the latter production and boundary; northerly along portion of the western boundary of section 53 to the south-eastern corner of section 294; westerly and north-westerly along the southern and south-western boundaries of section 294 and production north-westerly to a north-western boundary (the sea coast) of the district of Yorke Peninsula; generally southerly, generally northerly and generally southerly along the boundaries of the district of Yorke Peninsula to the intersection with the production westerly of the southern boundary of section 246, Hundred of Moorowie; easterly along the latter production and boundary and a southern boundary of section 243; northerly along the eastern boundaries of section 243 to the southern boundary of the Hundred of Minlacowie; easterly along the southern boundaries of the Hundreds of Minlacowie and Ramsay to an eastern boundary of the district of Yorke Peninsula; generally northerly along the boundaries of the district of Yorke Peninsula to the intersection with the production easterly of the northern boundary of section 359, Hundred of Cunningham; westerly along the latter production and boundary and its production to the centre of the road generally south-easterly of and adjoining allotment 3 (Filed Plan 10759); generally south-westerly along the latter centre of the road to the southern boundary of the Hundred of Cunningham; thence westerly along the southern boundaries of the Hundreds of Cunningham, Maitland and Kilkerran to the point of commencement and crossing all intervening roads.

## THIRD SCHEDULE

Innes/Penton Vale Ward: Comprising the whole of the Hundreds of Carribie, Coonarie, Dalrymple, Melville, Para Wurlie and Warrenben and portion of the Hundred of Moorowie, County of Fergusson, bounded as follows:

Commencing at a point on an eastern boundary (the sea coast) of the district of Yorke Peninsula, being its intersection with the northern boundary of the Hundred of Dalrymple;

thence generally southerly, generally south-westerly, generally north-easterly and generally easterly along the boundaries of the district of Yorke Peninsula to the intersection with the production westerly of the southern boundary of section 246, Hundred of Moorowie; easterly along the latter production and boundary, and a southern boundary of section 243; northerly along the eastern boundaries of section 243 to the northern boundary of the Hundred of Moorowie; thence easterly along the northern boundaries of the Hundreds of Moorowie and Dalrymple to the point of commencement and crossing all intervening roads

R. A. WILKINSON, Acting Chief Executive Officer

IN the matter of the estates of the undermentioned deceased persons:

*Burlinson, Audrey Mavis*, late of 168 Upper Sturt Road, Hawthorndene, home duties, who died on 30 June 1999.

*Duncombe, Henry Alfred*, late of 7 Grandview Avenue, Urrbrae, retired carpenter, who died on 18 October 1999.

*Green, Thelma Frances*, late of 342 Marion Road, North Plympton, of no occupation, who died on 24 September 1999.

*Kinnish, Lucy*, late of Loveday Road, Loveday, home duties, who died on 26 August 1999.

*Miller, Geoffrey Scott*, late of 3 Bloomfield Street, Alice Springs, Northern Territory, labourer, who died on 18 December 1998.

*Timoney, Eugene Godfrey*, late of 49 Inverness Avenue, St Georges, retired mining engineer, who died on 16 August 1999.

*Watts, Albert William*, late of 61 Seaview Road, Tennyson, retired underground supervisor, who died on 24 September 1999.

*Weiss, Hilda Beryl*, late of 11 Christopher Road, Christie Downs, home duties, who died on 18 September 1999.

Notice is hereby given pursuant to the Trustee Act 1936, as amended, the Inheritance (Family Provision) Act 1972, and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the Public Trustee, 25 Franklin Street, Adelaide, S.A. 5000, full particulars and proof of such claims, on or before 7 January 2000, otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons who are indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver the same to the Public Trustee.

Dated 2 December 1999.

J. H. WORRALL, Public Trustee

IN the matter of the estate of the undermentioned deceased person:

*Esme Maude Balfour Brophy* (otherwise *Esme Maud Balfour Brophy*), late of 1 Rudolf Street, Mannum, who died on 26 July 1999.

Notice is hereby given pursuant to the Trustee Act 1936, as amended, the Inheritance (Family Provision) Act 1972-1975 and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the abovenamed estate are directed to send full particulars of their claims in writing to the undersigned on or before 30 December 1999, otherwise they will be excluded from the distribution of the said estate.

AXA TRUSTEES LIMITED, 80 King William Street, Adelaide, S.A. 5000

IN the matter of the estate of the undermentioned deceased person:

*Brady, Dennis Alfred*, late of Unit 4, 20 Cassie Street, Collinswood, who died on or between 8 March 1999 and 16 March 1999.

Notice is hereby given pursuant to the Trustee Act 1936, as amended, the Inheritance (Family Provision) Act 1972-1975 and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the abovenamed estate are directed to send full particulars of their claims in writing to the undersigned on or before 30 December 1999, otherwise they will be excluded from the distribution of the said estate.

Dated 30 November 1999.

AXA TRUSTEES LIMITED, 80 King William Street, Adelaide, S.A. 5000

COBWELD INDUSTRIES PTY LIMITED (IN LIQUIDATION)  
(ACN 007 730 029)

*Notice of Meeting*

NOTICE is hereby given that a meeting of the creditors of the company will be held at the offices of Mansom and Co., 1st Floor, Menai House, 17 Bagot Street, North Adelaide on 15 December 1999, at 10.30 a.m.

*Agenda*

1. To receive a report from the liquidator as to the progress of the liquidation to date.
2. To consider and if thought fit, appoint a Committee of Inspection from the creditors of the company.
3. Any other business.

Dated 29 November 1999.

B. M. MANSOM, Liquidator

EITZEN INVESTMENTS PTY LTD (In Liquidation)  
(ACN 007 521 173)

*Notice of Voluntary Liquidation*

NOTICE is hereby given that at a general meeting of the abovenamed company, duly convened and held on 15 November 1999 the following special resolution was passed:

That the company be wound up as a members' Voluntary Liquidation and that the assets of the company be distributed to the members.

Dated 29 November 1999.

G. D. HOOPER, Liquidator

EITZEN INVESTMENTS PTY LTD (In Liquidation)  
(ACN 007 521 173)

*Notice of Inviting Formal Proof of Debt or Claim*

NOTICE is hereby given that the creditors of the company, whose debts or claims have not already been admitted, are required on or before 10 December 1999 to prove their debts or claims and to establish any title they may have to priority by delivering or sending through the post to me at my address a formal proof of debt or claim in accordance with form 535 or 536 containing their respective debts or claims. In default they will be excluded from the benefit of any distribution made before their debts or claims are proved or their priority is established and from objecting to the distribution.

Form of proof may be obtained from this office.

Dated 29 November 1999.

G. D. HOOPER, Liquidator

## GURUS PTY LTD

(ACN 082 368 769)

KNOLLVIEW PTY LTD (ACN 008 270 871) has brought a Summons in Action No. 1391 of 1999 in the Supreme Court of South Australia seeking the winding up of Gurus Pty Ltd. The summons is listed for hearing on 21 December 1999 at not before 2.15 p.m. Any creditor or contributory of Gurus Pty Ltd wishing to be heard on the summons must file and serve a notice in accordance with Rule 20 of the Corporations (South Australia) Rules 1993, at least three business days before the day on which the summons is listed for hearing and must attend at the Supreme Courthouse, Victoria Square, Adelaide at the time set for the hearing of the summons. A copy of the summons and the affidavit in support can be obtained on payment of the proper cost from Christie & Associates, Level 1, 83 Pirie Street, Adelaide, S.A. 5000. Solicitor for the plaintiff.

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## HELP DESK INSTITUTE PTY LTD

(ACN 054 368 517)

SITE HOST PTY LTD trading as Hilton Adelaide has brought a summons in Action No. 1387 of 1999, in the Supreme Court of South Australia seeking the winding up of Help Desk Institute Pty Ltd. The summons is listed for hearing on Tuesday, 21 December 1999 at not before 2.15 p.m. Any creditor or contributory of Help Desk Institute Pty Ltd wishing to be heard on the summons must file and serve a notice in accordance with Rule 20 of the Corporations (South Australia) Rules 1993, at least three business days before the day on which the summons is listed for hearing and must attend at the Supreme Courthouse, Victoria Square, Adelaide at the time set for the hearing of the summons. A copy of the summons and the affidavit in support can be obtained on payment of the proper cost from Barratt Lindquist, 162 Halifax Street, Adelaide, S.A. 5000.

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## SALE OF PROPERTY

*By Auction 17 December 1999 at 11 a.m.,  
213 Grange Road, Findon.*

NOTICE is hereby given that on the above date at the time and place stated, by virtue of the Warrant of Sale issued out of the Magistrates Court of South Australia, Adelaide Registry, Auction No AMCCI 31309 of 1998, directed to the Sheriff of South Australia in an action wherein The State of South Australia Water Corporation, is plaintiff and Mo Dung Luu and Kien Huy Luu are the defendants, I, John Andrew Carr, Sheriff, of the State of South Australia, will by my auctioneers, Griffin Real Estate, make sale of the estate, right, title or interest whatsoever it may be of the defendant Mo Dung Luu and Kien Huy Luu as the registered proprietor of an estate in fee simple in the following:

That piece of land situated in the area named Findon, being 213 Grange Road, being the property comprised in certificate of title register book volume 5201, folio 326.

Further particulars from Griffin Real Estate, 179 King William Road, Hyde Park, S.A. 5061.

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# ATTENTION

CUSTOMERS requiring a proof of their notice for inclusion in the *Government Gazette*, please note that the onus is on you to inform Riverside 2000 of any subsequent corrections by **10 a.m. on Thursday**, which is our publication deadline.

For any corrections to your notice please phone 8207 1045 or Fax 8207 1040 **before 10 a.m. on Thursday**.

If we do not receive any communication by 10 a.m. on Thursday (day of publication) we will presume the notice is correct and will print it as it is.

**Remember**—the onus is on you to inform us of any corrections necessary to your notice.

**NOTE: Closing time for lodging new copy (either fax or hard copy) is 4 p.m. on Tuesday preceding the day of publication. Ph. 8207 1045—Fax 8207 1040.**