



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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ADELAIDE, THURSDAY, 5 NOVEMBER 2009

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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 **Government Publishing SA** so as to be **received no later than 4 p.m. on the Tuesday preceding the day of publication. Phone 8207 1045 or Fax 8207 1040. E-mail: governmentgazette@dpc.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. The *Government Gazette* is available online at: www.governmentgazette.sa.gov.au

Department of the Premier and Cabinet
Adelaide, 5 November 2009

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. 49 of 2009—Hydroponics Industry Control Act 2009. An Act to prevent criminal infiltration of the hydroponics industry; to prevent the misapplication of certain types of hydroponic equipment by monitoring its sale and supply; and for other purposes.

No. 50 of 2009—Local Government (Elections) (Miscellaneous) Amendment Act 2009. An Act to amend the Local Government (Elections) Act 1999 and to make related amendments to the City of Adelaide Act 1998.

No. 51 of 2009—Rail Commissioner Act 2009. An Act to establish the Rail Commissioner; to make related amendments to the Railways (Operations and Access) Act 1997 and the TransAdelaide (Corporate Structure) Act 1998 and for other purposes.

No. 52 of 2009—Statutes Amendment (Recidivist Young Offenders and Youth Parole Board) Act 2009. An Act to amend the Criminal Law Consolidation Act 1935, the Criminal Law (Sentencing) Act 1988 and the Young Offenders Act 1993.

No. 53 of 2009—First Home Owner Grant (Special Eligible Transactions) Amendment Act 2009. An Act to amend the First Home Owner Grant Act 2000.

No. 54 of 2009—National Electricity (South Australia) (Smart Meters) Amendment Act 2009. An Act to amend the National Electricity (South Australia) Act 1996.

By command,

MICHAEL O'BRIEN, for Premier

DPC06/0875

Department of the Premier and Cabinet
Adelaide, 5 November 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Guardianship Board, pursuant to the provisions of the Guardianship and Administration Act 1993:

Section 8 (2) Panel Member: (from 5 November 2009 until 4 November 2012)

Jeanette Gertrude Curtis

By command,

MICHAEL O'BRIEN, for Premier

AGO0082/07CS
AGO0217/04CS

Department of the Premier and Cabinet
Adelaide, 5 November 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Michael Francis O'Brien, MP, Minister for Employment, Training and Further Education, Minister for Road Safety and Minister for Science and Information Economy to be also Acting Minister for Education, Acting Minister for Mental Health and Substance Abuse, Acting Minister for Tourism and Acting Minister for the City of Adelaide for the period from 19 November 2009 to 22 November 2009 inclusive, during the absence of the Honourable Jane Diane Lomax-Smith, MP.

By command,

MICHAEL O'BRIEN, for Premier

MT090/003CS

BUILDING WORK CONTRACTORS ACT 1995

Exemption

TAKE notice that pursuant to section 45 of the Building Work Contractors Act 1995, I, Anne Gale, Commissioner for Consumer Affairs, do hereby exempt the licensee named in Schedule 1 from the application of Division 3 of Part 5 of the above Act in relation to domestic building work described in Schedule 2 and subject to the conditions specified in Schedule 3.

SCHEDULE 1

Gerasimos Karidis (BLD 56).

SCHEDULE 2

Construction of the proposed Plympton Mews Retirement Village situated at 47 Mooringe Avenue, Plympton, S.A. 5038 (allotment 4 in Deposited Plan 5635 in the area named Plympton, Hundred of Adelaide (certificate of title volume 5611, folio 797)) and (allotment 21 in Deposited Plan 5635 in the area named Plympton, Hundred of Adelaide, being a reserve (certificate of title volume 5516, folio 862)).

SCHEDULE 3

1. This exemption is limited to domestic building work personally performed by the licensee for the renovation of the proposed Plympton Mews Retirement Village on land situated at 47 Mooringe Avenue, Plympton, S.A. 5038 (allotment 4 in Deposited Plan 5635 in the area named Plympton, Hundred of Adelaide (certificate of title volume 5611, folio 797)) and (allotment 21 in Deposited Plan 5635 in the area named Plympton, Hundred of Adelaide (certificate of title volume 5516, folio 862)).

2. This exemption does not apply to any domestic building work the licensee sub-contracts to another building work contractor, for which that contractor is required by law to hold building indemnity insurance.

3. That the licensee does not transfer his interest in the land prior to five years from the date of completion of the building work the subject of this exemption, without the prior authorisation of the Commissioner for Consumer Affairs. Before giving such authorisation, the Commissioner for Consumer Affairs may require the licensee to take any reasonable steps to protect the future purchaser(s) of the property, including but not limited to:

- providing evidence that an adequate policy of building indemnity insurance is in force to cover the balance of the five-year period from the date of completion of the building work the subject of this exemption;
- providing evidence of an independent expert inspection of the building work the subject of this exemption;
- making an independent expert report available to prospective purchasers of the property; and
- giving prospective purchasers of the property notice of the absence of a policy of building indemnity insurance.

Dated 26 October 2009.

A. GALE, Acting Commissioner for Consumer Affairs, Office of Consumer and Business Affairs, delegate of the Minister for Consumer Affairs

Ref.: 610/08-00115

COPYRIGHT ACT 1968

STATE RECORDS OF SOUTH AUSTRALIA

Notice of Intention to Publish Official Records

WE wish to publish a selection of records for distribution via the South Australian Certificate of Education Authority as part of the illustrative program *Whose Land Is It Anyway?* The selection includes a letter written by a private individual, R. J. Matheson, in 1911, addressed to Inspector Clode at Port Augusta. Ref. SRSA GRG52/1/190 of 1911.

As a Government organisation, State Records has exemption under section 183 of the Copyright Act 1968, to use copyright material for the delivery of government services. However, the government's use of the material does not preclude the copyright owner (in this case the author of the letter or his descendants) from requiring a reasonable fee. Attempts have been made to contact the descendants of the author of this letter. Notwithstanding, State Records is aware of the entitlement to payment on proof of copyright ownership.

T. RYAN, Director, State Records of
South Australia

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to section 115 of the Fisheries Management Act 2007, Anne Tapley, Lot 21, Pine Freezer Road, Port Lincoln, S.A. 5606, holder of Marine Scalefish Fishery Licence No. M273, or a master registered on that licence (the 'exemption holder'), is exempt from regulation 7(b) of the Fisheries Management (General) Regulations 2007, but only insofar as the exemption holder may use a registered sardine net for the purposes of trade or business in the waters described in Schedule 1 (the 'exempted activity'), subject to the conditions set out in Schedule 2, from 30 October 2009 until 30 September 2010, unless varied or revoked earlier.

SCHEDULE 1

- Waters of Coffin Bay northerly of the geodesic 34°31' (Point Longnose);
- Waters adjacent to Port Lincoln contained within the geodesic from Point Bolingbroke, (latitude 34°32'37.86"S and longitude 136°05'20.69"E), to Cape Donington (latitude 34°43'31.35"S and longitude 135°59'43.07"E)—excluding those waters adjacent to Port Lincoln bounded as follows: commencing at a point at the high water mark at the shore end of the North Shields jetty, thence in a generally east-south-east direction to Maria Point on Boston Island, thence following the high water mark in a southerly direction to the light at Point Fanny, thence in a direction of 249° to the most northerly part of Billy Lights Point, thence along the high water mark to the point of commencement.

SCHEDULE 2

1. The exemption holder may only undertake the exempted activity, pursuant to this exemption when fishing from a boat that is registered on Marine Scalefish Fishery Licence No. M273.

2. The exempted activity may only be undertaken using a sardine net with a maximum depth of 100 m.

3. The exemption holder must comply with all conditions of Marine Scalefish Fishery Licence No. M273 whilst engaging in the exempted activity.

4. While engaged in the exempted activity the exemption holder must be in possession of a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer if requested.

5. The exemption holder must not contravene or fail to comply with the Fisheries Management Act 2007, or any regulations made under that Act, except where specifically permitted by this notice.

Dated 30 October 2009.

M. SMALLRIDGE, Director of Fisheries

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to section 115 of the Fisheries Management Act 2007, Michael Harper and Lara Suitoer of the Department of Environment and Heritage, 28 Vaughan Terrace, Berri, S.A. 5343 (the 'exemption holders'), are exempt from section 70 of the Fisheries Management Act 2007 and Regulation 10 of the Fisheries Management (General) Regulations 2007, but only insofar as they may engage in the collection of fish from the waters described in Schedule 1, using the gear specified in Schedule 2 (the 'exempted activity'), subject to the conditions set out in Schedule 3, from 6 November 2009 until 31 October 2010, unless varied or revoked earlier.

SCHEDULE 1

River Murray wetlands and tributaries.

SCHEDULE 2

- 12 fyke nets (minimum mesh of 5 mm, maximum leader of 5 m and maximum opening of 60 cm);
- 1 seine net (minimum mesh of 5 mm and maximum length of 12 m);
- 12 shrimp traps;
- 1 dip net per person;
- 10 snorkel traps.

SCHEDULE 3

1. The specimens collected by the exemption holders are for scientific and research purposes only and must not be sold.

2. All native fish taken pursuant to the exempted activity must be immediately returned to the water.

3. All non-native species of fish must not be returned alive to the water and must be disposed of appropriately.

4. Before conducting the exempted activity, the exemption holders must contact the PIRSA Fisheries Compliance Unit on 1800 065 522 and answer a series of questions about the exempted activity. You will need to have a copy of your exemption with you at the time of making the call, and be able to provide information about the area and time of the exempted activity, the vehicles and/or boats involved, the number of agents undertaking the exempted activity and other related issues. Exemption No. 9902296.

5. The exemption holder must provide a written report detailing the outcomes of the collection of organisms pursuant to this notice to the Director of Fisheries (G.P.O. Box 1625, Adelaide, S.A. 5001) upon completion, giving the following details:

- the date and time of collection;
- the description of all species collected; and
- the number of each species collected.

6. While engaged in the exempted activity, the exemption holders must be in possession of a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer if requested.

7. The exemption holders must not contravene or fail to comply with the Fisheries Management Act 2007, or any regulations made under that Act, except where specifically exempted by this notice.

Dated 2 November 2009.

M. SMALLRIDGE, Director of Fisheries

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that, pursuant to section 115 of the Fisheries Management Act 2007, Australian Bight Abalone Ltd (Administrators Appointed), Australian Bight Abalone Management Pty Ltd (Administrators Appointed) and Australian Bight Infrastructure Pty Ltd (Administrators Appointed), c/o Sam Davies of McGrath Nicol, G.P.O. Box 9986, Adelaide, S.A. 5001 (the 'exemption holder') or a person acting as an agent, are exempt from section 52 of the Fisheries Management Act 2007, but only insofar as they may collect beachcast algae and seagrass, for the purpose of trade or business (the 'exempted activity') in the areas specified in Schedule 1, subject to the conditions in Schedule 2, from 1 November 2009 until 30 November 2009, unless varied or revoked earlier.

SCHEDULE 1

Intertidal area between Mean Low Water Springs and Mean High Water Springs and bounded by 486181mE, 6285680mN (MGA Zone 53) to the north and 485411mE, 6279859mN (MGA Zone 53) to the south.

SCHEDULE 1

1. The exemption holder may take beachcast (unconnected and deposited on shore) algae and seagrass for the purpose of trade or business from the area listed in Schedule 1.

2. A maximum of 500 tonnes may be collected pursuant to this exemption.

3. The operation should be designed to prevent removal of sand.

4. Written permission from the Department for Transport, Energy and Infrastructure must be obtained before material may be collected from the area.

5. The exemption holder must notify PIRSA Fishwatch on 1800 065 522 on any day of operation, at least two hours prior to conducting the exempted activity and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of the exemption at the time of making the call, and be able to provide information about the area and time of the exempted activity, the vehicles and other related questions. Exemption No. 9902304.

6. A report on the area of beach cleared (square metres), volume of seagrass cleared (cubic metres) and the method and location of disposal must be supplied the Director of Fisheries, G.P.O. Box 1625, Adelaide, S.A. 5001 no later 15 working days after the expiry of this exemption.

7. While engaged in the exempted activity the exemption holder or their agent must carry or have about or near their person a copy of this notice. Such notice must be produced to a PIRSA Fisheries Officer upon request.

8. The exemption holder must not contravene or fail to comply with the Fisheries Management Act 2007, or any regulations made under that Act, except where specifically exempted by this notice.

Dated 30 October 2009.

M. SMALLRIDGE, Director of Fisheries

DEVELOPMENT ACT 1993, SECTION 29 (2) (b) (i) and 29 (2) (b) (ii): AMENDMENTS TO THE PORT ADELAIDE ENFIELD (CITY) DEVELOPMENT PLAN

Preamble

It is necessary to amend the Port Adelaide Enfield (City) Development Plan dated 27 August 2009.

NOTICE

PURSUANT to section 29 (2) (b) (i) of the Development Act 1993, I, Paul Holloway, being the Minister administering the Act, amend the Port Adelaide Enfield (City) Development Plan dated 27 August 2009 by:

- (a) deleting Map PAdE/1 (Overlay 5) [page 488] and replacing it with the contents of Attachment A;
- (b) deleting principle of development control 11 [page 301] within Policy Area 49: Osborne Maritime located within the General Industry Zone;
- (c) deleting principle of development control 9 [page 312] within the Industry (Port) Zone.

PURSUANT to section 29 (2) (b) (ii) of the Development Act 1993, I, Paul Holloway, being the Minister administering the Act, amend the Port Adelaide Enfield (City) Development Plan dated 27 August 2009 by:

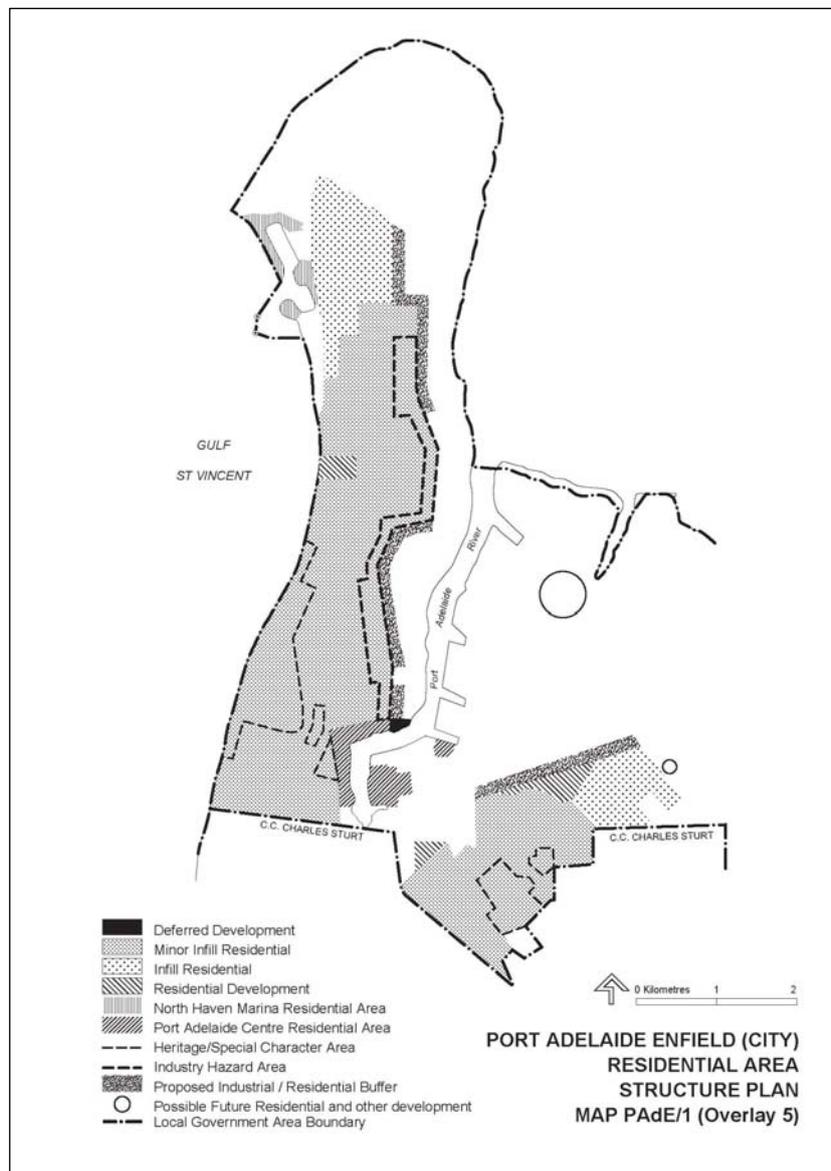
- (a) deleting principle of development control 6 [page 392] within the MOSS (Buffer) Zone and replacing it with the following principle of development control 6:

'The open space linkage to the Moss (Conservation) Zone at Mutton Cove should be protected and enhanced.'

Dated 31 October 2009.

PAUL HOLLOWAY, Minister for Urban Development and Planning

ATTACHMENT A



DEVELOPMENT ACT 1993, SECTION 27 (5) (a): NORTHERN LEFEVRE PENINSULA INDUSTRY AND OPEN SPACE
DEVELOPMENT PLAN AMENDMENT

Preamble

Pursuant to section 27 (3) (b) of the Development Act 1993, the Environment, Resources and Development Committee of Parliament has suggested amendments to the City of Port Adelaide Enfield—Northern Lefevre Peninsula Industry and Open Space Development Plan Amendment.

Pursuant to section 27 (5) (a), it is necessary to amend the relevant Development Plan.

NOTICE

PURSUANT to section 27 (5) of the Development Act 1993 (the Act), I, Paul Holloway, being the Minister administering the Act, amend the Port Adelaide Enfield (City) Development Plan dated 27 August 2009 by:

Light Industry Zone

- (a) inserting the contents of Attachment A in the Desired Character Statement for the Zone [page 339] as paragraph 5;
- (b) inserting the contents of Attachment B immediately following Principle of Development Control 15 [page 342], and renumbering the remaining principles;
- (c) inserting the contents of Attachment C immediately following the existing Policy Area 51 [page 346].

General Industry Zone

- (d) inserting the contents of Attachment D immediately following Principle of Development Control 7 [page 297] and renumbering the remaining principles;
- (e) inserting the contents of Attachment E following Principle of Development Control 8 [page 297];
- (f) inserting the contents of Attachment F immediately following Principle of Development Control 10 [page 297] and renumbering the remaining principles.

MOSS (Recreation) Zone

- (g) inserting the contents of Attachment G immediately following Principle of Development Control 36 [page 384] and renumbering the remaining principles.

MOSS (Conservation) Zone

- (h) inserting the contents of Attachment H immediately following Principle of Development Control 11 [page 388] and renumbering the remaining principles.

MOSS (Buffer) Zone

- (i) inserting the contents of Attachment I immediately following Principle of Development Control 10 [page 392] and renumbering the remaining principles.

Mapping

- (j) replacing Maps PAdE/1 (Overlay 4) and 6 and 45 with the contents of Attachment J.

Dated 31 October 2009.

PAUL HOLLOWAY, Minister for Urban Development and Planning

ATTACHMENT A

‘That portion of the zone located at Taperoo between Willochra Street and Solvay Road plays an important role in providing a minimum 100 m noise separation buffer between residential zoned land to the west and general industry zoned land to the east. In recognition of this buffer role, development in this portion of the zone is specifically limited to noise attenuation measures and railway activities necessary to serve the freight rail corridor that traverses this land.’

ATTACHMENT B

‘Taperoo (land between Willochra Street and Solvay Road)

- 16 Development on land located at Taperoo between Willochra Street and Solvay Road should:
 - (a) be for railway activities and noise attenuation measures; and
 - (b) be accessed by commercial or heavy vehicle traffic via Willochra Street and/or Solvay Road with no direct access off Mersey Road.
- 17 Industrial development, not in association with railway activities, should be setback a minimum of 100 m from existing residential land.
- 18 Industrial development in association with railway activities should incorporate suitable noise attenuation measures and be of a high architectural quality in a contemporary or modern style using high quality materials.’

ATTACHMENT C

‘Policy Area 52: Commercial/Light Industry

Introduction

The objectives and principles of development control that follow apply to that part of the Light Industry Zone referred to as Policy Area 52, shown on Map PAdE/45. They are additional to those expressed for the Light Industry Zone and the whole of the Council area.

OBJECTIVES

- Objective 1: An area comprising a range of commercial and light industrial activities associated with defence, ship building and the Port of Adelaide.
- Objective 2: Development that achieves a high standard of environmental and operational performance.
- Objective 3: Minimise adverse impacts on surrounding land uses.

DESIRED CHARACTER

Development of a high quality commercial and light industrial precinct that complements and supports the naval ship building and defence related support industries located in Policy Areas 49 and 51 as well as the strategically and economically valuable activities undertaken in the Industry (Port) Zone.

The Policy Area is primarily for commercial style office and office/warehouse buildings of up to two storeys accommodating a range of activities that may operate over extended hours.

The design of individual industries and businesses within the Policy Area will respond to the sensitivities of nearby residential areas and minimise any adverse impacts on the local community. In particular, off-site impacts or nuisance will be minimised through the incorporation of appropriate attenuation devices, building siting and design.

It is envisaged that buildings and their surrounds will be of a high standard and incorporate initiatives leading to the achievement of environmental sustainability.

PRINCIPLES OF DEVELOPMENT CONTROL*Form of Development*

- 1 Development should primarily comprise activities involving commerce or light industry which are associated with ship building, defence or the functions of the Port of Adelaide.
- 2 Development should be compatible with and support the long-term operation of the ship building and defence related support industries located within Policy Area 49 and Policy Area 51.
- 3 Development should be of a high architectural quality in a contemporary or modern style and use high quality materials.
- 4 Buildings should be set back a minimum of 30 m from Victoria Road.

Conservation

- 5 Development should avoid adverse impacts on the marine, estuarine and coastal environment by way of:
 - (a) interference of natural riverine ecology and processes;
 - (b) loss of habitats of conservation significance, such as those of threatened or migratory species or marine ecosystems;
 - (c) contamination of ground or surface water, including marine, estuarine, or riverine; or
 - (d) spread of pest plants and animals.

Hazard Management

- 6 All development should provide:
 - (a) minimum site and floor levels of 3.3 m AHD and 3.55 m AHD respectively to provide protection from coastal flooding to the year 2050, unless it can be demonstrated that lower levels will provide adequate protection; and
 - (b) for the practical establishment of protection measures against a further sea level rise of 0.7 m and land subsidence to the year 2100.

Stormwater Management

- 7 Stormwater should be managed on site, and where appropriate used on site, to ensure there is no adverse impact on downstream minor or major systems or increased flood potential.

Noise Management

- 8 Development should control noise emissions through the use of attenuation devices and sound proofing, particularly adjoining the western boundary of the Policy Area and those activities requiring extended hours of operation.
- 9 Development should be consistent with the relevant provisions in the current Environment Protection (Noise) Policy.

Access

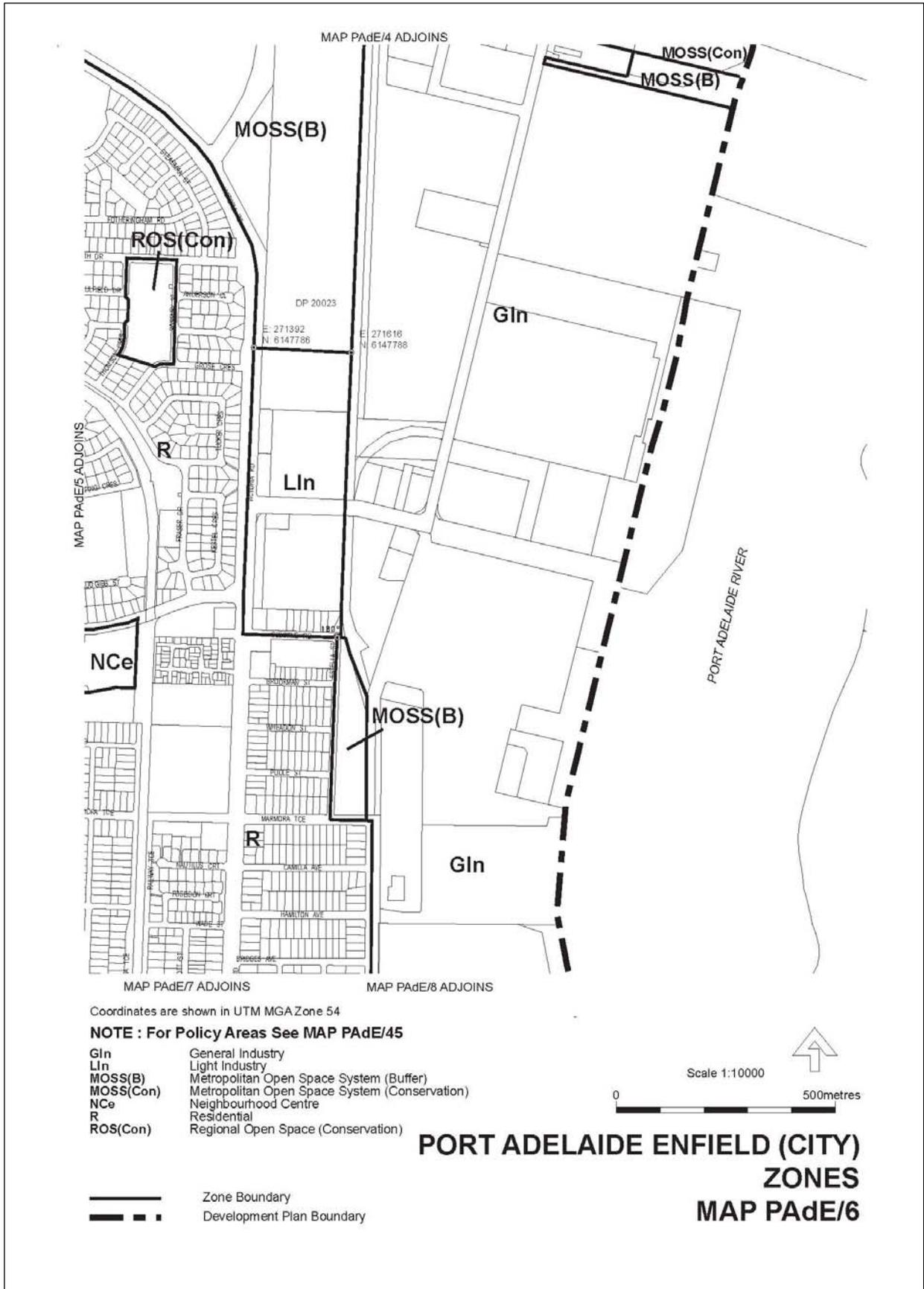
- 10 Vehicle access to the policy area from Victoria Road should be limited to a single access point in a safe and convenient location.'

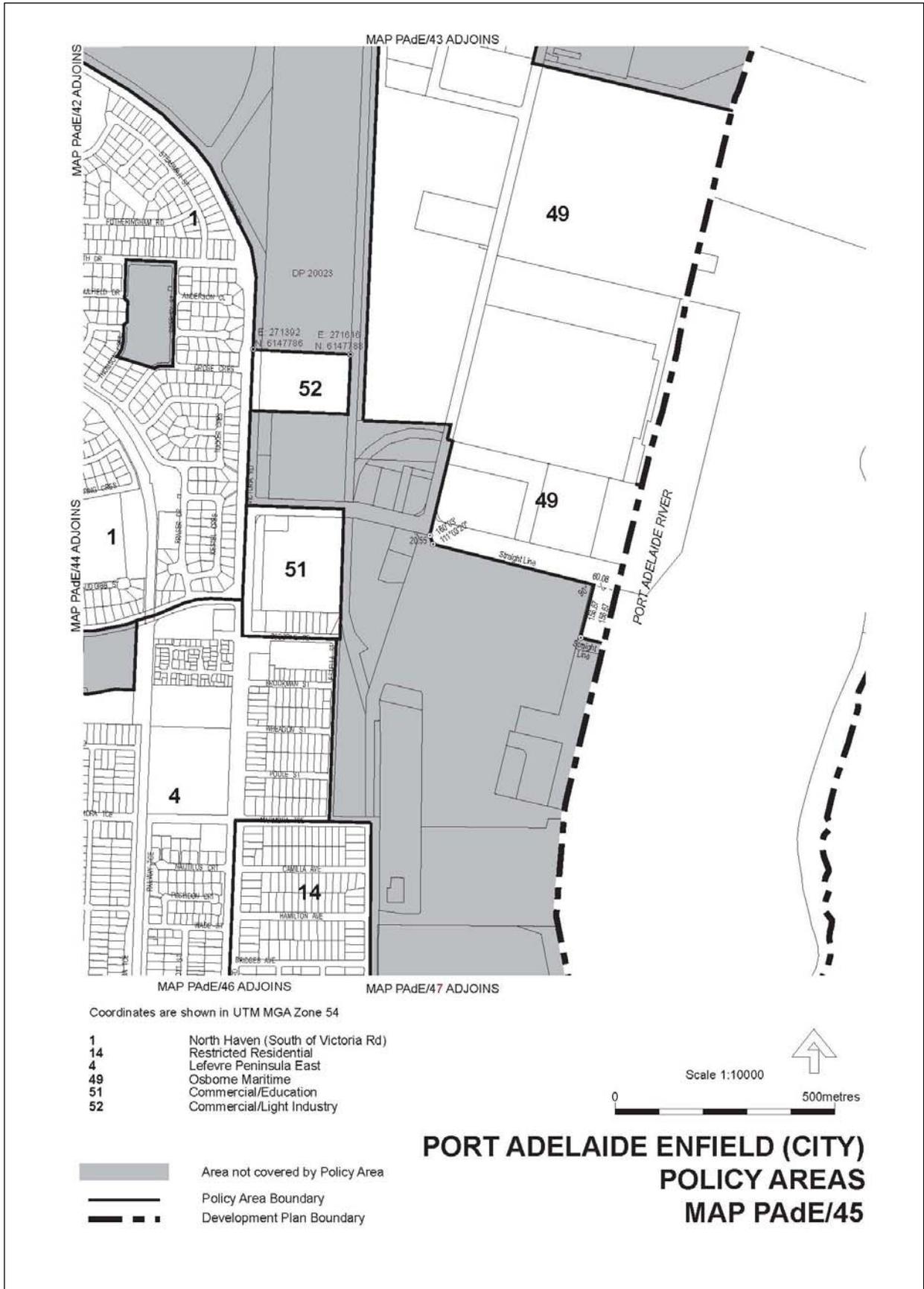
ATTACHMENT D

- '8 Land division should ensure provision is made for a stormwater management facility on land generally identified on Figure GIn/1.'

ATTACHMENT E







GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 July 2009

| | \$ | | \$ |
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| Each Subsequent Name..... | 10.90 | Noxious Trade..... | 31.75 |
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| pany be wound up voluntarily and that a liquidator | | Registers of Members—Three pages and over: | |
| be appointed')..... | 53.50 | Rate per page (in 8pt) | 272.00 |
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| Receiver and Manager Appointed..... | 49.50 | Advertisements..... | 3.00 |
| Receiver and Manager Ceasing to Act..... | 42.75 | ½ page advertisement | 127.00 |
| Restored Name..... | 40.00 | ½ page advertisement | 254.00 |
| Petition to Supreme Court for Winding Up..... | 74.50 | Full page advertisement..... | 498.00 |
| Summons in Action..... | 63.50 | Advertisements, other than those listed are charged at \$3.00 per | |
| Order of Supreme Court for Winding Up Action..... | 42.75 | column line, tabular one-third extra. | |
| Register of Interests—Section 84 (1) Exempt..... | 96.00 | Notices by Colleges, Universities, Corporations and District | |
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| 1-16 | 2.60 | 1.20 | 497-512 | 36.25 | 35.25 |
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| 33-48 | 4.55 | 3.25 | 529-544 | 38.50 | 37.25 |
| 49-64 | 5.75 | 4.40 | 545-560 | 39.50 | 38.50 |
| 65-80 | 6.70 | 5.55 | 561-576 | 40.50 | 39.50 |
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| 113-128 | 9.95 | 8.75 | 609-624 | 43.75 | 42.75 |
| 129-144 | 11.10 | 9.85 | 625-640 | 45.00 | 43.25 |
| 145-160 | 12.20 | 10.90 | 641-656 | 46.00 | 45.00 |
| 161-176 | 13.30 | 12.00 | 657-672 | 46.75 | 45.50 |
| 177-192 | 14.50 | 13.10 | 673-688 | 48.75 | 46.75 |
| 193-208 | 15.60 | 14.40 | 689-704 | 49.50 | 47.75 |
| 209-224 | 16.50 | 15.20 | 705-720 | 50.25 | 49.00 |
| 225-240 | 17.60 | 16.30 | 721-736 | 52.00 | 50.00 |
| 241-257 | 18.90 | 17.20 | 737-752 | 52.50 | 51.00 |
| 258-272 | 19.90 | 18.30 | 753-768 | 53.50 | 52.00 |
| 273-288 | 21.00 | 19.70 | 769-784 | 54.50 | 53.50 |
| 289-304 | 21.90 | 20.60 | 785-800 | 55.50 | 54.50 |
| 305-320 | 23.20 | 21.80 | 801-816 | 57.00 | 55.00 |
| 321-336 | 24.20 | 22.80 | 817-832 | 58.00 | 57.00 |
| 337-352 | 25.40 | 24.10 | 833-848 | 59.00 | 58.00 |
| 353-368 | 26.25 | 25.20 | 849-864 | 60.00 | 58.50 |
| 369-384 | 27.50 | 26.25 | 865-880 | 61.50 | 60.00 |
| 385-400 | 28.75 | 27.25 | 881-896 | 62.00 | 60.50 |
| 401-416 | 29.75 | 28.25 | 897-912 | 63.50 | 62.00 |
| 417-432 | 31.00 | 29.50 | 913-928 | 64.00 | 63.50 |
| 433-448 | 32.00 | 30.75 | 929-944 | 65.00 | 64.00 |
| 449-464 | 32.75 | 31.50 | 945-960 | 66.00 | 64.50 |
| 465-480 | 33.25 | 32.50 | 961-976 | 68.50 | 65.50 |
| 481-496 | 35.25 | 33.25 | 977-992 | 69.50 | 66.00 |

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ENVIRONMENT PROTECTION ACT 1993

Revocation of Approval of Category B Containers

I, ANDREA KAYE WOODS, Delegate of the Environment Protection Authority ('the Authority'), pursuant to section 68 of the Environment Protection Act 1993 (SA) ('the Act') hereby revoke the approvals of the classes of Category B Containers sold in South Australia as identified by reference to the following matters, which are described in the first 4 columns of Schedule 1 of this Notice:

- (a) the product which each class of containers shall contain;
- (b) the size of the containers;
- (c) the type of containers;
- (d) the name of the holders of these approvals.

These approvals are revoked as the Authority is satisfied that the waste management arrangement between the approval holder and the party named in Column 5 of Schedule 1 of this Notice has been cancelled.

SCHEDULE 1

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|-----------------------------------|---------------------|----------------|--|-------------------------|
| Product Name | Container Size (mL) | Container Type | Approval Holder | Collection Arrangements |
| Billabong Old Style Ginger Beer | 375 | Glass | Affiliated Lion Pty Ltd | Marine Stores Ltd |
| Billabong Springwater | 350 | PET | Affiliated Lion Pty Ltd | Marine Stores Ltd |
| Billabong Springwater | 600 | PET | Affiliated Lion Pty Ltd | Marine Stores Ltd |
| Roaring Lion Energy Drink | 250 | Can—Aluminium | Affiliated Lion Pty Ltd | Marine Stores Ltd |
| Aqua Puritas | 1 500 | Plastic | Amadeus International | Flagcan Distributors |
| Aqua Puritas | 300 | Plastic | Amadeus International | Flagcan Distributors |
| Aquaqueen Australian Spring Water | 1 500 | PET | Aquaqueen International Pty Ltd | Statewide Recycling |
| Asahi Super Dry | 330 | Glass | Australian Wine & Liquor Wholesalers Pty Ltd | Flagcan Distributors |
| Preshafruit Apple & Lemon | 350 | PET | Bremmera Foods | Flagcan Distributors |
| Preshafruit Apple & Pear | 350 | PET | Bremmera Foods | Flagcan Distributors |
| Preshafruit Fuji | 350 | PET | Bremmera Foods | Flagcan Distributors |
| Preshafruit Granny Smith | 350 | PET | Bremmera Foods | Flagcan Distributors |
| Preshafruit Pink Lady | 350 | PET | Bremmera Foods | Flagcan Distributors |
| Preshafruit Royal Gala | 350 | PET | Bremmera Foods | Flagcan Distributors |
| Preshafruit Valencia Orange | 350 | PET | Bremmera Foods | Flagcan Distributors |
| Brio Chinotto | 200 | Glass | Brio Investments | Flagcan Distributors |
| Brio Chinotto | 355 | Can | Brio Investments | Flagcan Distributors |
| Mio Chinotto | 200 | Glass | Brio Investments | Flagcan Distributors |
| Mio Gassosa | 200 | Glass | Brio Investments | Flagcan Distributors |
| Mio Moscatel | 200 | Glass | Brio Investments | Flagcan Distributors |
| Bundaberg Burgundee | 340 | Glass | Electra Breweries (Bundaberg) Pty Ltd | Statewide Recycling |
| Bundaberg Ginger Beer | 375 | Glass | Electra Breweries (Bundaberg) Pty Ltd | Statewide Recycling |
| Bundaberg Ginger Beer | 750 | Glass | Electra Breweries (Bundaberg) Pty Ltd | Statewide Recycling |
| Bundaberg Horehound | 375 | Glass | Electra Breweries (Bundaberg) Pty Ltd | Statewide Recycling |
| Bundaberg Lemon Lime & Bitters | 340 | Glass | Electra Breweries (Bundaberg) Pty Ltd | Statewide Recycling |
| Bundaberg Lemon Lime & Bitters | 355 | Glass | Electra Breweries (Bundaberg) Pty Ltd | Statewide Recycling |
| Bundaberg Mint Freeze | 340 | Glass | Electra Breweries (Bundaberg) Pty Ltd | Statewide Recycling |
| Bundaberg Mint Freeze | 355 | Glass | Electra Breweries (Bundaberg) Pty Ltd | Statewide Recycling |
| Bundaberg Peachee | 340 | Glass | Electra Breweries (Bundaberg) Pty Ltd | Statewide Recycling |
| Bundaberg Root Beer | 375 | Glass | Electra Breweries (Bundaberg) Pty Ltd | Statewide Recycling |
| Tamek Apricot Juice | 1 000 | Glass | Grand Foods | Statewide Recycling |
| Tamek Fruit Mix Juice | 250 | Glass | Grand Foods | Statewide Recycling |
| Tamek Fruit Mix Juice | 1 000 | Glass | Grand Foods | Statewide Recycling |
| Tamek Peach Juice | 1 000 | Glass | Grand Foods | Statewide Recycling |
| Tamek Peach Juice | 250 | Glass | Grand Foods | Statewide Recycling |
| Tamek Sour Cherry Juice | 250 | Glass | Grand Foods | Statewide Recycling |
| Uludag Efsane Gazoz | 1 500 | PET | Grand Foods | Statewide Recycling |
| Uludag Efsane Portakal | 1 500 | PET | Grand Foods | Statewide Recycling |
| Uludag Efsane Portakal | 330 | Can—Aluminium | Grand Foods | Statewide Recycling |
| Uludag Gazoz | 330 | Can—Aluminium | Grand Foods | Statewide Recycling |
| Uludag Gazoz Fruit Flavoured Soda | 250 | Glass | Grand Foods | Statewide Recycling |
| Uludag Orange Flavoured Drink | 250 | Glass | Grand Foods | Statewide Recycling |
| White Rabbit Beer | 330 | Glass | Little Creatures Brewing Pty Ltd | Statewide Recycling |
| Aspall Draught Suffolk Cider | 330 | Glass | Little Creatures Brewing Pty Ltd | Statewide Recycling |
| Copper Coast Swanky | 330 | Glass | Port Adelaide Brewing Company Pty Ltd | Statewide Recycling |

| Column 1 | Column 2 | Column 3 | Column 4 | Column 5 |
|---|---------------------|----------------|---------------------------------------|-------------------------|
| Product Name | Container Size (mL) | Container Type | Approval Holder | Collection Arrangements |
| ginja beer | 330 | Glass | Port Adelaide Brewing Company Pty Ltd | Statewide Recycling |
| Silly Yaks Aztec Gold | 330 | Glass | Silly Yak Foods Pty Ltd | Statewide Recycling |
| Miss Surprise Apple Raspberry Fruit Drink | 300 | PET | Steel City Beverage Co. Pty Ltd | Statewide Recycling |
| Mr Surprise Apple Raspberry Fruit Drink | 300 | PET | Steel City Beverage Co. Pty Ltd | Statewide Recycling |
| Aroona Pure Spring Waters | 1 000 | Plastic | Sunburst Foods Ltd | Statewide Recycling |
| Aroona Pure Spring Waters | 1 500 | Plastic | Sunburst Foods Ltd | Statewide Recycling |
| Aroona Pure Spring Waters | 3 000 | Plastic | Sunburst Foods Ltd | Statewide Recycling |
| Aroona Pure Spring Waters | 350 | Plastic | Sunburst Foods Ltd | Statewide Recycling |
| Aroona Pure Spring Waters | 500 | Plastic | Sunburst Foods Ltd | Statewide Recycling |
| Just One Citrus Tang | 375 | Can | Sunburst Foods Ltd | Statewide Recycling |
| Just One Lemon & Lime | 375 | Can | Sunburst Foods Ltd | Statewide Recycling |
| Just One Lemon Lime & Bitters | 375 | Can | Sunburst Foods Ltd | Statewide Recycling |
| Just One Lemonade | 375 | Can | Sunburst Foods Ltd | Statewide Recycling |
| Just One Roze | 375 | Can | Sunburst Foods Ltd | Statewide Recycling |
| Lite Just One Citrus Tang | 1 250 | Plastic | Sunburst Foods Ltd | Statewide Recycling |
| Lite Just One Lemon Lime | 1 250 | Plastic | Sunburst Foods Ltd | Statewide Recycling |
| Lite Just One Lemon Lime Bitters | 1 250 | Plastic | Sunburst Foods Ltd | Statewide Recycling |
| Lite Just One Lemonade | 1 250 | Plastic | Sunburst Foods Ltd | Statewide Recycling |
| Lite Just One Roze | 1 250 | Plastic | Sunburst Foods Ltd | Statewide Recycling |
| Llanllyr Source Sparkling Water | 750 | Glass | Tandem Trading | Statewide Recycling |
| Llanllyr Source Sparkling Water | 330 | Glass | Tandem Trading | Statewide Recycling |
| Llanllyr Source Still Water | 750 | Glass | Tandem Trading | Statewide Recycling |
| Llanllyr Source Still Water | 330 | Glass | Tandem Trading | Statewide Recycling |
| Piranha Citrus Club Soda | 330 | Glass | Tixana Pty Ltd | Statewide Recycling |
| Piranha Citrus Club Soda | 600 | Plastic | Tixana Pty Ltd | Statewide Recycling |
| Dingo White Lighting Bitter | 375 | Glass | Triark Beverages Pty Ltd | Statewide Recycling |
| Plunge Vitamin Water Citrus Ice | 600 | Plastic | True South International | Statewide Recycling |
| Plunge Vitamin Water Citrus Ice | 375 | Plastic | True South International | Statewide Recycling |
| Plunge Vitamin Water Lemon Splash | 600 | Plastic | True South International | Statewide Recycling |
| Plunge Vitamin Water Lemon Splash | 375 | Plastic | True South International | Statewide Recycling |
| Plunge Vitamin Water Lime Frost | 375 | Plastic | True South International | Statewide Recycling |
| Plunge Vitamin Water Lime frost | 600 | Plastic | True South International | Statewide Recycling |
| Plunge Vitamin Water Orange Burst | 600 | Plastic | True South International | Statewide Recycling |
| Plunge Vitamin Water Orange Burst | 375 | Plastic | True South International | Statewide Recycling |
| Grolsch Premium Lager | 1 500 | Glass | Tucker Seabrook (Aust) Pty Ltd | Statewide Recycling |
| Grolsch Premium Lager | 330 | Glass | Tucker Seabrook (Aust) Pty Ltd | Statewide Recycling |
| Grolsch Premium Lager | 355 | Glass | Tucker Seabrook (Aust) Pty Ltd | Statewide Recycling |
| Grolsch Premium Lager | 500 | Can—Aluminium | Tucker Seabrook (Aust) Pty Ltd | Statewide Recycling |
| Pikes New Oakbank Beer | 330 | Glass | Tucker Seabrook (Aust) Pty Ltd | Statewide Recycling |
| Grolsch Amber | 473 | Glass | Tucker Seabrook Classic Pty Ltd | Statewide Recycling |
| Grolsch Summer Blond Beer | 250 | Glass | Tucker Seabrook Classic Pty Ltd | Statewide Recycling |
| Pikes Oakbank Beer | 375 | Glass | Tucker Seabrook Classic Pty Ltd | Statewide Recycling |
| Tommo & Hawk Premium Ale | 375 | Glass | Tucker Seabrook Classic Pty Ltd | Statewide Recycling |
| Campari Mixx | 275 | Glass | Tucker Seabrook SA | Statewide Recycling |
| Trumer Pils | 330 | Glass | Tucker Seabrook SA | Statewide Recycling |

HOUSING IMPROVEMENT ACT 1940

NOTICE is hereby given that the South Australian Housing Trust Board Delegate in the exercise of the powers conferred by the Housing Improvement Act 1940, does hereby declare the houses described in the table hereunder to be substandard for the purposes of Part 7 of the Housing Improvement Act 1940.

| No. of House and Street | Locality | Allotment, Section, etc. | Certificate of Title | |
|------------------------------|----------------|---|----------------------|-------|
| | | | Volume | Folio |
| 8 Balch Court | Elizabeth East | Allotment 37 in Deposited Plan 10197, Hundred of Munno Para | 6023 | 903 |
| Unit 7, 515A Main North Road | Elizabeth | Allotment 7 in Secondary Community Strata Plan 23163, Hundred of Munno Para | 5952 | 954 |

Dated at Adelaide, 5 November 2009. D. HUXLEY, Director, Corporate Services, Housing SA

HOUSING IMPROVEMENT ACT 1940

WHEREAS by notice published in the *Government Gazette* on the dates mentioned in the following table, the South Australian Housing Trust Board Delegate did declare the houses described in the following table to be substandard for the purposes of Part 7 of the Housing Improvement Act 1940, and whereas the South Australian Housing Trust Board Delegate is satisfied that each of the houses described hereunder has ceased to be substandard, notice is hereby given that, in exercise of the powers conferred by the said Part, the South Australian Housing Trust does hereby revoke the said declaration in respect of each house.

| Address of House | Allotment, Section, etc. | Certificate of Title | | Date and page of <i>Government Gazette</i> in which notice declaring house to be substandard published |
|--|--|----------------------|-------|--|
| | | Volume | Folio | |
| 20 Beyer Street, Norwood | Allotment 42 in Filed Plan 100203, Hundred of Adelaide | 5146 | 783 | 30.11.72, page 2502 |
| Nissan Hut, Section 7557, Burt Road, Angle Vale | Allotment 241 in Filed Plan 162590, Hundred of Munno Para | 5547 | 113 | 25.6.92, page 2054 |
| 82 Dale Street, Port Adelaide | Part Section 2112 of Allotment 106, Hundred of Port Adelaide | 5642 | 792 | 16.3.78, page 913 |
| 7 Gayland Road, Elizabeth Downs | Allotment 166 in Deposited Plan 707, Hundred of Munno Para | 5280 | 873 | 25.9.08, page 4700 |
| 188 Gilles Street, Adelaide (converted for commercial use) | Allotment 361 in Filed Plan 182013, Hundred of Adelaide | 5881 | 568 | 25.8.77, page 580 |

Dated at Adelaide, 5 November 2009. D. HUXLEY, Director, Corporate Services, Housing SA

HOUSING IMPROVEMENT ACT 1940

WHEREAS by notice published in the *Government Gazette* on the dates mentioned in the following table the South Australian Housing Trust Board delegate did declare the houses described in the said table to be substandard for the purposes of Part 7 of the Housing Improvement Act 1940, the South Australian Housing Trust Board Delegate in the exercise of the powers conferred by the said Part, does hereby fix as the maximum rental per week which shall be payable subject to section 55 of the Residential Tenancies Act 1995, in respect of each house described in the following table the amount shown in the said table opposite the description of such house and this notice shall come into force on the date of this publication in the *Gazette*.

| Address of House | Allotment, Section, etc. | Certificate of Title | | Date and page of <i>Government Gazette</i> in which notice declaring house to be substandard published | Maximum rental per week payable in respect of each house \$ |
|---|--|----------------------|-------|--|--|
| | | Volume | Folio | | |
| Unit 3, 6 Bingham Street, Goolwa | Unit 3 in Strata Plan 3945, Hundred of Goolwa | 5046 | 196 | 13.8.09, page 3617 | 80.00 |
| 27 Fifth Street, Wingfield | Allotment 240 in Deposited Plan 774, Hundred of Port Adelaide | 5680 | 770 | 30.7.09, page 3420 | 156.00 |
| 77 Frederick Street, Maylands | Allotment 31 in Deposited Plan 1307, Hundred of Adelaide | 5143 | 207 | 17.5.84, page 1221 | 185.00 |
| Unit 2, 12 Phillips Street, Kensington | Allotment 7 in Deposited Plan 1002, Hundred of Adelaide | 5721 | 953 | 27.8.09, page 3818 | 170.00 |
| 92 Queen Street, Peterborough | Allotment 601 in Filed Plan 185493, Hundred of Yongala | 5664 | 92 | 11.9.08, page 4259 | 72.00 |
| 470 Smith Street, Moonta Mines | Section 2069, Hundred of Wallaroo in the area named Moonta Mines | 5508 | 924 | 25.9.09, page 4696 | 150.00 |
| 11 Taylors Road, (also known as Lot 11, Stanley Road) Waterloo Corner | Allotment 11 in Deposited Plan 4843, Hundred of Munno Para | 5342 | 381 | 5.6.08, page 1844 | 161.00 |
| 17 Waring Street, Kadina | Allotment 635 in Filed Plan 198006, Hundred of Wallaroo | 5556 | 824 | 28.11.96, page 1755 | 165.00 |
| 21 William Street, Alberton | Allotment 40 in Filed Plan 143204, Hundred of Yatala | 5772 | 610 | 10.5.73, page 2051 | 240.00 |

Dated at Adelaide, 5 November 2009.

D. HUXLEY, Director, Corporate Services, Housing SA

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Kingston S.E. Football Club Inc. has applied to the Licensing Authority for a Redefinition, variation to an Extended Trading Authorisation and variation to Entertainment Consent in respect of premises situated at Gall Park, East Terrace, Kingston S.E., S.A. 5275 and known as Kingston S.E. Football Club.

The application has been set down for hearing on 9 November 2009 at 10.30 a.m.

Conditions

The following licence conditions are sought:

- Redefinition to include the Gall Park Oval and surrounds, car parking area and netball and hard courts as per plans lodged with this office.
- Variation to licence conditions to vary the following condition:

From:

When the area under the clubs control is authorised to be used for genuine scheduled club functions other than a sporting event, the licensed area will include the oval proper up to one hour before and one hour after the scheduled program.

To:

When the club has authorised functions including sporting events the Gall Park Oval and surrounds, car parking area and netball and hard courts operate from 8 a.m. to 5 p.m.

- Variation to an Extended Trading Authorisation to now include Area 2 (excluding the Gall Park Oval) as per plans lodged with this office and for the following days and times:
 - Saturday: Midnight to 1 a.m. the following day;
 - Other Public Holidays: Midnight to 1 a.m. the following day.
- Variation to Entertainment Consent to now include Area 2 (excluding the Gall Park Oval) as per plans lodged with this office and for the abovementioned days and times.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 2 November 2009).

The applicant's address for service is c/o Max Reidy, P.O. Box 203, Kingston S.E., S.A. 5275.

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 Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 30 October 2009.

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 Royal Zoological Society of South Australia Inc. has applied to the Licensing Authority for a Special Circumstances Licence with an Extended Trading Authorisation and Entertainment Consent in respect of premises situated at Frome Street, Adelaide, S.A. 5000 and to be known as Adelaide Zoo—Function Centre.

The application has been set down for hearing on 2 December 2009 at 10 a.m.

Conditions

The following licence conditions are sought:

- To sell liquor in accordance with section 40 of the Liquor Licensing Act 1997 and other conditions of this licence.

- Under section 40 of the Liquor Licensing Act 1997, the licence authorises the licensee to sell liquor for consumption on the licensed premises to patrons seated at a table or standing with or without a meal.

- The hours of operation including Extended Trading Authorisation for the whole of the premises are to be 11 a.m. to midnight on any day.

- Entertainment Consent is to apply to the entire Function Centre as per plans lodged with this office and for the abovementioned hours of operation.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address on or before 30 November 2009.

The applicant's address for service is c/o Griffin Hilditch Lawyers, G.P.O. Box 2077, Adelaide, S.A. 5001 (Attention: Greg Griffin).

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 Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 30 October 2009.

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 Royal Zoological Society of South Australia Inc. has applied to the Licensing Authority for a Special Circumstances Licence with Extended Trading Authorisation and Entertainment Consent in respect of premises situated on Frome Street, Adelaide, S.A. 5000 and to be known as Adelaide Zoo.

The application has been set down for hearing on 2 December 2009 at 9.30 a.m.

Conditions

The following licence conditions are sought:

- To sell liquor in accordance with section 40 of the Liquor Licensing Act 1997 and other conditions of this licence.
- Under section 40 of the Liquor Licensing Act 1997, the licence authorises the licensee to sell liquor for consumption on the licensed premises to patrons seated at a table or standing with or without a meal.
- The hours of operation including extended trading authorisation for the whole of the premises are to be 11 a.m. to midnight on any day.
- Entertainment consent is to apply to the 'Giant Panda Exhibit' and Conservation Centre' as per plans lodged with this office and for the abovementioned hours of operation.
- Areas excluded for the licensed premises are to be the 'S.E.A.R. 2 site', 'café site', 'function/conference centre' and 'ground floor entry lobby' as per plans lodged with this office.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, on or before 30 November 2009.

The applicant's address for service is c/o Griffin Hilditch Lawyers, G.P.O. Box 2077, Adelaide, S.A. 5001 (Attention: Greg Griffin).

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 Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 3 November 2009.

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 One Eye Pty Ltd as trustee for the Rellim Family Trust has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 118 Prospect Road, Prospect, S.A. 5082 and known as Café Komodo.

The application has been set down for hearing on 2 December 2009 at 11 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, on or before 30 November 2009.

The applicant's address for service is c/o David Watts and Associates, 1 Cator Street, Glenside, S.A. 5065

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 Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 3 November 2009.

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 Scott Cove Pty Ltd and Daly Waters Property Pty Ltd have applied to the Licensing Authority for Alterations, Redefinition, Entertainment Consent and variation to Extended Trading Authorisation in respect of premises situated at Days Road, Regency Park, S.A. 5010 and known as Regency Tavern.

The application has been set down for hearing on 2 December 2009 at 9 a.m.

Conditions

The following licence conditions are sought:

- Alteration and Redefinition to include two outdoor areas adjacent to Areas 2, 3 and 4 as per plans lodged with this office.
- Variation to Extended Trading Authorisation to include the abovementioned proposed redefined areas in accordance with the currently approved Extended Trading Authorisation.
- Entertainment consent to apply to Areas 2, 3 and the abovementioned proposed redefined areas as per plans lodged with this office and for the following days and times:

Monday: 6 a.m. to 2 a.m. the following day;

Tuesday to Saturday: 8 a.m. to 2 a.m. the following day;

Sunday: 11 a.m. to midnight;

New Year's Eve: 8 a.m. to 2 a.m. the following day.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least seven days before the hearing date (viz: 25 November 2009).

The applicants' address for service is c/o David Watts and Associates, 1 Cator Street, Glenside, S.A. 5065.

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 Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 28 October 2009.

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 Chelsea Bay Pty Ltd, MJ Lunniss Investments Pty Ltd, Magwes Holdings Pty Ltd have applied to the Licensing Authority for a variation to an Extended Trading Authorisation in respect of premises situated at 30 Alexander Street, Port Pirie, S.A. 5540 and known as Central Hotel.

The application has been set down for hearing on 1 December 2009 at 9.30 a.m.

Conditions

The following licence conditions are sought:

- Variation to an Extended Trading Authorisation to include the following days and times:

Monday to Wednesday: Midnight to 2 a.m. the following day.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least seven days before the hearing date (viz: 24 November 2009).

The applicants' address for service is c/o Courtney Inge, 540 Port Road, Allenby Gardens, S.A. 5009.

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 Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 27 October 2009.

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 Barry Frederick Price and Noelene Elsbeth Price have applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 37 Bay Road, Mount Gambier, S.A. 5290 and known as Le Cavalier Restaurant.

The application has been set down for hearing on 17 November 2009 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, on or before 16 November 2009.

The applicants' address for service is c/o Fiona Tilley, 102 Commercial Street East, Mount Gambier, S.A. 5290.

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 Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 27 October 2009.

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 The Gardens Lifestyle Village Residents Association Inc. has applied to the Licensing Authority for a Limited Club Licence with Entertainment Consent in respect of premises situated at 25 Rundle Drive, Parafield Gardens, S.A. 5107 and to be known as The Gardens Lifestyle Village Residents Association Inc.

The application has been set down for hearing on 30 November 2009 at 11.30 a.m.

Conditions

The following licence conditions are sought:

- Entertainment Consent is to apply to the Hall, Dining Room and Bowls Clubroom as per plans lodged with this office and for the following days and times:

At any time on any Day (except New Year's Eve):
11 a.m. to 11 p.m.

New Year's Eve: 11 a.m. to 2 a.m. the following day.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 23 November 2009).

The applicant's address for service is c/o Pamela Ruddock, 175/25 Rundle Drive, Parafield Gardens, S.A. 5107.

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 Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 27 October 2009.

Applicant

MINING ACT 1971

NOTICE is hereby given in accordance with section 28 (5) of the Mining Act 1971, that the Minister for Mineral Resources Development proposes to grant an Exploration Licence over the undermentioned area:

Applicant: Gunson Resources Limited

Location: Mount Gunson area—Approximately 45 km south-east of Woomera.

Pastoral Leases: Arcoona, Pernatty, Oakden Hills.

Term: 1 year

Area in km²: 840

Ref.: 2009/00326

Plan and co-ordinates can be found on the PIRSA website: http://www.pir.sa.gov.au/minerals/public_notices or by phoning Mineral Tenements on (08) 8463 3103.

S. WATSON, Mining Registrar

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 7, 101 Grenfell Street, Adelaide, S.A. 5000:

Applicant: Gambier Earth Movers Pty Ltd

Claim Number: 3513

Location: Section 340, Hundred of Killanoola, approximately 21 km north-west of Penola.

Area: 2.25 hectares

Purpose: For the recovery of extractive minerals (dolomite/limestone).

Reference: T02504

A copy of the proposal has been provided to the Wattle Range Council.

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 7, 101 Grenfell Street, Adelaide, S.A. 5000 or G.P.O. Box 1671, Adelaide, S.A. 5001 no later than 3 December 2009.

Copies of all submissions will be forwarded to the applicant and may be made available for public inspection unless confidentiality is requested.

S. WATSON, Mining Registrar

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Application for Grant of Associated Activities Licence—AAL 153

PURSUANT to section 65 (6) of the Petroleum and Geothermal Energy Act 2000 (the Act) and Delegation dated 1 October 2009, notice is hereby given that an application for the grant of an Associated Activities Licence over the area described below has been received from Adelaide Energy Limited.

Description of Application Area

All that part of the State of South Australia, bounded as follows:

Area 1

Commencing at a point being the intersection of latitude 37°59'05"S GDA94 and longitude 140°53'35"E GDA94, thence east to longitude 140°55'45"E GDA94, south to latitude 37°59'55"S GDA94, west to longitude 140°53'35"E GDA94 and north to the point of commencement.

Area 2

Commencing at a point being the intersection of latitude 37°59'55"S GDA94 and longitude 140°52'00"E GDA94, thence east to longitude 140°52'35"E GDA94, south to latitude 38°00'15"S GDA94, west to longitude 140°52'00"E GDA94 and north to the point of commencement.

Area: 5 km² approximately.

Dated 30 October 2009.

M. MALAVAZOS,

Acting Director Petroleum and Geothermal Minerals and Energy Resources
Primary Industries and Resources SA
Delegate of the Minister for Mineral Resources Development

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Suspension of Condition
Petroleum Exploration Licence—PEL 111*

PURSUANT to section 76A of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that a condition of the abovementioned Petroleum Exploration Licence has been suspended under the provisions of the Petroleum and Geothermal Energy Act 2000, for the period from 14 January 2010 until 13 April 2010 inclusive, with the corresponding extension of licence term, pursuant to delegated powers dated 1 October 2009.

The expiry date of PEL 111 has been extended to 13 April 2010.

Dated 29 October 2009.

M. MALAVAZOS,

Acting Director Petroleum and Geothermal Minerals and Energy Resources
Primary Industries and Resources SA
Delegate of the Minister for Mineral Resources Development

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Suspension of Condition, Extension of Licence Term
Petroleum Exploration Licences—PELs 81 and 253*

PURSUANT to section 76A of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that a condition of the abovementioned Petroleum Exploration Licences has been suspended under the provisions of the Petroleum and Geothermal Energy Act 2000, for the period from 25 June 2010 until 24 June 2011 inclusive, with the corresponding extension of licence term, pursuant to delegated powers dated 1 October 2009.

The expiry date of PELs 81 and 253 has been extended to 24 June 2013.

Dated 29 October 2009.

M. MALAVAZOS,

Acting Director Petroleum and Geothermal Minerals and Energy Resources
Primary Industries and Resources SA
Delegate of the Minister for Mineral Resources Development

ROADS (OPENING AND CLOSING) ACT 1991:
SECTION 24**NOTICE OF CONFIRMATION OF ROAD
PROCESS ORDER***Road Closure, Koolunga*

BY Road Process Order made on 24 August 2009, the Port Pirie Regional Council ordered that:

1. The whole of the unnamed public road situated east of Levee Bank Road and adjoining Sections 300, 302 to 308 inclusive, Hundred of Koolunga more particularly delineated and lettered 'A' and 'B' in Preliminary Plan No. 09/0023 be closed.

2. The whole of the land subject to closure be transferred to Garry Wansbrough Fuller in accordance with agreement for transfer dated 24 August 2009 entered into between the Port Pirie Regional Council and Lewis Wansbrough Fuller.

On 23 September 2009 that order was confirmed by the Minister for Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 82143 being the authority for the new boundaries.

Pursuant to section 24 (5) of the Roads (Opening and Closing) Act 1991, NOTICE of the order referred to above and its confirmation is hereby given.

Dated 5 November 2009.

P. M. KENTISH, Surveyor-General

WILDERNESS PROTECTION ACT 1992*Proposal to Proclaim the Nutys Archipelago and the Investigator Group of Islands Wilderness Protection Areas*

I, JAY WEATHERILL, Minister for Environment and Conservation, hereby give notice under the provisions of section 22 of the Wilderness Protection Act 1992, that I propose to recommend the constitution of the Nuyts Archipelago and the Investigator Group of Islands Wilderness Protection Areas because the land meets the wilderness criteria to a sufficient extent to justify its protection under the Act.

The land proposed to be proclaimed as the Nuyts Archipelago Wilderness Protection Area consists of Purdie Islands; Lounds Island; Lacy Islands; Evans Island; Goat Island; East and West Franklin Islands; Egg Island; Smooth Island; Freeling Island; Dog Island; West Island; St Francis Island; Masillon Island; Fenelon Island; Lilliput Island; Blefuscu Island and Hart Island. The proposed Investigator Group of Islands Wilderness Protection Area includes: Ward Islands; Topgallant Islands and Pearson Islands. Some unnamed islands or rocky outcrops are included within the recommended areas.

Any person may make a submission in relation to the proposal during the period from Thursday, 5 November 2009 to Friday, 5 February 2010 (inclusive).

The report of the Wilderness Advisory Committee on the land proposed for constitution as the Nuyts Archipelago and the Investigator Group of Islands Wilderness Protection Areas may be viewed at, or copies obtained at no cost from, the Department for Environment and Heritage at:

- Level 1, 100 Pirie Street, Adelaide, S.A. 5000 (G.P.O. Box 1047, Adelaide, S.A. 5001), telephone (08) 8204 1910;
- DEH Port Lincoln Office, 75 Liverpool Street, Port Lincoln (P.O. Box 22, Port Lincoln, S.A. 5607), telephone (08) 8688 3111;
- DEH Ceduna Office, 11 McKenzie Street, Ceduna (P.O. Box 569, Ceduna, S.A. 5690), telephone (08) 8625 3144;
- DEH Information Line, e-mail dehinformation@sa.gov.au, telephone (08) 8204 1910; or
- <http://www.environment.sa.gov.au/parks/management/wilderness.html>.

Written comments should be forwarded to the Manager, Policy and Planning, Department for Environment and Heritage, G.P.O. Box 1047, Adelaide, S.A. 5001 or emailed to:

jason.irving@sa.gov.au.

Dated 30 November 2009.

JAY WEATHERILL, Minister for Environment
and Conservation

South Australia

Road Traffic (Miscellaneous) Amendment Act (Commencement) Proclamation 2009

1—Short title

This proclamation may be cited as the *Road Traffic (Miscellaneous) Amendment Act (Commencement) Proclamation 2009*.

2—Commencement of Act

The *Road Traffic (Miscellaneous) Amendment Act 2009* (No 41 of 2009) will come into operation on 5 November 2009.

Made by the Governor

with the advice and consent of the Executive Council
on 5 November 2009

MTR09/094

South Australia

SACE Board of South Australia (Designation of Employing Authority) Revocation Proclamation 2009

under section 4(2) of the *SACE Board of South Australia Act 1983*

1—Short title

This proclamation may be cited as the *SACE Board of South Australia (Designation of Employing Authority) Revocation Proclamation 2009*.

2—Commencement

This proclamation comes into operation on the day on which it is made.

3—Revocation of proclamation

The *Senior Secondary Assessment Board of South Australia (Designation of Employing Authority) Proclamation 2007* (*Gazette 29.3.2007 p939*) is revoked.

Made by the Governor

with the advice and consent of the Executive Council
on 5 November 2009

MEDU09/034CS

South Australia

Road Traffic (Miscellaneous) Variation Regulations 2009

under the *Road Traffic Act 1961*

Contents

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 - 5 Variation of regulation 14—Apparatus approved as photographic detection devices
 - 6 Variation of regulation 15—Prescribed provisions for the purposes of section 79B
 - 7 Variation of regulation 17—Operation and testing of photographic detection devices referred to in regulation 14(1)(a) for offences committed at intersections, marked foot crossings or level crossings
 - 8 Variation of regulation 18—Operation and testing of photographic detection devices referred to in regulation 14(1)(a) for offences committed other than at intersections, marked foot crossings or level crossings
 - 9 Variation of regulation 19B—Heavy vehicles and minimum allowable travel time
 - 10 Variation of Schedule 9—Expiation fees
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) Variation Regulations 2009*.

2—Commencement

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

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 1999*

4—Insertion of Part 2A

After Part 2 insert:

Part 2A—Traffic speed analysers

13B—Apparatus approved as traffic speed analysers

Pursuant to section 53A of the Act, the following are approved as traffic speed analysers:

- (a) Genesis-VP Directional Traffic Safety Radar;
- (b) Kustom hand-held radar traffic speed analyser;
- (c) Kustom mobile radar traffic speed analyser;
- (d) Kustom Prolaser II infrared light detection and ranging system manufactured by Kustom Signals Inc;
- (e) REDFLEXred-speed HDX system manufactured by Redflex Traffic Systems Pty Ltd, linked to and used in conjunction with an induction loop vehicle detector;
- (f) REDFLEXradarcam mobile digital camera system (with or without tripod mounting) manufactured by Redflex Traffic Systems Pty Ltd of Australia;
- (g) Traffipax Speedophot II;
- (h) Traffipax Traffiphot III-SR manufactured by Robot Visual Systems GmbH of Germany, linked to and used in conjunction with an induction loop vehicle detector;
- (i) Traffipax Traffiphot III-SRD manufactured by Robot Visual Systems GmbH of Germany, linked to and used in conjunction with an induction loop vehicle detector;
- (j) Traffistar SR520 manufactured by Robot Visual Systems GmbH of Germany, linked to and used in conjunction with an induction loop vehicle detector;
- (k) UltraLyte 100 LR Laser Speed Gun.

5—Variation of regulation 14—Apparatus approved as photographic detection devices

- (1) Regulation 14(1)(c)(i)—delete subparagraph (i)
- (2) Regulation 14(1)(d)(ii)—delete subparagraph (ii)
- (3) Regulation 14(2), definition of *prescribed heavy vehicle driving offence*, (b)—delete paragraph (b) and substitute:
 - (b) an offence against a provision of Part 3, 4 or 5 of the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008*.

6—Variation of regulation 15—Prescribed provisions for the purposes of section 79B

Regulation 15(e)—delete paragraph (e) and substitute:

- (e) the provisions of Part 3, 4 or 5 of the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008*.

7—Variation of regulation 17—Operation and testing of photographic detection devices referred to in regulation 14(1)(a) for offences committed at intersections, marked foot crossings or level crossings

- (1) Regulation 17(2)(f)—delete "7" and substitute:

28

- (2) Regulation 17(2)(g)—delete paragraph (g)

- (3) Regulation 17(2)(h)—delete "7" and substitute:

28

- (4) Regulation 17(2)—after paragraph (h) insert:

- (ha) if that part of the road surface under which the induction loop is installed has 2 or more lanes for vehicles travelling in the same direction, a test referred to in paragraph (f)(i) or (h)(i) is not required to be carried out in relation to each such lane in the same 28 day period provided that, once in every 28 days, the test is carried out in relation to 1 of those lanes and the lane in relation to which the test is carried out is not the same as the lane in relation to which the previous test was carried out;

- (5) Regulation 17(2)(k)—delete "6" and substitute:

27

8—Variation of regulation 18—Operation and testing of photographic detection devices referred to in regulation 14(1)(a) for offences committed other than at intersections, marked foot crossings or level crossings

- (1) Regulation 18(1)(d)—delete "7" and substitute:

28

- (2) Regulation 18(1)(e)—delete "7" wherever occurring and substitute in each case:

28

- (3) Regulation 18(1)(i)—delete "6" and substitute:

27

9—Variation of regulation 19B—Heavy vehicles and minimum allowable travel time

Regulation 19B(3)—delete "logbook under the *Road Traffic (Driving Hours) Regulations 1999*" and substitute:

work diary under the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008*

10—Variation of Schedule 9—Expiation fees

Schedule 9 Part 2, table, item related to section 167(1)—delete "*Road Traffic (Driving Hours) Regulations 1999*" and substitute:

Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 5 November 2009

No 262 of 2009

MTR08/060

South Australia

Road Traffic (Heavy Vehicle Speeding Compliance) Regulations 2009

under the *Road Traffic Act 1961*

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- 5 Duties of employers, prime contractors and operators—business practices
- 6 Offence if driver found guilty etc of speeding offence
- 7 Duties of schedulers
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Part 3—Certain requests and contracts etc prohibited

- 10 Certain requests etc prohibited
- 11 Certain contracts etc prohibited

Part 4—Miscellaneous

- 12 Taking reasonable steps
 - 13 Meaning of minor, substantial, severe and critical risk offences
 - 14 Penalties for offences
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Heavy Vehicle Speeding Compliance) Regulations 2009*.

2—Commencement

These regulations will come into operation on 1 February 2010.

3—Interpretation

- (1) In these regulations—

Act means the *Road Traffic Act 1961*;

consignee of goods means a person who, with the person's authority, is named or otherwise identified as the intended consignee of the goods in the transport documentation relating to the transport of the goods by road;

consignor means a person who, for commercial purposes, engages an operator of a heavy vehicle, either directly or indirectly or through an agent or other intermediary, to transport the goods by road;

driver means a driver of a heavy vehicle;

employer, in relation to a driver, means a person who employs the driver under a contract of employment, apprenticeship or training;

loading manager means—

- (a) a person who manages premises at which an average (calculated in accordance with subregulation (4)) of not less than 5 heavy vehicles are loaded or unloaded on each day the premises are operating; or
- (b) a person who supervises, manages or controls (whether directly or indirectly) such loading or unloading;

occupational health and safety legislation means the *Occupational Health, Safety and Welfare Act 1986*, or a law of the Commonwealth that relates to occupational health and safety declared by the Minister by notice in the Gazette to be within the ambit of this definition;

prime contractor, in relation to a driver, means a person who engages the driver to drive a heavy vehicle under a contract for services;

rest time, in relation to a driver, has the same meaning as in the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008*;

scheduler, in relation to a heavy vehicle, means a person who schedules—

- (a) the work time or rest time of a driver of the vehicle; or
- (b) the transport of passengers or goods by the vehicle;

speed limit includes—

- (a) a speed limit imposed by or under a law of this or another jurisdiction in relation to a particular road; and
- (b) a speed limit imposed by or under a law of this or another jurisdiction in relation to a particular heavy vehicle, or a heavy vehicle of a specified class; and
- (c) a speed limit comprising a minimum time imposed by or under a law of this or another jurisdiction for travelling between 2 specified places;

work time, in relation to a driver, has the same meaning as in the *Road Traffic (Heavy Vehicle Driver Fatigue) Regulations 2008*.

(2) For the purposes of these regulations, the following persons are **parties in the chain of responsibility** in relation to a heavy vehicle:

- (a) the employer of the driver of the vehicle;
- (b) the prime contractor of the driver of the vehicle;
- (c) the operator of the vehicle;
- (d) a scheduler in relation to the driver of the vehicle, or the vehicle;

- (e) the consignor of goods transported, or to be transported, by the vehicle;
 - (f) the consignee of goods transported, or to be transported, by the vehicle;
 - (g) a loading manager of goods transported, or to be transported, by the vehicle.
- (3) To avoid doubt, a person may be a party in a chain of responsibility in more than 1 capacity.
- (4) For the purposes of the definition of *loading manager*, an average of not less than 5 heavy vehicles will be taken to be loaded or unloaded on each day the premises are operating if—
- (a) in the case of premises that have been operating for not less than 12 months—during the previous 12 months, an average of not less than 5 heavy vehicles were loaded or unloaded at the premises on each day the premises were operating; or
 - (b) in the case of premises that have been operating for less than 12 months—during the period the premises have been operating, an average of not less than 5 heavy vehicles were loaded or unloaded at the premises on each day the premises were operating.

4—Relationship between duties under these regulations and OHS legislation

- (1) Compliance with these regulations, or with any requirement imposed under these regulations, is not in itself a defence in any proceedings for an offence against occupational health and safety legislation.
- (2) Evidence of a relevant contravention of these regulations is admissible in any proceedings for an offence against the occupational health and safety legislation.

Part 2—Duties etc of parties in chain of responsibility

5—Duties of employers, prime contractors and operators—business practices

- (1) The employer or prime contractor of a driver must take all reasonable steps to ensure that the business practices of the employer or prime contractor do not cause the driver to exceed a speed limit that applies to a heavy vehicle being driven by the driver.
- (2) The operator of a heavy vehicle must take all reasonable steps to ensure that the business practices of the operator do not cause a driver of the vehicle to exceed a speed limit that applies to the vehicle.
- (3) An offence against subregulation (1) or (2) is a severe risk offence.
- (4) The employer or prime contractor of a driver must not cause the driver to drive a heavy vehicle unless the employer or prime contractor—
 - (a) has complied with subregulation (1); and
 - (b) is satisfied on reasonable grounds that the scheduler in relation to the driver or vehicle has complied with regulation 7.
- (5) The operator of a heavy vehicle must not cause a driver to drive the vehicle unless the operator—
 - (a) has complied with subregulation (2); and
 - (b) is satisfied on reasonable grounds that the scheduler in relation to the driver or vehicle has complied with regulation 7.
- (6) An offence against subregulation (4) or (5) is a substantial risk offence.

- (7) In proceedings for an offence against this regulation, it is not necessary to prove that a driver did, in fact, exceed a speed limit that applies to the relevant heavy vehicle.
- (8) In this regulation—
business practices includes—
- (a) the operating policies and procedures; and
 - (b) the human resource and contract management arrangements; and
 - (c) the occupational health and safety arrangements,
- of the employer, prime contractor or operator (as the case requires).

6—Offence if driver found guilty etc of speeding offence

- (1) If a driver is found guilty of, or expiates, a speeding offence then the relevant employer or prime contractor of the driver, and the operator of the heavy vehicle being driven by the driver at the time of the offence, are each guilty of an offence.
- (2) An offence against this regulation is—
- (a) in the case of a speeding offence that was committed on a road with a speed limit of not more than 60 kilometres per hour—a minor risk offence;
 - (b) in the case of a speeding offence that was committed on a road with a speed limit of more than 60 kilometres per hour but less than 100 kilometres per hour—
 - (i) if the heavy vehicle was not a speed limited road train and the driver exceeded the speed limit by less than 15 kilometres per hour—a minor risk offence; or
 - (ii) if the heavy vehicle was not a speed limited road train and the driver exceeded the speed limit by 15 kilometres per hour or more—a substantial risk offence; or
 - (iii) if the heavy vehicle was a speed limited road train and the driver exceeded the speed limit by less than 15 kilometres per hour—a substantial risk offence; or
 - (iv) if the heavy vehicle was a speed limited road train and the driver exceeded the speed limit by 15 kilometres per hour or more—a severe risk offence;
 - (c) in the case of a speeding offence that was committed on a road with a speed limit of 100 kilometres per hour or more—
 - (i) if the driver exceeded the speed limit by less than 15 kilometres per hour—a substantial risk offence; or
 - (ii) if the driver exceeded the speed limit by 15 kilometres per hour or more—a severe risk offence.
- (3) A person charged has the benefit of the reasonable steps defence for an offence against this regulation.
- (4) In this regulation—
B-double means a combination consisting of a prime mover towing 2 semi-trailers where the first semi-trailer is connected to the prime mover by a fifth wheel coupling and the second semi-trailer is connected to the first semi-trailer by a fifth wheel coupling;

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

speeding offence means an offence against a law of this or another jurisdiction that involves driving a heavy vehicle at a speed over a speed limit that applies to the vehicle;

speed limited road train means a road train, the maximum speed of the towing vehicle of which is limited in accordance with Part 12 of the *Road Traffic (Vehicle Standards) Rules 1999*.

7—Duties of schedulers

- (1) A scheduler in relation to a heavy vehicle must take all reasonable steps to ensure that any schedule for the transport of goods or passengers by the vehicle, or for the work time and rest time of the driver of the vehicle, prepared by the scheduler does not cause the driver of the vehicle to exceed a speed limit that applies to the vehicle.
- (2) An offence against subregulation (1) is a severe risk offence.
- (3) A scheduler must not cause a driver in relation to whom the scheduler has prepared a schedule to drive a heavy vehicle unless—
 - (a) the scheduler has complied with subregulation (1); and
 - (b) the schedule prepared by the scheduler for the transport of goods or passengers by the vehicle, or for the work time and rest time of the driver of the vehicle, allows, in any reasonably foreseeable circumstances, the driver to undertake the relevant journey without exceeding a speed limit that applies to the vehicle.
- (4) An offence against subregulation (3) is a substantial risk offence.
- (5) In proceedings for an offence against this regulation, it is not necessary to prove that a driver did, in fact, exceed a speed limit that applies to the relevant heavy vehicle.

8—Duties of loading managers

- (1) A loading manager must take all reasonable steps to ensure that the arrangements for loading and unloading a heavy vehicle at premises managed by the loading manager, or at which the loading manager supervises, manages or controls loading or unloading, do not cause a driver of the vehicle to exceed a speed limit that applies to the vehicle.
- (2) An offence against this regulation is a severe risk offence.
- (3) In proceedings for an offence against this regulation, it is not necessary to prove that a driver did, in fact, exceed a speed limit that applies to the relevant heavy vehicle.

9—Duties of consignors and consignees

- (1) The consignor and consignee of goods that are to be transported by road by a heavy vehicle must each take all reasonable steps to ensure that—
 - (a) the terms of consignment do not cause the driver of the vehicle to exceed a speed limit that applies to the vehicle; and
 - (b) the terms of consignment do not encourage or provide an incentive to the employer or prime contractor of the driver of the vehicle, or the operator of the vehicle, to cause the driver of the vehicle to exceed a speed limit that applies to the vehicle.
- (2) An offence against subregulation (1) is a severe risk offence.

- (3) A consignor or consignee of goods that are to be transported by road by a heavy vehicle must not make a demand that affects, or that may affect, a time in a schedule for such transport and that may cause the driver of the vehicle to exceed a speed limit that applies to the vehicle.
- (4) In proceedings for an offence against subregulation (3), it is a defence if the person charged establishes that he or she—
 - (a) complied with subregulation (1); and
 - (b) was satisfied on reasonable grounds that the making of the demand would not cause—
 - (i) the driver to exceed a speed limit that applies to the vehicle; or
 - (ii) a scheduler in relation to the driver or vehicle to contravene regulation 7.
- (5) An offence against subregulation (3) is a substantial risk offence.
- (6) In proceedings for an offence against this regulation, it is not necessary to prove that a driver did, in fact, exceed a speed limit that applies to the relevant heavy vehicle.

Part 3—Certain requests and contracts etc prohibited

10—Certain requests etc prohibited

- (1) A person must not request or direct (whether directly or indirectly) a driver of a heavy vehicle, or a party in the chain of responsibility in relation to a heavy vehicle, to do or not do anything that the person knows, or ought reasonably to know, may cause the driver of the vehicle to exceed a speed limit that applies to the vehicle.
- (2) An offence against this regulation is a critical risk offence.
- (3) In proceedings for an offence against this regulation, it is not necessary to prove that a driver did, in fact, exceed a speed limit that applies to the relevant heavy vehicle.

11—Certain contracts etc prohibited

- (1) A person must not enter into a contract or agreement with a driver of a heavy vehicle, or a party in the chain of responsibility in relation to a heavy vehicle, to do or not do anything that the person knows, or ought reasonably to know, may cause the driver of the vehicle to exceed a speed limit that applies to the vehicle.
- (2) A person must not enter into a contract or agreement with a party in the chain of responsibility in relation to a heavy vehicle that would encourage or provide an incentive to the party in the chain of responsibility to cause the driver of the vehicle to exceed a speed limit that applies to the vehicle.
- (3) A term of a contract or agreement that contravenes this regulation is void and of no effect.
- (4) An offence against this regulation is a critical risk offence.
- (5) In proceedings for an offence against this regulation, it is not necessary to prove that a driver did, in fact, exceed a speed limit that applies to the relevant heavy vehicle.

Part 4—Miscellaneous

12—Taking reasonable steps

- (1) A requirement of these regulations that a person take all reasonable steps to ensure that a specified thing does not cause the driver of a heavy vehicle to exceed a speed limit that applies to the vehicle will be satisfied if the person—
 - (a) identifies which aspects of the specified thing might cause the driver of a heavy vehicle to exceed a speed limit that applies to the vehicle; and
 - (b) assesses the level of risk that such aspects will cause the driver of a heavy vehicle to exceed a speed limit that applies to the vehicle; and
 - (c) identifies what he or she can reasonably do to eliminate or minimise that risk; and
 - (d) repeats the steps referred to in paragraphs (a), (b) and (c) on becoming aware of a new or changed risk that the specified thing may cause the driver of a heavy vehicle to exceed a speed limit that applies to the vehicle, or on an annual basis (whichever is the soonest); and
 - (e) does the things identified under paragraph (c); and
 - (f) documents the actions that he or she has taken under this subregulation.
- (2) In proceedings for an offence against these regulations a court may, in determining whether things done or omitted to be done by the person charged constitute reasonable steps, have regard to—
 - (a) the nature of the risk that the person was purporting to address; and
 - (b) the likelihood of the risk eventuating and the degree of harm that might result if the risk did eventuate; and
 - (c) the degree to which the person could have minimised the risk; and
 - (d) the expertise and knowledge of the person in relation to the risk and the minimisation of the risk; and
 - (e) the ways in which the risk may in fact have been minimised; and
 - (f) the cost of minimising a risk; and
 - (g) any other matter the court thinks fit.
- (3) Nothing in this regulation limits the ways in which a person may take all reasonable steps in relation to a particular matter.

13—Meaning of minor, substantial, severe and critical risk offences

- (1) For the purposes of these regulations, an offence against a particular regulation is a *minor risk offence* if the offence is categorised as a minor risk offence under the regulation.
- (2) For the purposes of these regulations, an offence against a particular regulation is a *substantial risk offence* if the offence is categorised as a substantial risk offence under the regulation.
- (3) For the purposes of these regulations, an offence against a particular regulation is a *severe risk offence* if the offence is categorised as a severe risk offence under the regulation.
- (4) For the purposes of these regulations, an offence against a particular regulation is a *critical risk offence* if the offence is categorised as a critical risk offence under the regulation.

14—Penalties for offences

- (1) The following maximum penalties apply in relation to an offence against these regulations categorised as a minor, substantial, severe or critical risk offence:
 - (a) if the offence is a minor risk offence—
 - (i) if the offender is a natural person—\$1 250;
 - (ii) if the offender is a body corporate—\$6 250;
 - (b) if the offence is a substantial risk offence—
 - (i) for a first offence—
 - (A) if the offender is a natural person—\$2 500;
 - (B) if the offender is a body corporate—\$12 500;
 - (ii) for a second or subsequent offence—
 - (A) if the offender is a natural person—\$5 000;
 - (B) if the offender is a body corporate—\$25 000;
 - (c) if the offence is a severe risk offence—
 - (i) for a first offence—
 - (A) if the offender is a natural person—\$5 000;
 - (B) if the offender is a body corporate—\$25 000;
 - (ii) for a second or subsequent offence—
 - (A) if the offender is a natural person—\$10 000;
 - (B) if the offender is a body corporate—\$50 000;
 - (d) if the offence is a critical risk offence—
 - (i) if the offender is a natural person—\$10 000;
 - (ii) if the offender is a body corporate—\$50 000.
- (2) In determining whether an offence is a first offence for the purposes of subregulation (1), any previous offence against—
 - (a) in the case where the offence under consideration is an offence against Part 2—
 - (i) that Part (whether of the same risk category or otherwise); or
 - (ii) a similar provision of a corresponding speeding compliance law; or
 - (b) in any other case—
 - (i) the same provision as the offence under consideration (whether of the same risk category or otherwise); or
 - (ii) a similar provision of a corresponding speeding compliance law, for which the defendant has been convicted, or that the defendant has expiated, will be taken into account, but only if the previous offence was committed or alleged to have been committed within the 3 years immediately preceding the date on which the offence under consideration was allegedly committed.

(3) In this regulation—

corresponding speeding compliance law means—

- (a) an Act or law in force in another jurisdiction requiring parties in the chain of responsibility in relation to a heavy vehicle to manage speeding by a driver of the vehicle (other than a law primarily related to occupational health and safety); and
- (b) any other Act or law declared by the Minister by notice in the Gazette to be a corresponding speeding compliance law.

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 5 November 2009

No 263 of 2009

MTR08/062

South Australia

Road Traffic (Miscellaneous) Variation Regulations 2009

under the *Road Traffic Act 1961*

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-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Miscellaneous) Variation Regulations 2009*.

2—Commencement

These regulations will come into operation on 1 February 2010.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Road Traffic (Miscellaneous) Regulations 1999*

4—Variation of Schedule 9—Expiation fees

Schedule 9—after Part 4A insert:

Part 4B—Offences against the *Road Traffic (Heavy Vehicle Speeding Compliance) Regulations 2009*

| Regulation | Description of offence against <i>Road Traffic (Heavy Vehicle Speeding Compliance) Regulations 2009</i> | Fee |
|------------|---|-------|
| 5(4) | <i>Failing to comply with regulation 5(4)—Duties of employers and prime contractors—business practices</i> | |
| | <ul style="list-style-type: none"> • if the employer or prime contractor is a natural person | \$521 |
| | <ul style="list-style-type: none"> • if the employer or prime contractor is a body corporate | \$677 |
| 5(5) | <i>Failing to comply with regulation 5(5)—Duties of operators—business practices</i> | |
| | <ul style="list-style-type: none"> • if the operator is a natural person | \$521 |
| | <ul style="list-style-type: none"> • if the operator is a body corporate | \$677 |
| 6(1) | <i>Offence against regulation 6(1)—Offence if driver found guilty etc of speeding offence</i> | |
| | <ul style="list-style-type: none"> • minor risk offence— | |
| | <ul style="list-style-type: none"> • if the employer, prime contractor or operator is a natural person | \$261 |
| | <ul style="list-style-type: none"> • if the employer, prime contractor or operator is a body corporate | \$365 |
| | <ul style="list-style-type: none"> • substantial risk offence— | |
| | <ul style="list-style-type: none"> • if the employer, prime contractor or operator is a natural person | \$521 |
| | <ul style="list-style-type: none"> • if the employer, prime contractor or operator is a body corporate | \$677 |
| 7(3) | <i>Failing to comply with regulation 7(3)—Duties of schedulers</i> | |
| | <ul style="list-style-type: none"> • if the scheduler is a natural person | \$521 |
| | <ul style="list-style-type: none"> • if the scheduler is a body corporate | \$677 |
| 9(3) | <i>Failing to comply with regulation 9(3)—Duties of consignors and consignees</i> | |
| | <ul style="list-style-type: none"> • if the consignor or consignee is a natural person | \$521 |
| | <ul style="list-style-type: none"> • if the consignor or consignee is a body corporate | \$677 |

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 5 November 2009

No 264 of 2009

MTR08/062

South Australia

Road Traffic (Intelligent Access Program) Regulations 2009

under the *Road Traffic Act 1961*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Road Traffic (Intelligent Access Program) Regulations 2009*.

2—Commencement

These regulations will come into operation on 1 May 2010.

3—Interpretation

(1) In these regulations—

Act means the *Road Traffic Act 1961*;

approved intelligent transport system means an intelligent transport system approved for the purposes of the IAP by TCA;

compliance purposes has the same meaning as in section 40F of the Act;

IAP is the acronym for *Intelligent Access Program*;

IAP agreement means an agreement between the operator of a vehicle and an IAP service provider under which the IAP service provider agrees to provide IAP monitoring services to the operator;

IAP audit—see regulation 34;

IAP auditor means a person approved as an IAP auditor by TCA;

IAP condition—see regulation 6;

IAP information means information that has been generated or collected for any purpose relating to the IAP;

IAP service provider means a person that is certified as an IAP service provider by TCA;

IAP vehicle means a vehicle that is subject to an IAP condition, is equipped for monitoring under the IAP, and is covered by an IAP agreement;

intelligent access map means the spatial data set, issued by TCA from time to time, that defines the national public road system;

Intelligent Access Program—see regulation 4;

law-enforcement purposes means the purposes of investigating or prosecuting an offence (whether summary or indictable) against—

- (a) a road law; or
- (b) a corresponding road law; or
- (c) a law relating to the transport by road of dangerous goods;

malfunction of an approved intelligent transport system—see subregulation (4);

non-compliance report—see subregulation (2);

participating operator means an operator of a vehicle or vehicles that has entered into an IAP agreement, and operates at least 1 IAP vehicle;

personal information means information or an opinion (including information or an opinion forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion;

tampering with an approved intelligent transport system—see regulation 44;

TCA means Transport Certification Australia Ltd ACN 113 379 936.

- (2) A **non-compliance report**—
 - (a) is a report, generated by an approved intelligent transport system, of a contravention by an IAP vehicle of an IAP condition; and
 - (b) may include information, about apparent tampering with that system, electronically generated by the system itself.
- (3) A reference in a provision of these regulations to an approved form is a reference to the form approved by the Authority for the purposes of the provision.
- (4) An approved intelligent transport system **malfunctions** if—
 - (a) it ceases to work at all, or works only intermittently; or
 - (b) it does not perform 1 or more functions required under the IAP, or performs any such function only intermittently; or

- (c) it performs such a function in such a way that the results of its doing so are inaccurate or unreliable (including intermittently inaccurate or unreliable).

4—What the Intelligent Access Program is

The Intelligent Access Program is a program to allow heavy vehicles to have access, or improved access, to the road network in return for monitoring, by an intelligent transport system, of their compliance with specified access conditions.

5—Other means of enforcement not excluded

Nothing in these regulations has the effect of preventing or excluding any other method of enforcement of a road law.

Part 2—Powers and duties of Authority in relation to IAP

6—What IAP conditions do

- (1) In this regulation—

IAP road means a road or road-related area specified in an IAP condition for use by IAP vehicles.

- (2) An ***IAP condition*** is the specification of the conditions in relation to the IAP under which IAP vehicles are allowed to be used on an IAP road.
- (3) An IAP condition—
 - (a) must specify at least 1 IAP road (***spatial data***); and
 - (b) may specify—
 - (i) periods during which IAP vehicles are permitted to use the specified IAP road (***temporal data***); and
 - (ii) maximum speeds at which IAP vehicles may travel during that use (***speed data***); and
 - (iii) any other condition of access to the IAP road (for example, a condition about mass limits); and
 - (c) may specify a period within which an approved intelligent transport system must generate, and send to the Authority, a non-compliance report after the system detects a non-compliance with the condition by an IAP vehicle.
- (4) If an IAP condition does not specify speed data, it is taken to authorise the use of IAP vehicles on the IAP road at any speed at which a non-IAP vehicle of the same class could be used on the IAP road.
- (5) An IAP condition that specifies speed data does not authorise an IAP vehicle to travel at a speed in excess of a speed limit that applies to vehicles generally.
- (6) If an IAP condition does not specify temporal data, it is taken to authorise the use of IAP vehicles on the IAP road at any time at which a non-IAP vehicle of the same class could be used on the IAP road.
- (7) An IAP condition may require an IAP vehicle to be monitored whether or not it uses an IAP road.

7—Authority may specify IAP conditions

- (1) The Authority may specify IAP conditions.
- (2) The Authority may combine an IAP condition with a mass, dimension or load restraint concession.
- (3) An IAP condition not combined with such a concession must be published by notice in the Gazette.

8—Issue of IAP identifiers

- (1) The Authority may issue an IAP identifier for an IAP vehicle.
- (2) If an IAP identifier is, or becomes, known to a person or entity that has the ability to associate it with a particular individual, the person or entity must treat the identifier as personal information for the purposes of a law relating to privacy.

Part 3—Duties and obligations etc of operators of vehicles

9—Offence—providing false or misleading information to IAP service provider

- (1) The operator of an IAP vehicle commits an offence if—
 - (a) the operator gives information to an IAP service provider with which the operator has entered into an IAP agreement; and
 - (b) the information is relevant to the operation of the vehicle; and
 - (c) the information—
 - (i) is false or misleading; or
 - (ii) omits anything without which the information is false or misleading.

Maximum penalty: \$10 000.

- (2) Subregulation (1) does not apply because of subregulation (1)(c)(i) if the information was not false or misleading in a material particular.
- (3) Subregulation (1) does not apply because of subregulation (1)(c)(ii) if the information omitted did not render the information given false or misleading in a material particular.
- (4) Without limiting subregulation (1)(b), information about an IAP condition that applies, or is capable of applying, to a vehicle is relevant to the operation of the vehicle.
- (5) The operator of a vehicle commits an offence if—
 - (a) the operator gives information to an IAP service provider; and
 - (b) the operator intends that the IAP service provider will enter into an IAP agreement with the operator in reliance on the information; and
 - (c) the information—
 - (i) is false or misleading; or
 - (ii) omits anything without which the information is false or misleading.

Maximum penalty: \$10 000.

- (6) Subregulation (5) does not apply because of subregulation (5)(c)(i) if the information was not false or misleading in a material particular.

- (7) Subregulation (5) does not apply because of subregulation (5)(c)(ii) if the information omitted did not render the information given false or misleading in a material particular.

10—Operators' obligation to tell drivers about collection of personal information and other matters

- (1) The operator of an IAP vehicle must take reasonable steps to tell the vehicle's driver, before the vehicle begins a journey—
- (a) that the vehicle will be monitored by an IAP service provider; and
 - (b) what information will be collected by the IAP service provider; and
 - (c) the purposes for which that information is collected; and
 - (d) the persons and authorities to which information so collected may be disclosed; and
 - (e) that the collection of the information is authorised by these regulations; and
 - (f) that the driver has the rights of reasonable access to, and of correction of, personal information so collected, and how those rights can be exercised; and
 - (g) the name and address of the IAP service provider.

Maximum penalty: \$10 000.

- (2) The operator of an IAP vehicle must take reasonable steps to tell the vehicle's driver, before the vehicle begins a journey—
- (a) about the driver's obligation under regulation 13; and
 - (b) how the driver can make the reports required by that obligation.

Maximum penalty: \$10 000.

- (3) An operator may comply with subregulation (1) and (2) by—
- (a) placing a notice that gives the required information in a place in the vehicle's driving cab where it is clearly visible; or
 - (b) giving the required information to the driver in writing as part of a written contract of employment between the driver and the operator.

11—System malfunctions—duties of operators of IAP vehicles

- (1) If the operator of an IAP vehicle becomes aware that an approved intelligent transport system fitted to the vehicle is malfunctioning, the operator must tell the Authority about the malfunction immediately, in person or by radio, telephone, fax or email.

Maximum penalty: \$5 000.

- (2) The operator of such a vehicle must keep a written record of reports of such malfunctions, including—
- (a) the date, time and type of the malfunction, and the location of the vehicle concerned at the time of the malfunction; and
 - (b) the date, time, location of the vehicle, type of report, who made the report and who the report was made to.

Maximum penalty: \$5 000.

12—Offence—breach of IAP conditions

- (1) The operator of an IAP vehicle commits an offence if a driver of the vehicle, or any other person, breaches an IAP condition applying in relation to the vehicle.
Maximum penalty: \$10 000.
- (2) Subregulation (1) applies in relation to—
 - (a) a breach of an IAP condition in this State; or
 - (b) a breach of an IAP condition in another jurisdiction if the journey of the vehicle during which the breach occurs resulted from action taken by the person as the operator of the vehicle in this State.
- (3) A person charged has the benefit of the reasonable steps defence for an offence against this regulation.
- (4) It is a defence to a charge for an offence against this regulation if the person charged establishes that the vehicle was being used at the relevant time by—
 - (a) another person not entitled (whether by express or implied authority or otherwise) to use it, other than an employee or agent of the person; or
 - (b) by an employee of the person who was acting at the relevant time outside the scope of the employment; or
 - (c) by an agent of the person who was acting at the relevant time outside the scope of the agency.

Part 4—Duties of vehicle drivers

13—System malfunctions—drivers' duties

- (1) If the driver of an IAP vehicle becomes aware that an approved intelligent transport system fitted to the vehicle is malfunctioning, the driver must tell the vehicle's operator about the malfunction immediately, in person or by radio, telephone, fax or email.
Maximum penalty: \$5 000.
- (2) The driver of such a vehicle must keep a written record of such reports, including—
 - (a) the date, time and type of the malfunction, and the location of the vehicle concerned at the time of the malfunction; and
 - (b) the date and time of the malfunction, the location of the vehicle at the time, the type of report, who made the report and who the report was made to.
Maximum penalty: \$5 000.

Part 5—Duties, powers and obligations of IAP service providers

14—IAP service providers' duties in regard to use and disclosure of information

An IAP service provider must not use or disclose IAP information otherwise than as required or authorised by these regulations or any other law.

Maximum penalty:

- (a) for a first offence—\$10 000;
- (b) for a second or subsequent offence—\$20 000.

15—IAP service providers' powers to collect, store, use and disclose IAP information

- (1) An IAP service provider may collect, store and use IAP information (including personal information) for compliance purposes.
- (2) An IAP service provider may disclose IAP information (including personal information) to the Authority, or to TCA, for compliance purposes.
- (3) An IAP service provider may disclose IAP information (including personal information, but not including a non-compliance report or a report under regulation 21) to a police officer, or to an authorised officer, for law enforcement purposes if so authorised by a warrant issued by a court.
- (4) If an IAP service provider discloses IAP information to a police officer or an authorised officer under subregulation (3), the police officer or authorised officer must not use the information, or disclose it to any other person, unless—
 - (a) the police officer or authorised officer believes the use or disclosure is reasonably necessary for law-enforcement purposes; or
 - (b) the use or disclosure is otherwise authorised by these regulations.
- (5) With the consent of a participating operator, an IAP service provider may use or disclose IAP information about the operator to a person other than the operator for any purpose if the information—
 - (a) does not identify any individual; and
 - (b) contains nothing by which the identity of any individual can reasonably be ascertained.
- (6) An IAP service provider may disclose IAP information (except a non-compliance report) about a participating operator to the operator.
- (7) In addition, an IAP service provider may use or disclose IAP information (including personal information)—
 - (a) with the consent of any person about whom the IAP information includes personal information; or
 - (b) as otherwise authorised by these regulations or any other law.
- (8) An IAP service provider must give an IAP auditor access to any record kept by the IAP service provider for the purposes of these regulations.

16—IAP service providers' duties in regard to recording use and disclosure of information

- (1) If an IAP service provider uses or discloses IAP information, the IAP service provider must make a record of the use or disclosure containing the following information:
 - (a) the name of the person who used or disclosed the IAP information;
 - (b) the date of the disclosure or use;
 - (c) in the case of a disclosure of IAP information, the person or body to whom or to which that information was disclosed;
 - (d) in the case of the use of IAP information by the IAP service provider, a brief description of how the information was used;

- (e) what provision of these regulations or another law the disclosure or use was authorised by;
 - (f) if the authority for the disclosure or use also required a document (for example, a warrant, a certificate or a consent), a copy of the document.
- (2) The IAP service provider must make the record within 5 business days after the relevant use or disclosure.
 - (3) The IAP service provider must make the record in a form that allows the record to be readily inspected.
 - (4) The IAP service provider must retain the record for 2 years.
 - (5) An IAP service provider commits an offence if it does not comply with a requirement of any of subregulations (1) to (4).

Maximum penalty:

- (a) for a first offence—\$10 000;
- (b) for a second or subsequent offence—\$20 000.

17—IAP service providers' obligations in regard to quality and security of IAP information

- (1) An IAP service provider must take reasonable steps to ensure that the IAP information it collects—
 - (a) is necessary for, or is directly related to, the purpose for which it is collected, or a directly related purpose; and
 - (b) is not excessive for that purpose; and
 - (c) is accurate, up-to-date and complete.

Maximum penalty: \$5 000.

- (2) An IAP service provider must take reasonable steps to ensure that the collection of IAP information does not intrude to an unreasonable extent on the personal privacy of any individual to whom the information relates.
- (3) If an individual (including an individual who is a participating operator) about whom an IAP service provider holds personal information so requests, an IAP service provider must make appropriate alterations to the personal information to ensure that the information is accurate, complete, up-to-date and not misleading.
- (4) If the IAP service provider considers that the personal information the subject of such a request is not inaccurate, incomplete, out-of-date or misleading, it may refuse to comply with the request, but must then—
 - (a) give the individual a statement in writing of its reasons for refusing; and
 - (b) if the individual so requests, attach to, or include with, the information a statement by him or her.

18—IAP service providers' obligations to keep records of monitoring

- (1) An IAP service provider must keep a record of the IAP information that it collects.
- (2) The record must be organised in a way that allows the record to be conveniently and properly audited.

- (3) An IAP service provider must keep—
- (a) a copy of a non-compliance report; and
 - (b) the data that were relied on to generate the report,
- for at least 4 years after the report is made by the provider.
Maximum penalty: \$10 000.
- (4) An IAP service provider must take reasonable steps to protect IAP information collected by it against unauthorised access, unauthorised use, misuse, loss, modification or unauthorised disclosure.
- (5) An IAP service provider must take reasonable steps to destroy IAP information (including personal information), other than information required by subregulation (3) to be kept, 1 year after the information is collected.
Maximum penalty: \$10 000.

19—IAP service providers' obligation to make individuals aware of personal information held

- (1) An IAP service provider must prepare, and make publicly available, a document that sets out its policies on the management of information.
- (2) If an individual about whom an IAP service provider holds personal information so requests, the IAP service provider must, subject to subregulation (4), take reasonable steps to inform him or her of—
- (a) the kinds of information it holds about him or her; and
 - (b) the purpose for which the information is held; and
 - (c) the way in which it collects, holds, uses and discloses the information; and
 - (d) the persons and authorities to whom or to which the information may be disclosed; and
 - (e) that he or she has the rights of reasonable access to, and of correction of, the information; and
 - (f) how to exercise those rights.
- (3) Subject to subregulation (4), an IAP service provider must, on request by an individual about whom the IAP service provider holds personal information, give him or her access to the information, and must do so without undue delay or cost.
- (4) However, nothing in subregulation (2) or (3) requires an IAP service provider—
- (a) to inform an individual that a report under regulation 20 or 21 exists or has been made; or
 - (b) to give an individual access to such a report.

Maximum penalty: \$10 000.

20—IAP service providers' obligation to make non-compliance reports

- (1) For the purposes of this regulation, an IAP service provider is taken to know of a breach of an IAP condition if the IAP service provider's monitoring equipment has detected the breach.

- (2) An IAP service provider commits an offence if the IAP service provider—
- (a) knows of—
 - (i) a breach by a participating operator of an IAP condition; or
 - (ii) anything that indicates that a participating operator may have breached such a condition; and
 - (b) does not make a non-compliance report that complies with subregulation (3) to the Authority within the time allowed, in the circumstances, under subregulation (4).

Maximum penalty:

- (a) for a first offence—\$10 000;
 - (b) for a second or subsequent offence—\$20 000.
- (3) A non-compliance report must be in the form approved for the purpose by TCA, and must contain any information required by the IAP service provider's certification.
- (4) The IAP service provider must make the report—
- (a) within any time specified in the relevant IAP condition; or
 - (b) within any time specified by the Authority (by written direction) for the purpose.

21—IAP service providers' obligation to report tampering

- (1) In this regulation, a reference to knowledge or suspicion does not include knowledge or suspicion resulting only from—
- (a) a report, contained in a non-compliance report or otherwise made by an approved intelligent transport system, of the electronic detection of apparent tampering with that system; or
 - (b) the analysis of data produced by such a system.
- (2) An IAP service provider commits an offence if the IAP service provider—
- (a) either—
 - (i) knows that intelligent transport system equipment has been tampered with; or
 - (ii) has reasonable grounds to suspect that intelligent transport system equipment has been tampered with; and
 - (b) does not report, in accordance with subregulation (3), to the Authority within 5 business days.

Maximum penalty:

- (a) for a first offence—\$10 000;
 - (b) for a second or subsequent offence—\$20 000.
- (3) The report must be in the form approved by TCA for the purpose, and must contain any information required by the IAP service provider's certification.
- (4) If an IAP service provider knows, or has reasonable grounds to suspect, that approved intelligent transport system equipment has been tampered with, the IAP service provider must not disclose to any person other than the Authority—
- (a) that the provider has that knowledge or suspicion; or

- (b) any information from which the person to whom the disclosure is made could reasonably infer that the provider had that knowledge or suspicion.

Maximum penalty:

- (a) for a first offence—\$10 000;
 - (b) for a second or subsequent offence—\$20 000.
- (5) If an IAP service provider has made a report to the Authority under subregulation (2) or (3) of apparent tampering or suspicion of tampering, the provider must not disclose to any person other than the Authority—
- (a) that the report has been made; or
 - (b) any information from which the person to whom the disclosure is made could reasonably infer that the provider had made such a report.

Maximum penalty:

- (a) for a first offence—\$10 000;
- (b) for a second or subsequent offence—\$20 000.

22—Offence—IAP service provider providing false or misleading information to Authority or TCA

- (1) An IAP service provider commits an offence if—
- (a) the IAP service provider gives information to the Authority or TCA; and
 - (b) the information is relevant to the operation of an IAP vehicle; and
 - (c) the information—
 - (i) is false or misleading; or
 - (ii) omits anything without which the information is false or misleading.

Maximum penalty: \$10 000.

- (2) Subregulation (1) does not apply because of subregulation (1)(c)(i) if the information was not false or misleading in a material particular.
- (3) Subregulation (1) does not apply because of subregulation (1)(c)(ii) if the information omitted did not render the information given false or misleading in a material particular.

23—Functions of TCA

For the purposes of these regulations, the functions of TCA are—

- (a) to manage the certification and audit regime for the Intelligent Access Program; and
- (b) to certify and audit, and cancel the certification of, IAP service providers; and
- (c) to appoint and coordinate IAP auditors.

24—TCA's duties in regard to use and disclosure of information

- (1) TCA must not use or disclose IAP information unless it first takes reasonable steps to ensure that, having regard to the purpose for which the information is to be used or disclosed, that the information is accurate, complete, up-to-date and not misleading.
- (2) Subject to regulations 26 and 27, TCA must not use or disclose information for a purpose other than the purpose for which the information was collected.

- (3) TCA must not use or disclose information relating to a particular participating operator other than to—
 - (a) the operator; or
 - (b) an IAP auditor; or
 - (c) the Authority,unless the disclosure is authorised under these regulations or another law.
- (4) TCA must not disclose information relating to a breach of an IAP service provider's obligations except to—
 - (a) the Authority; or
 - (b) an IAP auditor.
- (5) If TCA uses or discloses IAP information (other than use or disclosure for law enforcement), TCA must make a record of the use or disclosure containing the following information:
 - (a) the name of the person who used or disclosed the IAP information;
 - (b) the date of the disclosure or use;
 - (c) in the case of a disclosure of IAP information, the person or body to whom or to which the information was disclosed;
 - (d) in the case of the use of IAP information by TCA, a brief description of how the information was used;
 - (e) what provision of these regulations or another law the disclosure or use was authorised by;
 - (f) if the authority for the disclosure or use also required a document (for example, a warrant, a certificate or a consent), a copy of the document.
- (6) TCA must make the record within 5 business days after the relevant use or disclosure.
- (7) TCA must make the record in a form that allows the record to be readily inspected.
- (8) TCA must retain the record for 2 years.

25—TCA's powers to collect, store, use and disclose IAP information

- (1) TCA may collect, store, use and disclose IAP information (including personal information) for the performance of its functions and for law enforcement purposes.
- (2) With the consent of a participating operator, TCA may use or disclose IAP information about the operator for any purpose if the information—
 - (a) does not identify any individual; and
 - (b) contains nothing by which the identity of any individual can reasonably be ascertained.
- (3) TCA may use or disclose IAP information (including personal information)—
 - (a) with the consent of any person about whom the IAP information includes personal information; or
 - (b) as otherwise authorised by these regulations or any other law.

26—Disclosure of information for law-enforcement purposes etc

- (1) TCA may disclose IAP information (including personal information but not including a non-compliance report or a report under regulation 21) to a nominated police officer or an authorised officer for law-enforcement purposes if so authorised by a warrant issued by a court.
- (2) If TCA discloses information to a police officer or an authorised officer under subregulation (1), the police officer or authorised officer must not use that information, or disclose the information to any other person unless—
 - (a) the police officer or authorised officer believes the use or disclosure is reasonably necessary for law-enforcement purposes; or
 - (b) the use or disclosure is otherwise authorised under these regulations.

27—Use of information for research

TCA may use or disclose information for research purposes, but only if the information contains no personal information.

28—TCA’s obligations in regard to collecting IAP information

- (1) TCA must take reasonable steps to ensure that IAP information that it collects—
 - (a) is necessary for, or is directly related to, the purpose for which it is collected, or a directly related purpose; and
 - (b) is not excessive for that purpose; and
 - (c) is accurate, up-to-date and complete.
- (2) TCA must take reasonable steps to ensure that the collection of IAP information does not intrude to an unreasonable extent on the personal privacy of any individual to whom the information relates.

29—TCA’s obligation to keep information secure

- (1) TCA must take reasonable steps to protect IAP information collected by it against unauthorised access, unauthorised use, misuse, loss, modification or unauthorised disclosure.
- (2) TCA must take reasonable steps to destroy IAP information (including personal information) after 1 year unless the information is required as evidence.
- (3) TCA may comply with subregulation (2) by permanently removing anything by which an individual can be identified from the IAP information that it holds.

30—TCA’s obligation to make individuals aware of personal information held

- (1) TCA must prepare, and make publicly available, a document that sets out its policies on the management of information.
- (2) If an individual so requests, TCA must take reasonable steps to inform him or her of—
 - (a) the kinds of information it holds about him or her; and
 - (b) the purpose for which the information is held; and
 - (c) the way in which it collects, holds, uses and discloses the information; and
 - (d) the persons and authorities to whom or to which the information may be disclosed; and

- (e) that the collection of the information is authorised by these regulations; and
 - (f) that he or she has the rights of reasonable access to, and of correction of, the information, and how those rights can be exercised.
- (3) TCA must, on request by an individual about whom TCA holds personal information, give him or her access to the information, and must do so without undue delay or cost.
- (4) With the consent of a participating operator, TCA may use or disclose IAP information about the operator for any purpose if the information—
- (a) does not identify any individual; and
 - (b) contains nothing by which the identity of any individual can reasonably be ascertained.

31—TCA’s obligation to keep records of transactions

- (1) TCA must keep and retain records, in accordance with this regulation, of its transactions with the Authority, IAP service providers and IAP auditors.
- (2) The records must be organised in such a way as will enable them to be conveniently and properly audited.
- (3) TCA must keep a non-compliance report for at least 4 years after its receipt.
- (4) TCA must retain any other record referred to in subregulation (1) for at least 1 year after the record is made.

32—TCA’s obligation to correct errors etc

- (1) TCA must take reasonable steps to ensure that personal information that it collects is accurate, complete, up-to-date and not misleading.
- (2) If so requested by a participating operator or an IAP service provider, TCA must make appropriate alterations to any personal information it holds to ensure that the information is accurate, complete, up-to-date and not misleading.
- (3) If TCA considers that the personal information the subject of such a request is not inaccurate, incomplete, out-of-date or misleading, it may refuse to comply with the request, but must then—
- (a) give the operator or provider a written statement of its reasons for refusing; and
 - (b) if the operator or provider so requests, attach to, or include with, the information a statement by the operator or provider.

33—TCA’s obligation to report tampering

- (1) In this regulation, a reference to knowledge or suspicion does not include knowledge or suspicion resulting only from—
- (a) electronic detection, by an approved intelligent transport system, of apparent tampering with that system; or
 - (b) the analysis of data produced by such a system.
- (2) If TCA knows, or has reasonable grounds to suspect, that intelligent transport system equipment has been tampered with, TCA must report that fact to the Authority within 5 business days.

- (3) If TCA knows, or has reasonable grounds to suspect, that approved intelligent transport system equipment has been tampered with, TCA must not disclose to any person other than the Authority—
 - (a) that the provider has that knowledge or suspicion; or
 - (b) any information from which the person to whom the disclosure is made could reasonably infer that TCA had that knowledge or suspicion.
- (4) If TCA has made a report to the Authority of apparent tampering or suspicion of tampering, TCA must not disclose to any person other than the Authority—
 - (a) that the report has been made; or
 - (b) any information from which the person to whom the disclosure is made could reasonably infer that TCA had made such a report.

Part 6—Duties, powers and obligations of IAP auditors

34—What IAP audit is

IAP audit is the process of—

- (a) reviewing IAP information held by an IAP service provider to determine its completeness and reliability; and
- (b) reviewing the processes by which that information was collected; and
- (c) examining how it is stored, used and disclosed; and
- (d) examining IAP equipment installed in a vehicle or used by an IAP service provider.

35—IAP auditors' duties in regard to use and disclosure of information

- (1) An IAP auditor must not use or disclose IAP information unless it first takes reasonable steps to ensure that, having regard to the purpose for which the information is to be used or disclosed, that the information is accurate, complete, up-to-date and not misleading.
- (2) An IAP auditor must not use or disclose information for a purpose other than the purpose for which the information was collected.
- (3) An IAP auditor must not use or disclose information relating to a particular participating operator other than to—
 - (a) the operator; or
 - (b) TCA; or
 - (c) the Authority,unless the use or disclosure is authorised under these regulations or another law.
- (4) An IAP auditor must not disclose information relating to non-compliance or tampering except to—
 - (a) the Authority; or
 - (b) TCA.
- (5) If an IAP auditor uses or discloses IAP information (other than use or disclosure for law-enforcement purposes), the IAP auditor must make a record of the use or disclosure containing the following information:
 - (a) the name of the person who used or disclosed the IAP information;

- (b) the date of the disclosure or use;
 - (c) in the case of a disclosure of IAP information, the person or body to whom or to which the information was disclosed;
 - (d) in the case of a use of IAP information, a brief description of how the information was used;
 - (e) what provision of these regulations or another law the disclosure or use was authorised by;
 - (f) if the authority for the disclosure or use also required a document (for example, a warrant, a certificate or a consent), a copy of the document.
- (6) The IAP auditor must make the record within 5 business days after the relevant use or disclosure.
- (7) The IAP auditor must make the record in a form that allows the record to be readily inspected.
- (8) The IAP auditor must retain the record for 2 years.
- (9) An IAP auditor commits an offence if it does not comply with a requirement of any of subregulations (1) to (8).

Maximum penalty:

- (a) for a first offence—\$10 000;
- (b) for a second or subsequent offence—\$20 000.

36—IAP auditors' powers to collect, store, use and disclose IAP information

- (1) An IAP auditor may collect, store, use and disclose IAP information (including personal information) for—
- (a) the performance of its functions; or
 - (b) to report, to TCA, non-compliance or tampering by a participating operator; or
 - (c) to report, to TCA, tampering by an IAP service provider, or a failure by an IAP service provider to comply with its obligations.
- (2) An IAP auditor may use or disclose IAP information (including personal information)—
- (a) with the consent of any person about whom the IAP information includes personal information; or
 - (b) as otherwise authorised by these regulations or any other law.

37—IAP auditors' obligations in regard to collecting IAP information

- (1) An IAP auditor may collect IAP information that is reasonably necessary to enable the auditor to prepare an audit report on an IAP service provider.
- (2) An IAP auditor must take reasonable steps to ensure that IAP information that it collects—
- (a) is necessary for, or is directly related to, the purpose for which it is collected, or a directly related purpose; and
 - (b) is not excessive for that purpose; and
 - (c) is accurate, up-to-date and complete.

- (3) An IAP auditor must take reasonable steps to ensure that the collection of IAP information does not intrude to an unreasonable extent on the personal privacy of any individual to whom the information relates.

38—IAP auditors' obligation to keep information secure

- (1) An IAP auditor must take reasonable steps to protect IAP information collected by it against unauthorised access, unauthorised use, misuse, loss, modification or unauthorised disclosure.
- (2) An IAP auditor must take reasonable steps to destroy personal information no longer needed for IAP purposes, or remove permanently from such information anything by which an individual can be identified.

39—IAP auditors' obligation to make individuals aware of personal information held

- (1) If an individual so requests, an IAP auditor must take reasonable steps to inform him or her of—
 - (a) the kinds of information it holds about him or her; and
 - (b) the purpose for which the information is held; and
 - (c) the persons and authorities to which information so collected may be disclosed; and
 - (d) that the collection of the information is authorised by these regulations; and
 - (e) that he or she has the rights of reasonable access to, and of correction of, personal information so held, and how those rights can be exercised.
- (2) An IAP auditor must, on request by an individual about whom the IAP auditor holds personal information, give him or her access to the information, and must do so without undue delay or cost.

40—IAP auditors' obligation to keep records of transactions

- (1) An IAP auditor must keep and retain records, in accordance with this regulation, of its transactions with IAP service providers and TCA.
- (2) The records must be organised in such a way as will enable them to be conveniently and properly audited.

41—IAP auditors' obligation to correct errors etc

- (1) An IAP auditor must take reasonable steps to ensure that information that it collects is accurate, complete, up-to-date and not misleading.
- (2) If so requested by a participating operator or an IAP service provider, an IAP auditor must make appropriate alterations to any information it holds to ensure that the information is accurate, complete, up-to-date and not misleading.
- (3) If the IAP auditor considers that the information the subject of such a request is not inaccurate, incomplete, out-of-date or misleading, it may refuse to comply with the request, but must then—
 - (a) give the operator or service provider a statement in writing of its reasons for refusing; and
 - (b) if the operator or service provider so requests, attach to, or include with, the information a statement by the operator or service provider.

42—IAP auditors' obligation to report breaches by IAP service providers

If an IAP auditor knows of a breach by an IAP service provider of the provider's obligations under these regulations, or of anything that indicates that an IAP service provider may have breached such an obligation, the IAP auditor must, as soon as practicable, report that fact to TCA.

Maximum penalty:

- (a) for a first offence—\$10 000;
- (b) for a second or subsequent offence—\$20 000.

43—IAP auditors' obligation to report tampering

If an IAP auditor knows, or has reasonable grounds to suspect, that intelligent transport system equipment has been tampered with, the IAP auditor must, as soon as practicable, report that fact to—

- (a) in the case of tampering or suspected tampering by a participating operator—the Authority; or
- (b) in the case of tampering or suspected tampering by an IAP service provider—TCA.

Maximum penalty:

- (a) for a first offence—\$10 000;
- (b) for a second or subsequent offence—\$20 000.

Part 7—Tampering with approved intelligent transport systems

44—Meaning of tampering

- (1) A person *tampers* with an approved intelligent transport system if—
 - (a) he or she engages in conduct that has the result that—
 - (i) the system is altered; or
 - (ii) the system is installed or used in a way that is not in accordance with the conditions of its certification by TCA; or
 - (iii) any data instruction that the system uses internally is altered; and
 - (b) he or she does so with the intention of causing the system to—
 - (i) fail to collect IAP information, or fail to collect such information correctly; or
 - (ii) fail to store IAP information, or fail to store such information correctly; or
 - (iii) fail to report IAP information, or fail to report such information correctly.
- (2) A person also *tampers* with an approved intelligent transport system if he or she—
 - (a) engages in conduct; and
 - (b) is negligent or reckless as to whether, as a result of the conduct, the system may—
 - (i) fail to collect IAP information, or fail to collect such information correctly; or
 - (ii) fail to store IAP information, or fail to store such information correctly; or
 - (iii) fail to report IAP information, or fail to report such information correctly.

- (3) For subregulation (1) and (2)—
- (a) a system *fails* if it does not perform as intended in terms of accuracy, timeliness, reliability, verifiability or any other performance parameter; and
 - (b) *fail* includes fail permanently, fail temporarily, fail on a particular occasion or occasions, and fail in particular circumstances.

45—Offence—tampering with approved intelligent transport system

A person must not tamper with an approved intelligent transport system.

Maximum penalty:

- (a) if regulation 44(1)(b) applies—
 - (i) for a first offence—\$20 000;
 - (ii) for a second offence—\$50 000;
- (b) if regulation 44(2)(b) applies—
 - (i) for a first offence—\$10 000;
 - (ii) for a second offence—\$20 000.

Part 8—Evidence

46—References to particular time etc

In this Part—

at a specified time includes on a specified date and during a specified period.

47—Certificates by the Authority

- (1) A certificate signed on behalf of the Authority, and stating any of the following, is admissible in evidence and is prima facie evidence of what it states:
- (a) that a specified IAP condition was in effect for a specified participating operator at a specified time;
 - (b) that a specified person is, or was at a specified time, a participating operator;
 - (c) that a specified IAP condition applied to a specified IAP vehicle at a specified time;
 - (d) that a specified vehicle is, or was at a specified time, an IAP vehicle;
 - (e) that a specified participating operator is, or was at a specified time, the operator of a specified IAP vehicle;
 - (f) that a specified non-compliance report, tampering report or IAP auditor's report was received at a specified time, or has not been received;
 - (g) that no report of a malfunction has been received, or had been received at a specified time, by the Authority in relation to an approved intelligent transport system fitted to a specified IAP vehicle;
 - (h) that a report of a specified malfunction was received at a specified time, or has not been received;
 - (i) that a specified form is an approved form for a specified purpose.

- (2) A document purporting to be a certificate under subregulation (1) is presumed (unless evidence sufficient to raise doubt about the presumption is adduced) to be what it purports to be.
- (3) The person who signed such a document is presumed (unless evidence sufficient to raise doubt about the presumption is adduced) to have been authorised by the Authority to do so.

48—Certificate as to intelligent access map

- (1) TCA may certify in writing that a particular map is the intelligent access map as issued by TCA at a specified time.
- (2) The map may be in the form of an electronic data file.
- (3) A certificate under subregulation (1) is admissible in evidence and is conclusive evidence of what it states.
- (4) The intelligent access map, as issued by TCA at a particular time, is presumed (unless evidence sufficient to raise doubt about the presumption is adduced) to be a correct representation of the national road network at the time of its issue.
- (5) A document purporting to be a certificate under subregulation (1) is presumed (unless evidence sufficient to raise doubt about the presumption is adduced) to be what it purports to be.
- (6) The person who signed such a document is presumed (unless evidence sufficient to raise doubt about the presumption is adduced) to have been authorised by TCA to do so.

49—Other certificates by TCA

- (1) A certificate signed on behalf of TCA, and stating any of the following, is admissible in evidence and is prima facie evidence of what it states:
 - (a) that a particular intelligent transport system is, or was at a specified time, an approved intelligent transport system;
 - (b) that on a specified date a specified person was or was not an IAP service provider or an IAP auditor.
- (2) A document purporting to be a certificate referred to in subregulation (1) is presumed (unless evidence sufficient to raise doubt about the presumption is adduced) to be what it purports to be.
- (3) The person who signed such a document is presumed (unless evidence sufficient to raise doubt about the presumption is adduced) to have been authorised by TCA to do so.

50—Presumption of correct operation

The equipment and software that makes up an approved intelligent transport system is presumed (unless evidence sufficient to raise doubt about the presumption is adduced) to have operated correctly on any particular occasion.

51—Evidence as to vehicle's position

A statement of a vehicle's position on the surface of the earth at a particular time, in a non-compliance report or otherwise generated or produced by means of an approved intelligent transport system, is presumed (unless evidence sufficient to raise doubt about the presumption is adduced) to be a correct statement of the vehicle's position at the time.

52—IAP information generated etc by approved intelligent transport system

- (1) IAP information generated by an approved intelligent transport system is presumed (unless evidence sufficient to raise doubt about the presumption is adduced) to have been correctly generated.
- (2) IAP information recorded by an approved intelligent transport system is presumed (unless evidence sufficient to raise doubt about the presumption is adduced) to have been correctly recorded.
- (3) IAP information stored by an approved intelligent transport system is presumed (unless evidence sufficient to raise doubt about the presumption is adduced) not to be changed by that storage.
- (4) If it is established that some of such IAP information has been changed by being so stored, the presumption in subregulation (3) continues to apply to any other IAP information so stored.

53—Reports by approved intelligent transport system

- (1) A non-compliance report, or a report under regulation 21, made by an approved intelligent transport system—
 - (a) is admissible in evidence; and
 - (b) is prima facie evidence of the facts stated in it; and
 - (c) is presumed (unless evidence sufficient to raise doubt about the presumption is adduced) to be a correct report of information generated and recorded by the system.
- (2) A report made by an approved intelligent transport system setting out IAP information—
 - (a) is admissible in evidence; and
 - (b) is prima facie evidence of the facts stated in it; and
 - (c) is presumed (unless evidence sufficient to raise doubt about the presumption is adduced) to be a correct report of information generated and recorded by the system.
- (3) If it is established that a part of such a report is not a correct report of the relevant part of the IAP information as so recorded, the presumption in subregulation (1)(c) or (2)(c) continues to apply to the remainder of the report.
- (4) A document that purports to be a report made by an approved intelligent transport system is presumed (unless evidence sufficient to raise doubt about the presumption is adduced) to be such a report.

54—Results of mathematical procedures

- (1) A certificate signed on behalf of the Authority—
 - (a) stating that a specified mathematical (including statistical) procedure was carried out in relation to IAP information specified or referred to in the certificate; and
 - (b) setting out the results of doing so,is admissible in evidence and is prima facie evidence of the facts stated in it.

-
- (2) The specified procedure is presumed (unless evidence sufficient to raise doubt about the presumption is adduced)—
- (a) to be valid and reliable for the purpose for which it was used; and
 - (b) to have been carried out correctly.
- (3) A document that purports to be a certificate mentioned in subregulation (1) is presumed (unless evidence sufficient to raise doubt about the presumption is adduced) to be what it purports to be.
- (4) The person who signed such a document is presumed (unless evidence sufficient to raise doubt about the presumption is adduced) to have been authorised by the Authority to do so.

Made by the Governor

with the advice and consent of the Executive Council
on 5 November 2009

No 265 of 2009

MTR08/045

South Australia

Harbors and Navigation Variation Regulations 2009

under the *Harbors and Navigation Act 1993*

Contents

Part 1—Preliminary

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- 3 Variation provisions

Part 2—Variation of *Harbors and Navigation Regulations 2009*

- 4 Variation of Schedule 5—Restricted areas
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Harbors and Navigation Variation Regulations 2009*.

2—Commencement

These regulations will come into operation on 1 December 2009.

3—Variation provisions

In these regulations, a provision under a heading referring to the variation of specified regulations varies the regulations so specified.

Part 2—Variation of *Harbors and Navigation Regulations 2009*

4—Variation of Schedule 5—Restricted areas

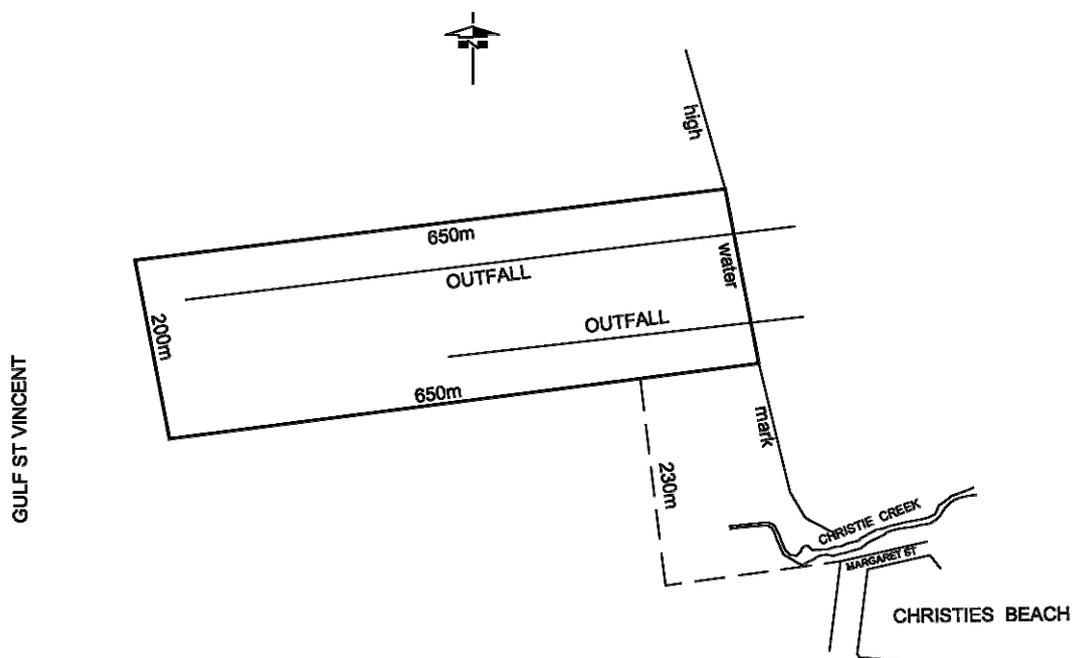
- (1) Schedule 5, clause 1—after the item headed "Caloote Landing" insert:

Christies Beach

The portion of the waters of Gulf St. Vincent bounded as follows:

- on the north by a line parallel to and 430 m north of the prolongation in a straight line of the northern boundary of Margaret Street, Christies Beach;
- on the south by a line parallel to and 230 m north of the prolongation in a straight line of the northern boundary of Margaret Street, Christies Beach;

- on the west by a line parallel to and 650 m west of the high water mark;
- on the east by the high water mark.



(2) Schedule 5, clause 3, table—after the item relating to Caloote Landing Area 2 insert:

| | |
|-----------------|------------|
| Christies Beach | Control 13 |
|-----------------|------------|

Note—

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

Made by the Governor

with the advice and consent of the Executive Council
on 5 November 2009

No 266 of 2009

MTR09/029

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CITY OF PORT ADELAIDE ENFIELD

Change of Name for a Portion of a Public Road

NOTICE is hereby given that the Council of the City of Port Adelaide Enfield at its meeting held on 13 October 2009, resolved pursuant to section 219 (1) of the Local Government Act 1999, that the name for a portion of a certain public road located in the suburb of Windsor Gardens be changed as follows:

- The name of the portion of Boyd Street marked 'A' on Map 1 running between Lothian Avenue and Longview Road be changed to Dyer Street, Windsor Gardens.

A plan that delineates the portion of public road that is subject to the change of street name, together with a copy of the Council's resolution are both available for inspection at the Council's Principal Office, 163 St Vincent Street, Port Adelaide; The Parks—Library Council Office, 2-46 Cowan Street, Angle Park; Enfield Library—Council Office, 1 Kensington Crescent, Enfield and Greenacres—Library Council Office, 2 Fosters Road, Greenacres, during their normal business hours.

H. J. WIERDA, City Manager

ALEXANDRINA COUNCIL

ROADS (OPENING AND CLOSING) ACT 1991

Road Closure, Portions of Sheoak Road, Currency Creek

NOTICE is hereby given pursuant to section 10 of the said Act, that Council proposes to make a Road Process Order to close and vest in D. B. and P. M. Skewes and J. J. Moore the pieces of Sheoak Road extending from the Strathalbyn-Goolwa Road to Airport Road, shown as 'A' and 'B' on Preliminary Plan No. 09/0074.

A copy of the plan and statement of persons affected are available for public inspection at Council's Office, 11 Cadell Street, Goolwa and the office of the Surveyor-General, 101 Grenfell Street, Adelaide, during normal office hours.

Any application for easement or objections must be made in writing within 28 days from 5 November 2009, to the Council, P.O. Box 21, Goolwa, S.A. 5214 and the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001, setting out full details.

Where a submission is made, Council will give notification of a meeting to deal with the matter.

J. COOMBE, Chief Executive Officer

DISTRICT COUNCIL OF ELLISTON

*Appointment Council Development Assessment Panel—
Public Officer*

NOTICE is hereby given that at the District Council of Elliston Council meeting held on 19 October 2009, in relation to the Development Act 1993, Council resolved that Council appoint Rob Gregor of the District Council of Elliston to the position of Public Officer for the purposes of section 56A (22) of the Development Act 1993 and in the event of Rob Gregor's absence the position will be delegated to John Rumbelow:

Contact Details:

Rob Gregor
Public Officer
District Council of Elliston
Council Development Assessment Panel
P.O. Box 46
Elliston, S.A. 5670

R. GREGOR, Chief Executive Officer

DISTRICT COUNCIL OF ELLISTON

Appointments to Council Development Assessment Panel

NOTICE is hereby given that Council, pursuant to section 56A of the Development Act 1993, at the Council Development Assessment Panel meeting held on 7 September 2009, has determined the following appointments to the District Council of Elliston Council Development Assessment Panel for the period 31 May 2008 to 31 May 2010:

Presiding Member:
Ian Penna

Members:

Robert Pearce
Kingsley Holman
Andrea Evans
Patrick Clark

R. GREGOR, Chief Executive Officer

KINGSTON DISTRICT COUNCIL

DEVELOPMENT ACT 1993

*Kingston SE Heritage Development Plan Amendment—
Draft for Agency and Public Consultation*

NOTICE is hereby given that the Kingston District Council has, pursuant to section 24 of the Development Act 1993, prepared a draft Development Plan Amendment (DPA) to amend the Kingston DC Development Plan.

The Development Plan Amendment (DPA) will amend the Kingston DC Development Plan by:

- Introducing a schedule of Local heritage places, identification on associated maps and providing updated heritage policy.

In order to prevent inappropriate development and promote orderly planning, the draft DPA has been granted 'interim authorisation' by the Minister, giving the amendment immediate effect.

Copies of the draft DPA will be available for public inspection and purchase during normal office hours at the Council Office, 29 Holland Street, Kingston SE and on the Council website at www.kingstondc.sa.gov.au.

The draft DPA will be on display from 5 November 2009 until 14 January 2010.

Written submissions regarding the draft DPA should be submitted no later than 5 p.m. on 14 January 2010. Written submissions only should be addressed to Martin McCarthy, Chief Executive Officer, Kingston District Council, P.O. Box 321, Kingston SE, S.A. 5275 and should clearly indicate whether you wish to be heard in support of your submission.

Copies of all submissions will be available for inspection by interested persons at the Kingston District Council Offices, 29 Holland Street, Kingston SE, from 15 January 2010.

A public meeting, as a part of Council's normal meeting, will be held on 19 February 2010, at 11.30 a.m., at the Council Offices, 29 Holland Street, Kingston SE, at which time interested persons may appear to be heard in relation to the draft DPA and the submissions. The public meeting will not be held if no submissions are received or if no submission makes a request to be heard.

Queries should be directed to Milan Hodak, Manager Environmental and Inspectorial Services on 8767 2033 or Council's Planning Consultant, Wayne Gladigau on 8221 6000.

Dated 5 November 2009.

M. MCCARTHY, Chief Executive Officer

LIGHT REGIONAL COUNCIL

Adoption of Land Management Plan for Community Land

NOTICE is hereby given that Council, at its ordinary meeting held on 20 October 2009, resolved pursuant to section 196 of the Local Government Act 1999, to adopt the Land Management Plan 704/2009, for a 100 mm wide buffer reserve, being land as described as Allotment 7003 in Deposited Plan 70712 at Hewett.

B. CARR, Chief Executive Officer

LIGHT REGIONAL COUNCIL

*Adoption of Amendment to Land Management Plan for
Community Land*

NOTICE is hereby given that Council, at its ordinary meeting held on 20 October 2009, resolved pursuant to section 198 of the Local Government Act 1999, to adopt the Amended Land Management Plan 605/2009 to facilitate car parking improvement works on the land as described as Allotment 12 in Deposited Plan 46321 at Hewett.

B. CARR, Chief Executive Officer

NARACOOORTE LUCINDALE COUNCIL

*Periodical Review of Elector Representation—
Final Recommendation*

NOTICE is hereby given that the Naracoorte Lucindale Council, in accordance with the requirements of section 12 (4) of the Local Government Act 1999, has reviewed its composition and elector representation arrangements.

Certification

Pursuant to section 12 (13) (a) of the said Act, the Electoral Commissioner has certified that the review undertaken by Council satisfies the requirements of section 12 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 representation arrangements are as follows:

- (1) Retention of the existing structure, having no wards.
- (2) Retention of the existing representation structure comprising:
 - the principal member being a Mayor elected at large; and
 - 10 councillors.

A. EVANS, Chief Executive Officer

NARACOOORTE LUCINDALE COUNCIL

Appointment

NOTICE is hereby given that at a meeting of the Council, held on 27 October 2009, pursuant to section 56A (22) of the Development Act 1993, Council resolved to appoint Sharon Denise Link, Manager, HR, Governance and Community Services, as a Public Officer to the Naracoorte Lucindale Council's Development Assessment Panel.

Contact Details:

Sharon Link,
Public Officer, Naracoorte Lucindale Council,
P.O. Box 555, Naracoorte, S.A. 5271.
Telephone (08) 8760 1100.

A. EVANS, Chief Executive Officer

NARACOOORTE LUCINDALE COUNCIL

Change of Council/Key Committee Meeting Dates

NOTICE is hereby given that at a meeting held on 27 October 2009, it was resolved that:

- The Council/Key Committee meetings for December 2009 be held on Tuesday, 15 December 2009, commencing at 4.30 p.m. (changed from 22 December 2009); and
- The Council/Key Committee meetings for January 2010 be held on Tuesday, 19 January 2010, commencing at 4.30 p.m. (changed from 26 January 2010).

A. EVANS, Chief Executive Officer

THE BAROSSA COUNCIL

Re-naming of Roads within The Barossa Council

NOTICE is hereby given that pursuant to section 219 of the Local Government Act 1999, Council on 20 October 2009, resolved to re-name roads within The Barossa Council area as follows:

| Existing Road Name | Portion | Proposed Road Name |
|---------------------------|---|--------------------|
| Peramangk Road, Nuriootpa | From Old Kapunda Road to New Freight Route Extension | Moppa Road South |
| Millers Road, Moculta | Duck Ponds Road north to boundary with Mid Murray Council | Miller Road |

| Existing Road Name | Portion | Proposed Road Name |
|--|--|-----------------------|
| Peggys Hill Road, Flaxman Valley | Boundary Road with Mid Murray Council | Peggy Hill Road |
| Mount Karinya Road, Moculta | Keyneton Road to boundary with Mid Murray Council | Pipeline Road |
| Cromer School Road, Cromer | Cromer Road (The Barossa Council) to Cromer Road (Adelaide Hills Council) boundary | Cromer Road |
| Plumb Quarry Road, Williamstown | Para Wirra Road to boundary with City of Playford | Bassnet Road |
| Springton to Jutland Road, Springton | Entire length from William Street, Springton | Jutland Road |
| Springton to Cookes Hill Road, Springton | Entire length from Eden Valley Road | Cookes Hill Road |
| Springton to Williamstown Road, Springton/Williamstown | From Warren Road to L Staricks Road | Springton Road |
| | From L Staricks Road to Miller Street | Williamstown Road |
| Flaxmans Valley Road, Angaston | North from Heggies Range Road to Eden Valley Road (DTEI) | Wilton Road |
| Un-named Road west of Barossa Valley Way, Tanunda | Opposite Rifle Range Road | Rifle Range Road West |

D. MORCOM, Chief Executive Officer

RENMARK PARINGA COUNCIL

Review of Elector Representation

NOTICE is hereby given that the Renmark Paringa Council has completed a review of its elector representation arrangements, including its composition and ward structure, in accordance with the requirements of section 12 (4) of the Local Government Act 1999 ('the Act').

Pursuant to section 12 (13) (a) of the Act, the Electoral Commissioner has certified that the review undertaken by Council satisfies the requirements of section 12 of the Act. As such, the following structure will 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 council area will not be divided into wards.
- The elected Council will comprise the Mayor and eight area councillors who represent the Council area as a whole.

B. C. HURST, Chief Executive Officer

WATTLE RANGE COUNCIL

Appointment of Authorised Persons

NOTICE is hereby given that in accordance with the powers delegated by Wattle Range Council, Francis Newman Brennan, Chief Executive Officer has duly made the following appointments:

Daryl Keith Sexton is appointed as:

- Authorised Officer, pursuant to section 260 of the Local Government Act 1999 (also for the purpose of the enforcement of Part 2 of the Graffiti Control Act 2001 and the Housing Improvement Act 1940); and
- Authorised Officer, pursuant to section 18 of the Development Act.

John Martin Best is appointed as:

- Authorised Officer, pursuant to section 260 of the Local Government Act 1999 (also for the purpose of the enforcement of Part 2 of the Graffiti Control Act 2001 and the Housing Improvement Act 1940); and
- Authorised Officer, pursuant to section 18 of the Development Act.

Date of appointment is 30 October 2009.

Revocation of Authorisation

All appointments made by the Wattle Range Council to Zigurds Peter Osis are hereby revoked.

F. N. BRENNAN, Chief Executive Officer

IN the matter of the estates of the undermentioned deceased persons:

- Adam, Lois Lorraine*, late of 11A Kingston Avenue, Seacombe Gardens, home duties, who died on 28 July 2009.
- Bolt, James*, late of 43A Flinders Avenue, Whyalla Stuart, of no occupation, who died on 27 April 2009.
- Duthie, Sam*, late of 26 The Esplanade, Port Clinton, retired merchant navy seaman, who died on 9 May 2009.
- Eggerstedt, Tekla*, late of 95-97 Awoonga Road, Hope Valley, of no occupation, who died on 23 June 2009.
- Foale, Joyce Weymouth*, late of 6A Dianne Street, Klemzig, widow, who died on 4 August 2009.
- Hamdorf, Irene Mary Ann*, late of 23 Yaralinda Street, Dernancourt, widow, who died on 2 September 2009.
- Kunowski, Mieczslaw*, late of 181-193 Days Road, Regency Park, of no occupation, who died on 11 August 2009.
- Murphy, Evelyn Clare*, late of 3 Waller Street, Mansfield Park, of no occupation, who died on 27 August 2009.
- Plueckhahn, Elvia Agnes*, late of 7 Railway Terrace, Balaklava, married woman, who died on 6 July 2009.
- Potts, Margaret Elaine*, late of 2 Main Avenue, North Merbein, Victoria, retired registered nurse, who died on 5 June 2009.
- Shepherd, Brian Harold*, late of 2A Janet Street, Campbelltown, of no occupation, who died on 11 September 2009.
- Steward, Joy Yve*, late of 60 States Road, Morphett Vale, widow, who died on 7 June 2009.
- Tomlinson, Edwin Ivan*, late of 14 Frew Street, Fullarton, retired carpenter and joiner, who died on 24 September 2009.
- Zancola, Gianna Liliana*, late of 7 Langham Place, Port Adelaide, retired secretary, who died on 2 July 2009.

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 4 December 2009, 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 5 November 2009.

M. I. BODYCOAT, Public Trustee

ATTENTION

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