



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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ADELAIDE, THURSDAY, 26 AUGUST 2004

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GOVERNMENT GAZETTE NOTICES

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Department of the Premier and Cabinet
Adelaide, 26 August 2004

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Asset Management Corporation Board, pursuant to the provisions of the State Bank of South Australia Act 1983:

Director: (from 26 August 2004 until 25 August 2007)
Kathryn Ann Moore

Director: (from 1 October 2004 until 30 September 2007)
Terence Charles Evans
Nicole Shelley Rantanen

Deputy Chairman: (from 1 October 2004 until 30 September 2007)
Terence Charles Evans

By command,

J. W. WEATHERILL, for Premier

DTF 052/04CS

Department of the Premier and Cabinet
Adelaide, 26 August 2004

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the HomeStart Finance Board of Management, pursuant to the provisions of the Housing and Urban Development (Administrative Arrangements) Act 1995:

Member: (from 26 August 2004 until 25 August 2005)
Ann Darwin

By command,

J. W. WEATHERILL, for Premier

MFC 011/04CS

Department of the Premier and Cabinet
Adelaide, 26 August 2004

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Lotteries Commission of South Australia, pursuant to the provisions of the State Lotteries Act 1966:

Member: (from 1 September 2004 until 31 August 2006)
Stephen Kenny Shirley
Chris Crago

By command,

J. W. WEATHERILL, for Premier

DTF 058/04CS

Department of the Premier and Cabinet
Adelaide, 26 August 2004

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the History Trust of South Australia, pursuant to the provisions of the History Trust of South Australia Act 1981:

Member: (from 26 August 2004 until 25 August 2007)
Margaret Allen
Alison MacKinnon

By command,

J. W. WEATHERILL, for Premier

ASA 006/02CS

Department of the Premier and Cabinet
Adelaide, 26 August 2004

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Water Corporation Board, pursuant to the provisions of the South Australian Water Corporation Act 1994:

Director: (from 26 August 2004 until 30 June 2007)
Annabel Faith Catford Digance

By command,

J. W. WEATHERILL, for Premier

SAWC 001/2004CS

Department of the Premier and Cabinet
Adelaide, 26 August 2004

HER Excellency the Governor in Executive Council has been pleased to appoint Maurice J. de Rohan, OBE, as Agent-General for South Australia in the United Kingdom for a term of two years from 1 January 2005 until 31 December 2006, pursuant to the provisions of the Agent-General Act 1901.

By command,

J. W. WEATHERILL, for Premier

DPC 045/97PT2CS

Department of the Premier and Cabinet
Adelaide, 26 August 2004

HER Excellency the Governor in Executive Council has been pleased to reappoint Chief Judge Terence Anthony Worthington as Presiding Officer and reappoint Judge Barry John Jennings as Deputy Presiding Officer of the Equal Opportunity Tribunal from 30 August 2004 until 29 August 2007, pursuant to Section 18 of the Equal Opportunity Act 1984.

By command,

J. W. WEATHERILL, for Premier

ATTG 0266/02CS

Department of the Premier and Cabinet
Adelaide, 26 August 2004

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned as Justices of the Peace for South Australia, pursuant to Section 4 of the Justices of the Peace Act 1991:

Susan Fay Ambler
Tania Balacco
Michael Richard Baldwin
Andrew James Brennan
John Norman Burdett
Bernadette Anne Douglas
Gail Ann Fergusson
Ralph Hoey
Elizabeth Margaret Jarrett
Graham Stephen Jones
Leonie Irene Macrow
Christopher Gerard Roberts
Gloria Leonie Williams
Holly Marie Yarrow

By command,

J. W. WEATHERILL, for Premier

ATTG 0039/03CS

Department of the Premier and Cabinet
Adelaide, 26 August 2004

HER Excellency the Governor in Executive Council has removed the undermentioned from office of Justices of the Peace, pursuant to Section 6 of the Justices of the Peace Act 1991:

Raymond Lester Beck
Donald Brown
Denis Kelvin Cocks
Michelle Ann Cross
Helen Culshaw
Jack Bruce Dalwood
Mervyn John Dunk
Darrylyne Anne Fraser
Jeffice Alexander Gameau
Carmen Anne Garcia
Angela Joy Johnson
Linda Elizabeth Murray Kelly
Lesley Jeanette McDowell
James Geoffrey McKay
Eva Milekovic
Timothy Arnold Nunn
Kevin George Phelps
Terence Edwin Shephard
Margaret Soumelidis
Muriel Joy Smart
Kevin Roy Starling
Kevin Harold Trevan

By command,

J. W. WEATHERILL, for Premier

ATTG 0046/03CS

Department of the Premier and Cabinet
Adelaide, 26 August 2004

HER Excellency the Governor in Executive Council has been pleased to appoint the Honourable Rory McEwen, MP, Minister for Agriculture, Food and Fisheries, Minister for State/Local Government Relations, Minister for Forests, to be also Acting Minister for Employment, Training and Further Education, Acting Minister for Youth and Acting Minister for the Status of Women for the period 27 August 2004 to 10 September 2004 inclusive, during the absence of the Honourable Stephanie Key, MP.

By command,

J. W. WEATHERILL, for Premier

METFE 18/04CS

ADMINISTRATIVE ARRANGEMENTS ACT 1994

Revocation of Delegation by the Minister for Urban Development and Planning

PURSUANT to section 9 (2) of the Administrative Arrangements Act 1994, I revoke my delegation to the Minister for Families and Communities for my functions and powers under sections 26 and 27 of the Development Act 1993 in relation to the City of Mitcham Pasadena High School (Partial Rezoning) Plan Amendment Report.

Dated 24 August 2004.

TRISH WHITE, Minister for Urban Development
and Planning

THE INDEPENDENT GAMBLING AUTHORITY, having made rules under section 62 of the *Authorised Betting Operations Act 2000* on 24 August 2004, hereby publishes those rules for the purposes of section 11 of the *Subordinate Legislation Act 1978*.

Note—

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

R. C. J. CHAPPELL, Secretary to the Authority

SOUTH AUSTRALIA

AUTHORISED BETTING OPERATIONS ACT 2000

No. 3 of 2004

Rules to accommodate the changes made by the *Authorised Betting Operations (Betting Review) Amendment Act 2004*, including the introduction of corporate bookmaker licences and the abolition of the bookmaker clerk licence type, to revise minimum betting risks and bookmakers' securities

**Bookmakers Licensing (Betting Review) Rules
2004**

[24 August 2004]

The Independent Gambling Authority makes the following rules:

1. Citation, commencement

- (1) These rules may be cited as the Bookmakers Licensing (Betting Review) Rules 2004.
- (2) The Bookmakers Licensing Rules 2000* are referred to in these rules as "the Principal Rules".
- (3) These rules come into operation on the same day as section 4(4) of the *Authorised Betting Operations (Betting Review) Amendment Act 2004*.
- (4) These rules are made under section 62 of the *Authorised Betting Operations Act 2000*.

* Rules published in the *South Australian Government Gazette* on 5 October 2000 (No. 162 of 2000) at pages 2335–2356 and subsequently amended by rules published in the *Gazette* on 2 May 2001 (No. 50 of 2001) at pages 1701–1702; on 5 July 2001 (No. 82 of 2001) at pages 2556–2557; on 13 December 2001 (No. 117 of 2001) at pages 4130–4145; on 13 December 2001 (No. 165 of 2001) at pages 5541–5542; on 6 June 2002 (No. 67 of 2002) at pages 2055–2062; on 5 September 2002 (No. 99 of 2002) at pages 3340–3347; on 5 September 2002 (No. 99 of 2002) at pages 3348–3354; on 6 February 2003 (No. 13 of 2003) at pages 431–433; on 11 March 2004 (No. 23 of 2004) at pages 679–680; on 3 June 2004 (No. 46 of 2004) at pages 1685–1691.

2. Amendment of rule 2—Definitions

(1) In rule 2(1) of the Principal Rules, the definitions of—

“Act”;
“approved event”;
“authorised officer”;
“Authority”;
“bookmaker”;
“Commissioner”;
“racing club”;
“registered premises”;
“register” and “registration”—

are **revoked**.

(2) In rule 2(1) of the Principal Rules, the following definitions are **inserted** (in the appropriate alphabetical sequence):

“ **‘individual licensee’** means a natural person who holds a licence under section 34(1)(b) or section 34(1)(c) of the Act;”;

“ **‘licensed corporate bookmaker’** means a body corporate which holds a licence under section 34(1)(b) of the Act;”;

“ **‘licensed individual bookmaker’** means a natural person who holds a licence under section 34(1)(b) of the Act;”;

“ **‘metropolitan meeting’** means a race meeting—

(a) conducted at a metropolitan thoroughbred racecourse; or

(b) conducted at Globe Derby Park racecourse; or

(c) unless the Commissioner has approved it as being regarded otherwise, conducted at Angle Park racecourse; or

(d) approved by the Commissioner as a metropolitan meeting;”;

“ **‘metropolitan thoroughbred racecourse’** means a racecourse in respect of which the South Australian Jockey Club Inc or the Oakbank Racing Club Inc is licensed;”;

“ **‘provincial meeting’** means—

(a) a race meeting conducted by Balaklava Racing Club Inc, Gawler and Barossa Jockey Club Inc, Murray Bridge Racing Club Inc, Strathalbyn Racing Club Inc; or

(b) a race meeting forming part of an annual “Cup Carnival” of Kangaroo Island Racing Club Inc, Mount Gambier Racing Club Inc, Naracoorte Racing Club Inc, Port Augusta Racing Club Inc, Port Lincoln Racing Club Inc;

(c) despite paragraphs (a) and (b) of the definition of ‘metropolitan meeting’, any other race meeting approved by the Commissioner as a provincial meeting;”.

(3) In rule 2(1) of the Principal Rules, for the definition “licensee”, **substitute—**

“ **‘licensee’** means an individual licensee or a licensed corporate bookmaker”.

(4) In rule 2(1) of the Principal Rules, for the definition “stewards”, **substitute—**

“ **‘steward’** means a person performing the functions of a race steward (however described) under the rules of racing;”.

(5) After rule 2(2) of the Principal Rules, **insert—**

“(2A) Unless the contrary intention appears, if a rule imposing an obligation on a licensed bookmaker operates to require a licensed corporate bookmaker to do or refrain from the doing of some thing—

(a) the licensed corporate bookmaker is responsible to ensure that the thing is done or is refrained from; and

(b) each licensed individual bookmaker who is a director of the licensed corporate bookmaker is

responsible to ensure that the thing is done or is refrained from; and

- (c) the individual licensee who is conducting the bookmaking operations of the licensed corporate bookmaker is responsible as though he or she were the licensed bookmaker.”.

3. Amendment of Part 1A—responsible gambling

(1) In rule 4 of the Principal Rules—

- (a) for the expression “bookmaker”, **substitute** “licensed bookmaker”;
- (b) for the expression “the bookmaker’s bookmaking business”, **substitute** “the bookmaking business”.

(2) In rule 5(1) of the Principal Rules—

- (a) for the expression “bookmaker”, **substitute** “licensed bookmaker”;
- (b) for the expression “the bookmaker’s bookmaking business”, **substitute** “the bookmaking business”.

(3) In rule 5(2) of the Principal Rules, for the expression “licensee”, **substitute** “individual licensee”.

(4) In rule 6A(1) of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.

(5) In rule 6A(2) of the Principal Rules, for the expression “bookmaker’s”, **substitute** “licensed bookmaker’s”.

4. Amendment of Part 2—administration

(1) For rule 9 of the Principal Rules, **substitute**—

“9. Licensed bookmakers to satisfy Commissioner as to assets, &c.

A licensed bookmaker, upon the request of the Authority or the Commissioner, must—

- (a) satisfy the Authority or the Commissioner as to the bookmaker’s financial position or any other matter connected with the bookmaking business; and
- (b) prove what are assets and liabilities of the bookmaking business; and
- (c) produce bank statements and other documents that

relate to the bookmaker's financial affairs; and

- (d) produce bank statements and other documents that relate to the financial affairs of the bookmaking business.”.

- (2) In rule 10 of the Principal Rules, **delete** “by the Authority”.

5. Amendment of Part 3—information protection

- (1) In rule 12(g) of the Principal Rules for “bookmaker”, **substitute** “licensed bookmaker”.
- (2) In rule 15(1)(a) of the Principal Rules for “bookmaker” (thrice appearing), **substitute** “licensed bookmaker”.
- (3) In rule 15(2) of the Principal Rules for “bookmaker”, **substitute** “licensed bookmaker”.
- (4) In rule 15(4) of the Principal Rules for “bookmaker” (thrice appearing), **substitute** “licensed bookmaker”.

6. Amendment of Part 4—bookmaking—general

- (1) For rule 18 of the Principal Rules, **substitute**—

“18. Licensed bookmaker to keep books

A licensed bookmaker must keep proper books of account relating to the bookmaking business.”.

- (2) Rule 19 of the Principal Rules is **revoked**.
- (3) Rule 20 of the Principal Rules is **revoked**.
- (4) For rule 21 of the Principal Rules, **substitute**—

“21. Approval of signs by Commissioner

A licensed bookmaker must not display any sign other than of a type and size approved by the Commissioner.”.

- (5) Rule 22 of the Principal Rules is **revoked**.
- (6) Rule 23 of the Principal Rules is **revoked**.
- (7) Rule 25 of the Principal Rules is **revoked**.

7. Amendment of Part 5—betting—general

- (1) In rule 27 of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.

- (2) In rule 28(1) of the Principal Rules, for the expressions “no bookmaker shall bet”, **substitute** “a licensed bookmaker must not bet”.
- (3) In rule 28(3) of the Principal Rules, for the expressions “one or more bookmakers, approve the bookmaker”, **substitute** “one or more licensed bookmakers, approve the licensed bookmaker”.
- (4) In rule 28(4)(a) of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.
- (5) After rule 28 of the Principal Rules, **insert**—

“29. Minimum risks

- (1) A licensed bookmaker may refuse a bet which is not a multiple of \$1.
- (2) A licensed bookmaker who quotes odds for a bet in respect of a race must accept that bet unless to do so would result in the bookmaker risking more than the following amounts in the following circumstances—
 - (a) if operating in a betting auditorium: \$2 000;
 - (b) if operating at a metropolitan meeting—
 - (i) in a premium betting area: \$3 000; or
 - (ii) elsewhere: \$2 000; or
 - (c) if operating at a provincial meeting for thoroughbred racing: \$1 500; or
 - (d) if operating at a thoroughbred meeting other than a metropolitan or provincial meeting or a harness race meeting other than a metropolitan meeting: \$1 000; or
 - (e) if operating at any other betting venue: \$750.
- (3) A licensed bookmaker who quotes odds for a bet in respect of an event other than a race must accept that bet unless to do so would result in the bookmaker risking more than \$1 500.
- (4) If—
 - (a) a bettor offers a bet for an amount greater than that which a licensed bookmaker is required to accept under rule 29; and

- (b) the licensed bookmaker is not willing to accept that risk—

the bookmaker—

- (c) must inform the bettor of the maximum amount which the bookmaker is required to accept and give the bettor the option of a bet on those terms being accepted; and
- (d) may propose an alternative accommodation for the amount of the excess.

- (5) In this rule—

‘any other betting venue’ means a place not mentioned in paragraphs (a)–(d) of sub-rule (2) and includes—

- (a) a place, other than a racecourse, where races are conducted; and
- (b) a place where events other than races are conducted.

‘bet’ includes a bet made or to be made by telephone or other telecommunications device;

‘quote’ includes exhibit.

29A. Minimum risks—particular bets

Nothing in rule 29 operates to require a licensed bookmaker to accept from a bettor, in respect of a runner in a race, a bet or bets for a place in aggregate greater than the bets accepted from the bettor for a win.”.

29B. Bookmaking business to be conducted by licensed bookmaker

- (1) A licensed individual bookmaker must personally conduct the betting operations of the bookmaking business and personally make every bet.
- (2) A licensed corporate bookmaker must ensure that a licensed individual bookmaker who is a director of the licensed corporate bookmaker personally conducts the betting operations of the bookmaking business and personally makes every bet.
- (3) If a bet is made in person or by a telecommunications device other than a telephone, the licensed bookmaker must ensure that a betting ticket is issued to the bettor.

29C. Bookmaker to conduct business—exceptions

Despite rule 29B, an individual licensee acting as agent to a licensed bookmaker may—

- (a) if the licensed individual bookmaker required by rule 29B to personally conduct the business is in attendance, make bets; and
- (b) subject to the approval of the Commissioner, conduct the betting operations of the bookmaking business.

29D. Staff of bookmaker's business

- (1) A licensed bookmaker must not employ or accept the assistance of a person in the betting operations of the bookmaker's business—
 - (a) in the case of an individual licensee—if the person's licence has been suspended; or
 - (b) in the case of a person who was formerly an individual licensee—subject to sub-rule (2), if the person's licence had been cancelled; or
 - (c) in the case of a person who has never been an individual licensee—if the person has not attained the age of 18 years.
- (2) The Authority may allow a former individual licensee whose licence had been cancelled to be employed in the betting operations of a particular licensed bookmaker or bookmakers or licensed bookmakers generally.”
- (6) In rule 32 of the Principal Rules, for the expressions “A bookmaker shall”, **substitute** “A licensed bookmaker must”.
- (7) In rule 35(1) of the Principal Rules, for the expressions “were bookmakers”, **substitute** “where licensed bookmakers”.
- (8) In rule 36 of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.

8. Amendment of Part 6—betting tickets

- (1) In rule 38 of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.

- (2) In rule 39 of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.
- (3) In rule 40 of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.
- (4) In rule 41 of the Principal Rules, for the expression “bookmaker” (where it first appears), **substitute** “licensed bookmaker”.
- (5) In rule 42 of the Principal Rules, for the expression “bookmaker” (where it first appears), **substitute** “licensed bookmaker”.

9. Amendment of Part 7—betting records

- (1) In rule 43 of the Principal Rules, for the expressions “No bookmaker shall”, **substitute** “A licensed bookmaker must not”.
- (2) In rule 44 of the Principal Rules, for the expressions “No bookmaker shall”, **substitute** “A licensed bookmaker must not”.
- (3) In rule 45 of the Principal Rules, for the expressions “No bookmaker shall fail”, **substitute** “A licensed bookmaker must not fail”.
- (4) For rules 46 and 47 of the Principal Rules, **substitute**—

“46. Ticket to include all terms of bet

A licensed bookmaker, when issuing a betting ticket, must clearly indicate on the ticket—

- (a) all the terms of the bet; and
 - (b) if the bet is made before the day of the event or one or more of the events to which the bet relates, the date of the bet.”.
- (5) In rule 48(1) of the Principal Rules—
 - (a) for the expressions “Every bookmaker shall, before he commences”, **substitute** “A licensed bookmaker must, before the commencement of”; and
 - (b) for the expressions “assist him in the conduct of his”, **substitute** “assist in the conduct of the”.
 - (6) In rule 48(2) of the Principal Rules, for the expressions “such bookmaker”, **substitute** “the licensed bookmaker”.
 - (7) In rule 49 of the Principal Rules, for the expressions “bookmaker shall indicate, at the top of the sheet, his”, **substitute** “licensed bookmaker must indicate, at the top of the sheet, the bookmaker’s”.

- (8) In rule 50 of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.
- (9) In rule 51 of the Principal Rules, for the expressions “No holder of a licence shall”, **substitute** “A licensee must not”.
- (10) In rule 52 of the Principal Rules, for the expression “A bookmaker shall retain a copy of his”, **substitute** “A licensed bookmaker must retain a copy of the bookmaker’s”.
- (11) In rule 55(1) of the Principal Rules, for the expression “No bookmaker shall”, **substitute** “A licensed bookmaker must not”.
- (12) In rule 55(2) of the Principal Rules, for the expression “No bookmaker shall fail to”, **substitute** “A licensed bookmaker must”.
- (13) In rule 55(3) of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.
- (14) In rule 55(4) of the Principal Rules, for the expression “Every bookmaker shall”, **substitute** “A licensed bookmaker must”.
- (15) In rule 55(5) of the Principal Rules, for the expression “Every bookmaker shall”, **substitute** “A licensed bookmaker must”.

10. Amendment of Part 8—course betting

- (1) In rule 56(1) of the Principal Rules—
 - (a) for the expressions “Every bookmaker on a racecourse shall”, **substitute** “A licensed bookmaker on a racecourse must”; and
 - (b) for the expressions “offered by him in”, **substitute** “offered in”.
- (2) In rule 56(2) of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.
- (3) In rule 57(1) of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.
- (4) In rule 57(2) of the Principal Rules, for the expression “bookmaker” (where it first appears), **substitute** “licensed bookmaker”.
- (5) Rule 58 of the Principal Rules is **revoked**.
- (6) Rule 59 of the Principal Rules is **revoked**.
- (7) Rule 60 of the Principal Rules is **revoked**.

- (8) Rule 61 of the Principal Rules is **revoked**.
- (9) Rule 62 of the Principal Rules is **revoked**.
- (10) For rule 63 of the Principal Rules, **substitute**—

“63. Place where bets made

A licensed bookmaker operating on a racecourse must—

- (a) bet only within the betting ring of the enclosure for which the bookmaker holds a permit;
 - (b) bet only from the position in the betting ring provided for the bookmaker by the racing club holding the meeting.”.
- (11) Rule 64 of the Principal Rules is **revoked**.
 - (12) Rule 65 of the Principal Rules is **revoked**.
 - (13) In rule 66 of the Principal Rules—
 - (a) for the expressions “Double event” appearing in the heading **substitute** “Multiple event”; and
 - (b) for the expressions “No bookmaker who is offering to lay double event bets shall”, **substitute** “A licensed bookmaker offering to lay multiple event bets must not”; and
 - (c) for the expression “he” in paragraph (b) **substitute** “the licensed bookmaker”.
 - (14) In rule 67(1) of the Principal Rules, for the expressions “every bookmaker shall deliver his betting sheets”, **substitute** “a licensed bookmaker must deliver the betting sheets”.
 - (15) In rule 67(2) of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.
 - (16) In rule 70 of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.

11. Betting shops—revocation of provisions

The following provisions are **revoked**—

- (a) Part 9 (rules 71–79); and
- (b) Part 10 (rules 80–82); and
- (c) Part 11 (rules 83–86).

12. Amendment of Part 12—bonds and security

(1) For the heading to Part 12 of the Principal Rules, **substitute—**

“PART 12—SECURITY FOR COMPLIANCE”

(2) For the rules 88–90 of the Principal Rules, **substitute—**

“88. Undertaking by applicant for bookmaker’s licence

(1) An applicant for a bookmaker’s licence must furnish the Commissioner with an undertaking to give and maintain security for compliance with the Act, these Rules and any conditions attached to the licence.

(2) An undertaking under sub-rule (1) must—

(a) include a promise to give security in the nature and of the amount that these Rules require, in the circumstances of the bookmaker, and from time to time;

(b) be expressed to continue in operation until discharged, despite the expiry, surrender or other termination of the licence;

(c) be given in the form set out in Schedule 4 in force on the day the application is made.

(3) Despite sub-rule (2)(c), an applicant who is seeking renewal of a bookmaker’s licence is not required to give an undertaking under sub-rule (1) if the applicant has already given an undertaking (whether in respect of an earlier application or otherwise) which is in substantially the same form as the form set out in Schedule 4 in force on the day the application is made.

89. Amount of security

(1) The value of the security a licensed bookmaker must have in place, in respect of security for compliance with the Act, these Rules and any conditions attached to the licence, is—

(a) subject to paragraph (b)—

(i) in the case of a licensed corporate bookmaker: \$100 000;

(ii) in the case of a licensed individual bookmaker conducting betting operations on his or her own account—

- (A) in a designated premium betting area: \$50 000; or
 - (B) at a metropolitan thoroughbred racecourse, but not in a designated premium betting area or an area designated as 'flat': \$40 000; or
 - (C) other than as mentioned in sub-sub-paragraphs (A) and (B): \$20 000; and
- (iii) in the case of a licensed individual bookmaker solely engaged in bookmaking as a shareholder, employee or agent of a licensed corporate bookmaker: \$5 000; and
- (b) if a notice has been given to the licensed bookmaker for the purposes of sub-rule (2), the amount set out in the notice or otherwise determined under that sub-rule.
- (2) If the Commissioner forms the view that the value of the security a licensed bookmaker has in place is inadequate, having regard to—
- (a) the total amount bet over at least the preceding 3 months or likely to be bet with the bookmaker over a period of not less than 3 months into the future; or
 - (b) the bookmaker's financial resources; and
 - (c) the extent to which the bookmaking business has included, or is likely to include, bets on events more than 3 months into the future—
- the Commissioner may give the bookmaker a notice (a "**sub-rule(2) notice**") requiring the bookmaker—
- (d) to increase the amount of security to the amount set out in the notice within the period (of not less than 28 days) specified in the notice; or
 - (e) if the bookmaker believes that another amount of security would be adequate and appropriate, to satisfy the Commissioner accordingly.
- (3) If the Commissioner gives a licensed bookmaker a sub-rule (2) notice and—
- (a) the bookmaker increases the amount of security to the amount set out in the notice; or
 - (b) makes no response—

within the period set out in the sub-rule (2) notice, the amount set out in the notice becomes the amount of security the bookmaker is required by these rules to have in place.

(4) If—

- (a) the Commissioner gives a licensed bookmaker a sub-rule (2) notice; and
- (b) the bookmaker makes a submission that another amount of security would be adequate and appropriate—

the Commissioner must reconsider the matter and—

- (c) confirm that the amount set out in the sub-rule (2) notice is to be the required amount of security; or
- (d) vary the sub-rule (2) notice to require a different amount (being an amount no less than the amount which would otherwise be required by rule 89(1)(a)) to be the required amount of security—

and that amount becomes the amount of security the bookmaker is required by these rules to have in place.

(5) Despite sub-rule (1), a licensed individual bookmaker is not required to have in place security if the Commissioner has designated the licensed bookmaker as inactive.

(6) For the purposes of sub-rule (1), a licensed individual bookmaker is deemed to be engaged in betting operations on his or her own account unless—

- (a) he or she is solely engaged in bookmaking as a shareholder, employee or agent of a licensed corporate bookmaker; or
- (b) the Commissioner has designated the licensed bookmaker as inactive.

90. Nature of security

(1) A licensed bookmaker may only give security, for the purposes of these Rules, in the following forms:

- (a) a deposit of money held in an account controlled by the Commissioner; or

- (b) an indemnity in favour of the Authority given by an ADI¹; or
 - (c) an indemnity in favour of the Authority given by a person approved by the Authority for the purposes of this Rule.
- (2) The form of an indemnity under sub-rules (1)(b) or (c) must be approved by the Authority, including provisions with respect to the calling in of the indemnity and the giving of notice of termination by the indemnifier.”

90A. Application of security

- (1) If the Commissioner becomes aware that there is in respect of a licensed bookmaker an outstanding relevant obligation, the Commissioner may give a direction to the bookmaker with respect to that relevant obligation.
- (2) A direction may be given under sub-rule (1) whether or not a notice has been or is able to be published or any other action has been or is able to be taken under rule 91.
- (3) A direction under sub-rule (1)—
- (a) may deal with one or more relevant obligations;
 - (b) may require the licensed bookmaker, in respect of each relevant obligation, to satisfy the Commissioner that the relevant obligation—
 - (i) has been satisfied; or
 - (ii) is not an outstanding relevant obligation; or
 - (iii) is disputed and is subject to a genuine dispute resolution process—within the period (being at least 7 days) set out in the direction.
- (4) If a direction given under sub-rule (1) is not complied with in whole or in part, in its terms, the Commissioner is authorised to appropriate or call in some or all of the security and apply it, in order of priority—
- (a) first, to amounts claimed by payable to the State or

¹ Section 4(1) of the *Acts Interpretation Act 1915* (South Australia) defines ADI:

“ADI” means an authorised deposit-taking institution within the meaning of the *Banking Act (Cwth)*.

its agencies; and

(b) secondly and, if the funds are insufficient, rateably, to amounts claimed by and payable to others.

(5) If the Commissioner makes a payment under sub-rule (4), the Commissioner must procure a receipt acknowledging that the payment has been made on behalf of the licensed bookmaker.

(6) In this Part—

‘outstanding relevant obligation’ means a relevant obligation which remains unsatisfied beyond its normal payment terms;

‘relevant obligation’ means an obligation of a licensed bookmaker in respect of—

- (a) duties or taxes payable under the Act;
- (b) fines, fees or other charges payable under the Act, regulations or rules;
- (c) fees or other charges payable in respect of services provided, in connection with the bookmaker’s betting operations, by or on behalf of the Authority or the Commissioner;
- (d) amounts payable in respect of product fees, stand fees or other like charges leviable by, or agreed with, a racing controlling authority, a licensed racing club or another entity conducting races or events relevant to the bookmaker’s betting operations;
- (e) amounts payable in respect of the betting debts of the bookmaker’s bookmaking business.”.

(3) In rule 91(1) of the Principal Rules—

- (a) for the expression “Authority” (twice appearing), **substitute** “Commissioner”; and
- (b) for the expression “as it thinks”, **substitute** “as he or she thinks”.

(4) For rule 91(2) of the Principal Rules, **substitute**—

“(2) For the purposes of this rule ‘termination’, includes cancellation, non-renewal or surrender.”.

- (5) In rule 91(3) of the Principal Rules—
- (a) for the expressions “bookmaker or former bookmaker”, **substitute** “licensed bookmaker or former licensed bookmaker,”; and
 - (b) for the expression “Authority” (thrice appearing), **substitute** “Commissioner”.
- (6) In rule 91(4) of the Principal Rules for the expression “Authority”, **substitute** “Authority or the Commissioner”.
- (7) In rule 91(5) of the Principal Rules for the expression “Authority”, **substitute** “Commissioner”.
- (8) Rule 91(6) of the Principal Rules is **revoked**.
- (9) Rule 91(7) of the Principal Rules is **revoked**.
- (10) After 91 of the Principal Rules, **insert**—
- “91A. Maintenance of undertaking and security**
- (1) A licensed bookmaker must not conduct betting operations at any time when—
 - (a) an undertaking given by the bookmaker for the purposes of rule 88 is not in force or not capable of being given force; or
 - (b) the licensed bookmaker is not in compliance with an undertaking given for the purposes of rule 88 or a provision of this Part.
 - (2) If an amount of security required to be provided under these Rules is reduced the Commissioner may, if satisfied that the reduced amount of security will be sufficient to meet any claims, release an amount of security excess to that required by the Rules to a licensed bookmaker.”.

13. Amendment of Part 13—racing clubs

- (1) Rule 92 of the Principal Rules is **revoked**.
- (2) Rule 93 of the Principal Rules is **revoked**.
- (3) Rule 94 of the Principal Rules is **revoked**.
- (4) After rule 96(2) of the Principal Rules, **insert**—
 - “(2A) The Commissioner may, in respect of a metropolitan thoroughbred racecourse, designate one or more parts of one or more betting rings as premium betting areas or as ‘flat’.”.

14. Revocation of Parts 14 and 15

The heading to the revoked Part 14 of the Principal Rules and Part 15 of the Principal Rules are **revoked**.

15. Amendment of Part 16—rules of betting for late scratchings and other matters

(1) In rule 122 of the Principal Rules—

(a) sub-paragraph (iii) of paragraph (c) is **revoked**;

(b) for paragraph (h), substitute—

“(h) if, in relation to a double event bet, the runner chosen for the first leg wins and—

(i) the runner chosen for the second leg of the double does not come under the starter’s hands; or

(ii) the second leg of the double is abandoned—

backers of the winner of the first event shall be paid the starting price odds of the winner of the first event to the amount of their investment.”.

(2) In rule 123(2) of the Principal Rules—

(a) for the expression “bookmaker”, **substitute** “licensed bookmaker”; and

(b) for the expressions “he or she” in paragraph (b) **substitute** “the bookmaker”.

(3) For rule 123(4) of the Principal Rules, **substitute**—

“(4) A dispute between a licensed bookmaker and a bettor as to the operation of this rule may be summarily resolved—

(a) by the Commissioner; or

(b) if the Commissioner (including a delegate of the Commissioner) is not present, by a steward.”.

(4) In rule 123(5) of the Principal Rules—

(a) for the expression “bookmaker” (twice appearing), **substitute** “licensed bookmaker”; and

(b) for the expressions “a person referred to in sub-rule (4)(d)”, **substitute** “a steward”.

- (5) In rule 126 of the Principal Rules, for the expression “bookmaker” appearing in paragraphs (c), (d) and (e), **substitute** “licensed bookmaker”.

16. Substitution of Part 17—non-race betting

For Part 17 of the Principal Rules, **substitute**—

“PART 17—NON-RACE BETTING

130. Application of rules to non-race betting

The provisions of Part 16 apply to betting on events other than races to the extent to which they are capable of applying, subject to such guidelines as the Authority may by notice give.”.

17. Amendment of Part 17A—telecommunications betting

- (1) In rule 130A(1) of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.
- (2) Rule 130A(2) of the Principal Rules is **revoked**.
- (3) In rule 130AA(1) of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.
- (4) In rule 130AA(2)(a) of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.
- (5) In rule 130AA(2)(e) of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.
- (6) In rule 130AA(3) of the Principal Rules—
- (a) for the expressions “bookmaker’s business”, **substitute** “licensed bookmaker’s business”; and
- (b) for the expressions “bookmaker’s betting operations”, **substitute** “licensed bookmaker’s betting operations”.
- (7) In rule 130AB of the Principal Rules—
- (a) for the expression “bookmaker”, **substitute** “licensed bookmaker”; and
- (b) for the expressions “his or her betting sheet” in paragraph (c), **substitute** “the betting sheet”.
- (8) In rule 130AC(1) of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.

- (9) In rule 130AC(2)(e) of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.
- (10) In rule 130AD of the Principal Rules—
- (a) for the expression “bookmaker”, **substitute** “licensed bookmaker”; and
 - (b) for the expressions “his or her betting sheet” in paragraph (c), **substitute** “the betting sheet”.
- (11) Rule 130AE of the Principal Rules is **revoked**.

18. Revocation of Part 17B—betting auditoria

Part 17B of the Principal Rules is **revoked**.

19. Amendment of Part 19—transitional and savings

- (1) Rules 134(2) and 134(3) of the Principal Rules are **revoked**.
- (2) Rule 136 of the Principal Rules is **revoked**.
- (3) In rule 137 of the Principal Rules, for the expression “bookmaker”, **substitute** “licensed bookmaker”.
- (4) After rule 137 of the Principal Rules, **insert**—

“138. Transitional (Designated premium betting areas)

An area on a metropolitan thoroughbred racecourse customarily known as a rails enclosure or customarily identified as “on the rails” is deemed for the purposes of rule 96(2A) to have been designated, on the commencement of the Bookmakers Licensing (Betting Review) Rules 2004, by the Commissioner as a premium betting area.

139. Transitional (Security for compliance)

- (1) If, following the commencement of the Bookmakers Licensing (Betting Review) Rules 2004, a licensed bookmaker provides an undertaking in the form of Schedule 4 (whether voluntarily or in order to comply with rule 88), any bond—
- (a) which is expressed to be in favour of the Betting Control Board, the Bookmakers Licensing Board, the Racing Industry Development Authority or the Independent Gambling Authority; and

(b) which—

(i) signifies the deposit of an amount of money;
or

(ii) includes a guarantee or an indemnity by an
ADI—

must, upon the execution of the undertaking, be regarded as security given for the purposes of the undertaking.

- (2) If, in the opinion of the Authority or an ADI the interests of which are affected, it is necessary or desirable that an instrument of assignment be executed in respect of a bond referred to in sub-rule (1), the licensed bookmaker must execute an instrument in terms acceptable to the Authority and, if relevant, the ADI.
- (3) Despite rule 90, a licensed bookmaker who, before the commencement of the Bookmakers Licensing (Betting Review) Rules 2004, had provided security in the form of a registered mortgage over freehold land is entitled to continue to provide security in that form.
- (4) If, in the opinion of the Authority, it is necessary or desirable that an instrument of assignment be executed in respect of a registered mortgage referred to in sub-rule (3), the licensed bookmaker must procure that any party to the mortgage execute an instrument in terms acceptable to the Authority.
- (5) If, by reason of the substitution of rule 89 of these Rules by the Bookmakers Licensing (Betting Review) Rules 2004, a licensed bookmaker would be required to increase the amount of security provided from \$40 000 to \$50 000 or from \$30 000 to \$40 000, the bookmaker may only be required to do so on or from 1 January 2005.”.

20. Amendments to Schedules

- (1) Schedule 2 to the Principal Rules is **revoked**.
- (2) After Schedule 3 to the Principal Rules, **insert—**

“Schedule 4

Undertaking in respect of licensure as bookmaker

To: The Liquor and Gambling Commissioner (“the favouree”)

Recitals

- A. This undertaking is given by [*individual name/body corporate name and ABN*] (called ‘**the bookmaker**’) for the purposes of rules made under section 62 of the *Authorised Betting Operations Act 2000* (respectively ‘**the Rules**’ and ‘**the Act**’) as in force from time to time.
- B. This undertaking is given in respect of an application for grant of a bookmaker’s licence (including grant on renewal) and will become effective as contemplated by the Rules.
- C. The rules and their requirements are subject to change from time to time under a process by which a statutory authority exercises delegated legislative powers under Parliamentary supervision.
- D. The purposes for which this undertaking is given include to ensure that certain amounts owing or payable by the bookmaker in respect of a licensed bookmaking business are honoured or paid, namely—
 - (a) duties or taxes payable under the Act;
 - (b) fines, fees or other charges payable under the Act, regulations made under the Act or the Rules;
 - (c) fees or other charges payable in respect of services provided, in connection with the bookmaker’s betting operations, by or on behalf of the Independent Gambling Authority or the Liquor and Gambling Commissioner;
 - (d) amounts payable in respect of product fees, stand fees or other like charges leviable by, or agreed with, a racing controlling authority, a licensed racing club or another entity conducting races or events relevant to the bookmaker’s betting operations;
 - (e) amounts payable in respect of the betting debts of the bookmaker’s bookmaking business.

The bookmaker hereby undertakes as follows:

1. Promises to give security as required by Rules

The bookmaker promises to provide such amount and form of security as is required from time to time and in the bookmaker’s circumstances by the Rules (including as the Rules may be amended from time to time) and subject to the exercise of such discretions as are granted by the Rules.

2. Uses of security

- (1) If, under the Rules, a direction is given to the bookmaker with respect to an obligation described in Recital D and that direction is not observed in its terms, the bookmaker agrees that the favouree may, subject to sub-clause (2), call in or otherwise appropriate some

or all of the security and apply the funds thereby obtained in accordance with the Rules.

- (2) If the favouree applies funds under sub-clause (1), the favouree will obtain, and deliver to the bookmaker, a receipt acknowledging that payment has been made on behalf of the bookmaker.

3. Period of operation

This undertaking continues in operation until discharged in accordance with the Rules, despite the expiry, surrender or other termination of the licence in respect of which the undertaking has been given.

Executed as a deed by the bookmaker (&c, &c.)”.

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1-16	2.15	0.95	497-512	30.25	29.00
17-32	2.90	1.80	513-528	31.25	29.90
33-48	3.80	2.70	529-544	32.00	31.00
49-64	4.75	3.65	545-560	33.00	32.00
65-80	5.60	4.60	561-576	33.75	33.00
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401-416	23.70	23.50	897-912	53.00	51.50
417-432	25.75	24.50	913-928	53.50	53.00
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BOXING AND MARTIAL ARTS ACT 2000

Rules of Eskrima

TAKE notice that pursuant to section 10 of the Boxing and Martial Arts Act 2000, Michael John Wright, Minister for Recreation, Sport and Racing and the Minister of the Crown to whom the administration of the Boxing and Martial Arts Act 2000 is committed, has approved the rules applicable to the conduct of Eskrima Tournament events to commence operation on 10 August 2004.

The rules of Eskrima events are set out below:

World Eskrima Kali Arnis Federation (WEKAF)

Rules and Regulations Governing Tournament Competition—Version 1.0

Published by the World Eskrima Kali Arnis Federation 2002

Dated 10 August 2004.

M. J. WRIGHT, Minister for Recreation, Sport and Racing

CONTROLLED SUBSTANCES ACT 1984

Revocation

TAKE notice that on 18 August 2004, the Minister for Health issued an order, pursuant to section 57 (2) of the Controlled Substances Act 1984, in respect of Jeffrey Martin, 37 Tasman Avenue, Flinders Park, S.A. 5025, that revokes a previous order dated 1 March 2004 served on Jeffrey Martin.

K. EVANS, Operating under delegated authority, pursuant to the Controlled Substances Act 1984, acting for and on behalf of the Minister for Health.

DEVELOPMENT ACT 1993, SECTION 25 (17): WATTLE RANGE COUNCIL—BEACHPORT (DC), MILLICENT (DC) AND PENOLA (DC) DEVELOPMENT PLANS—CONSOLIDATION PLAN AMENDMENT

Preamble

1. The Development Plan amendment entitled 'Wattle Range Council—Beachport (DC), Millicent (DC) and Penola (DC) Development Plans—Consolidation' (the Plan Amendment) has been finalised in accordance with the provisions of the Development Act 1993.

2. The Minister for Urban Development and Planning has decided to approve the Plan Amendment.

NOTICE

PURSUANT to section 25 of the Development Act 1993, I—

(a) approve the Plan Amendment; and

(b) fix the day on which this notice is published in the *Gazette* as the day on which the Plan Amendment will come into operation.

Dated 26 August 2004.

TRISH WHITE, Minister for Urban Development and Planning

PLN 01/0134

DEVELOPMENT ACT 1993, SECTION 48: DECISION BY THE DEVELOPMENT ASSESSMENT COMMISSION AS DELEGATE OF THE GOVERNOR

Preamble

1. The decision of the Governor under section 48 of the Development Act 1993, to approve the development of Holdfast Shores Stage 2B development located adjacent to Colley Terrace, Glenelg was published in the *Gazette* on 19 February 2004.

2. On 3 October 1997, and pursuant to section 48 of the Development Act 1993, the Governor granted development approval for the new marina, marina pier building platform, offshore reef structure for sand trapping and other works in the area of the Glenelg Foreshore and Environs. The development was subject to an Environmental Impact Statement and Assessment Report, pursuant to section 46 and 46B of the Development Act 1993 (and as officially recognised under the Planning Act 1982).

3. On 8 June 2000 and pursuant to section 48 of the Development Act 1993, the Governor granted a development approval for the Holdfast Shores 2A development, comprising a hotel, car parking, landscaping and associated works, adjacent to Chappell Drive, Glenelg. The development was subject to a Development Report and an Assessment Report, pursuant to section 46 of the Development Act 1993. Amendments to the Holdfast Shores Stage 2A proposal relating primarily to design, car parking, land division and signage issues, were subsequently granted approval by the Development Assessment Commission (as the Governor's delegate) on 7 December 2000; 1 March 2001; 17 May 2001; 28 February 2002; 3 October 2002; 20 March 2003 and 4 March 2004.

4. A proposal for the development of the Holdfast Shores 2B proposal at Glenelg, comprising the construction of the Glenelg Surf Life Saving Club, demolition of the existing GSLSC building and the Magic Mountain building; and the construction of a rock sea wall, an apartment building, and an entertainment and retail precinct, has been considered under Division 2, Part 4 of the Development Act 1993.

5. Application was made to the Governor under section 48 of the Development Act, for a development authorisation for the proposed Holdfast Shores Stage 2B development at Glenelg. The development application, as it relates to the Holdfast Shores Stage 2B development was amended and expanded upon by the amended Development Report, dated 18 September 2003, the Applicant's Response to submissions, dated 17 December 2003 and the following updated documents and drawings:

Documents:

- Letter from Woodhead International to Planning SA titled Early Works Package 2B Building Rules Certification, dated 15 July 2004.
- Letter from Woodhead International to Planning SA titled Packages 1 and 2A Building Rules Certification, dated 21 June 2004.
- The letter from Woodhead International to Planning SA titled Further Information and Clarification, dated 22 January 2004 and accompanying documents.

Drawings:

- Drawing Titled: 'Car park ventilation supplementary plan'; Drawing Number: 155.
- Drawing Titled: 'Civil stormwater supplementary plan'; Drawing Number: 156.
- Drawing Titled: 'Civil stormwater supplementary plan'; Drawing Number: 157.
- Drawing Titled: 'Oil pipeline supplementary plan'; Drawing Number: 158.

6. The Governor was satisfied that an appropriate Amended Development Report and an Amended Assessment Report have been prepared in relation to the development, in accordance with the requirements of Division 2 of Part 4 of the Development Act 1993.

7. The Governor had, in considering the application, regard to all relevant matters under section 48 (5) of the Development Act 1993.

8. Pursuant to section 48 of the Development Act 1993 and Regulation 64 (1) of the Development Regulations 1993, the Governor has the right to reserve matters for further decision-making. The Governor decided to grant a provisional development authorisation, with a view to certain matters being considered for further decision-making.

9. Application has now been made to the Development Assessment Commission as delegate of the Governor under section 48 of the Development Act 1993 to give an approval for the Building Rules Certification for Package 2B Early Works.

10. The amendments to the development are contained in a letter received from Woodhead International of 15 July 2004 and accompanying Building Rules documentation from Katnich Dodd. This letter contains the signed approval by Katnich Dodd of the Building Rules Certification for the Early Works Package 2B.

11. The Development Assessment Commission has, in considering the application, had regard to all relevant matters under section 48 (5) of the Development Act 1993.

12. The Development Assessment Commission is satisfied that the amendments do not require the preparation of a further or amended Development Report.

Decision

PURSUANT to section 48 of the Development Act 1993, the Development Assessment Commission, as delegate of the Governor in relation to a proposal submitted by Holdfast Shores Consortium to develop the Holdfast Shores Stage 2B at Glenelg:

- (a) grant provisional development authorisation for the Holdfast Shores Stage 2B development at Glenelg, subject to the conditions and notes to the applicant below;
- (b) grant development authorisation for Building Rules Certification for the demolition of Magic Mountain and the use of the Police Station building by the Glenelg Surf Life Saving Club.
- (c) grant development authorisation for Building Rules Certification for Early Works Package 2B of the development. These apply to bulk excavation, piling, footings, retaining walls, storm water disposal system, rock seawall extension, base for site paving, car park entry and Hope Street entry, oil pipeline diversion around the basement car park and site utilities infrastructure.
- (d) specify all matters relating to this development plan authorisation as matters in respect of which conditions of this authorisation may be varied or revoked, or new conditions attached;
- (e) pursuant to section 48 and Regulation 64 (1) of the Development Act 1993, reserve the following matters for further decision-making at a later stage (refer 'notes to the applicant'):
 - (a) further assessment and certification in respect of the Building Rules, in relation to the:
 - Superstructure for the Apartment Building (and/or components of the Apartment Building), including related works.
 - Superstructure for the Entertainment and Retail Building (and/or components of the Entertainment and Retail Building), including related works.
 - (b) Redesign of the roofline to reduce the perceived building height from adjacent public spaces (in consultation with Planning SA).
 - (c) Redesign of the building frontages facing Moseley Square (including balconies) to ensure an appropriate relationship with the adjacent Glenelg Town Hall (in consultation with Planning SA and the Heritage Branch of the Department for Environment and Heritage).
 - (d) any external advertising signage
 - (e) Approve the land division application 110/D012/04, lodged on 4 February 2004.

Conditions of Approval

1. Except where minor amendments may be required by other Acts and/or legislation or by conditions imposed herein, the Holdfast Shores 2B development shall be undertaken in strict accordance with:

- (a) The following drawings contained in the Amended Development Report for Holdfast Shores Stage 2B, dated September 2003, except to the extent that they are varied by the plans described in paragraph 1 (b):
 - Drawing Titled: 'Site plan Level B2'; Drawing Number: 111.
 - Drawing Titled: 'Site plan Level 1'; Drawing Number: 112.
 - Drawing Titled: 'Site plan Level 2'; Drawing Number: 113.
 - Drawing Titled: 'Entertainment building basement'; Drawing Number: 114.
 - Drawing Titled: 'Entertainment building Level 1'; Drawing Number: 115.

- Drawing Titled: 'Entertainment building Level 2'; Drawing Number: 116.
- Drawing Titled: 'Entertainment building Levels 3 and 4'; Drawing Number: 117.
- Drawing Titled: 'Entertainment building elevations'; Drawing Number: 118.
- Drawing Titled: 'Entertainment building elevations'; Drawing Number: 119.
- Drawing Titled: 'Entertainment building sections'; Drawing Number: 120.
- Drawing Titled: 'Apartment Plans B2, B1'; Drawing Number: 121.
- Drawing Titled: 'Apartment Plans L1, L2, L3-4, L5'; Drawing Number: 122.
- Drawing Titled: 'Apartment Plans L6-8, L9, roof plan'; Drawing Number: 123.
- Drawing Titled: 'Apartment elevations—north and east'; Drawing Number: 124.
- Drawing Titled: 'Apartment elevations—west and south'; Drawing Number: 125.
- Drawing Titled: 'Apartment Sections'; Drawing Number: 126.
- Drawing Titled: 'Land Use'; Drawing Number: 127.
- Drawing Titled: 'Built form'; Drawing Number: 128.
- Drawing Titled: 'Urban Spaces'; Drawing Number: 129.
- Drawing Titled: 'Open space/vegetation'; Drawing Number: 130.
- Drawing Titled: 'View Corridor'; Drawing Number: 131.
- Drawing Titled: 'Climate'; Drawing Number: 132.
- Drawing Titled: 'Microclimate'; Drawing Number: 133.
- Drawing Titled: 'Links to surrounding areas'; Drawing Number: 134.
- Drawing Titled: 'Pedestrian Movement'; Drawing Number: 135.
- Drawing Titled: 'Vehicle Movement'; Drawing Number: 136.
- Drawing Titled: 'Concourse study pedestrian movement'; Drawing Number: 137.
- Drawing Titled: 'Concourse study vehicle movement'; Drawing Number: 138.
- Drawing Titled: 'Moseley Square study'; Drawing Number: 139.
- Drawing Titled: 'Town Hall opportunities'; Drawing Number: 140.
- Drawing Titled: 'Foreshore open space study'; Drawing Number: 141.
- Drawing Titled: 'Apartment building study'; Plan Number: 142.
- Drawing Titled: 'Entertainment precinct east plaza study'; Drawing Number: 143.
- Drawing Titled: 'Sun diagrams summer'; Drawing Number: 144.
- Drawing Titled: 'sun diagrams winter'; Drawing Number: 145.
- Drawing Titled: 'Landscaping'; Drawing Number: 146.
- Drawing Titled: 'Construction Stage 1'; Drawing Number: 147.
- Drawing Titled: 'Construction Stage 2'; Drawing Number: 148.

- Drawing Titled: 'Construction Stage 3'; Drawing Number: 149.
 - Drawing Titled: 'Construction Stage 4'; Drawing Number: 150.
- (b) the following drawings accompanying the Response by Proponent to submissions, 3. City of Holdfast Bay Submission, dated 17 December 2003 as they relate to the proposal for Holdfast Shores Stage 2B, except to the extent that they are varied by the plans as described in paragraph (c):
- Drawing Titled: 'Sun diagrams summer'; Drawing Number: 144 rev. A.
 - Drawing Titled: 'Sun diagrams winter'; Drawing Number: 145 rev. A.
 - Drawing Titled: 'Entertainment building basement supplementary plan'; Drawing Number: 151 rev. A.
 - Drawing Titled: 'Entertainment building level 1 supplementary plan'; Drawing Number: 152 rev. A.
 - Drawing Titled: 'Entertainment building level 2 supplementary plan'; Drawing Number: 153 rev. A.
 - Drawing Titled: 'Entertainment building levels 3 and 4 supplementary plan'; Drawing Number: 154
 - Drawing Titled: 'Entertainment building levels 3 and 4 supplementary plan'; Drawing Number: 154 rev. A
- (c) the following drawings accompanying the Further Information and Clarification letter dated 22 January 2004 as they relate to the proposal for Holdfast Shores Stage 2B:
- Drawing Titled: 'Car park ventilation supplementary plan'; Drawing Number: 155.
 - Drawing Titled: 'Civil stormwater supplementary plan'; Drawing Number: 156.
 - Drawing Titled: 'Civil stormwater supplementary plan' Drawing Number: 157.
 - Drawing Titled: 'Oil pipeline supplementary plan'; Drawing Number: 158.
- (d) The land division plan lodged with the Development Assessment Commission on 4 February 2004: Application number 110/D012/04.
- (e) the following documents, except to the extent that they are varied by the plans described in paragraphs (a) and (c):
- Amended Development Report for Stage 2B, Volumes 1 and 2 by the Holdfast Shores Consortium, dated 18 September 2003 (except to the extent that it may be varied by a subsequent document in this paragraph).
 - The letter from Woodhead International to Planning SA titled Response by proponent to submissions, 3. City of Holdfast Bay Submission, dated 17 December 2003 (except to the extent that it may be varied by a subsequent document in this paragraph).
 - The Amended Assessment Report prepared by the Minister for Aboriginal Affairs and Reconciliation (as delegate Minister for the Minister for Urban Development and Planning), for the Holdfast Shores 2B development, dated February 2004 (except to the extent that it may be varied by a subsequent document in this paragraph).
 - The letter from Woodhead International to Planning SA, titled Further Information and Clarification, dated 22 January 2004.
 - The letter from Woodhead International to Planning SA, titled Packages 1 and 2A Building Rules Certification, dated 21 June 2004.
 - The Letter from Woodhead International to Planning SA, titled Early Works Package 2B Building Rules Certification, dated 15 July 2004.
2. A Construction Environmental Management Plan (CEMP) shall be prepared, in consultation with the Environment Protection Authority, Coast Protection Board and the City of Holdfast Bay, to address the management issues during construction. Matters to be addressed in the CEMP must include:
- Traffic management during construction, including transport beyond the site;
 - Control and management of construction noise;
 - Dust and mud control;
 - Working hours;
 - Stormwater and groundwater management during construction;
 - Site security and fencing;
 - Disposal of building waste and refuse;
 - Protection and cleaning of roads and pathways;
 - Site clean up;
 - Adherence to all relevant Environment Protection authority policies and codes of practice for construction sites;
 - Identification and management of potential and actual acid sulphate soils (should these be encountered); and
 - Identification and management of contaminated soils and groundwater (should these be encountered).
3. The applicant shall submit further information and application(s) in relation to the matters that have been reserved for further decision-making by the Governor (or her delegate).
4. No building works shall commence on subsequent stages of the development until a decision has been made by the Governor (or her delegate), involving matters relating to the Building Rules assessment and certification requirements and any other reserved matters that are subject to further development application.
5. No works shall commence unless, and until, legal rights to develop the Magic Mountain site have been secured.
6. The car parking areas shall be designed in accordance with Australian Standards 2890 1-1993 and line markings shall be maintained in good and substantial condition at all times.
7. Access for service deliveries and waste disposal vehicles at the Holdfast Promenade shall only be allowed between 7 a.m. and 10 a.m. daily.
8. Stormwater from the Holdfast Shores Stage 2B site shall not be disposed of by way of a pipe or similar structure that conveys the stormwater to the beach.
9. Site works, construction work and truck movements to and from the site shall only be carried out between 7 a.m. and 6 p.m., Monday to Saturday, inclusive.
10. Pedestrian access ways, from Moseley Square to the entertainment plaza and from Hope Street through the 'air lock', shall remain open to the public at all times.
11. Landscaping shall be provided in accordance with the authorised plans and shall be maintained and nurtured, with any diseased or dying plants being replaced.
12. The waste storage and service area at the rear of the buildings shall be kept in a neat, tidy and healthy condition at all times and the service area access door shall remain closed at all times, other than when loading or unloading is taking place.
13. Machinery, plant operating equipment, lighting or sound devices shall not impair or impinge upon the enjoyment of adjoining properties or occupiers thereof.
14. All drainage, finished floor levels, and public works associated with the development, including the disposal of stormwater, shall be carried out in accordance with accepted engineering standards and to the reasonable satisfaction of the City of Holdfast Bay.
15. The period of time for which the building (the Police Station building) shall be used as a clubroom shall be 18 months from the date of Development Authorisation after which period the building shall be vacated.

16. The clubrooms (in the Police Station building) will not be used as a nightclub or discotheque or the like.

17. The door to the accessible male toilet (in the Police Station building) shall be handed to provide latch side clearance in accordance with Fig 12 of AS1428.1. BCA-Part D3.2

Notes on Building Rules Certification (for demolition of Magic Mountain and use of the Police Station Building by GSLSC).

The Early Fire Hazard Indices of wall, floor and ceiling linings, and air-handling ductwork shall comply with Clause C1.10 of the BCA.

SCHEDULE OF ESSENTIAL SAFETY PROVISIONS: Regulation 76 requires that the relevant authority on granting provisional rules consent, issue a schedule that specifies the essential safety provisions for the building and the standards or requirements for the maintenance and testing in respect of each of those essential safety provisions set out in Minister's Specification SA 76.

Pursuant to section 53A Development Act 1993 the relevant authority must form an opinion as to whether the existing building is unsafe or structurally unsound. It is considered that although there are/may be items or matters that are not in strict conformity with the Building Rules, or other matters of non-compliance that can not be identified from the information supplied by the applicant, that the proposed upgrading measures will render the building safe.

Wet areas details including floor grades, set-downs and impervious surfaces shall comply with Minister's specification SA F1.7; including provision of drainage flanges.

Existing glass in doors, side panels and other human impact areas shall be assessed by the glazier for compliance with Section 5 of AS 1288-1994 Glass in Buildings. The applicant is advised that to comply with the Occupational Health, Safety and Welfare Act 1986 any glass that does not meet current requirements should be replaced.

Important: The Building Rules Certification does not imply compliance with the Occupational Health, Safety and Welfare Act the (State) Equal Opportunity Act 1984, or with the Commonwealth Disability Discrimination Act as amended or any of the regulations under those Acts. It is the responsibility of the owner and the person erecting the building to ensure compliance with same.

Notes to Applicant

- A decision on the reserved matters relating to Building Rules assessment and certification requirements for further stages will only be made by the Governor (or her delegate) after a Building Rules assessment and certification has been undertaken and issued by the City of Holdfast Bay, or a private certifier, as required by the Development Act 1993, and after the Minister for Urban Development and Planning receives a copy of all relevant certification documentation, as outlined in Regulation 64 of the Development Regulations 1993.
- If the Building Rules assessment process demonstrates that the Holdfast Shores Stage 2B development complies with the Building Rules pursuant to the Development Act 1993 and Development Regulations 1993, the City of Holdfast Bay, or private certifier conducting the Building Rules assessment, must:
 - (a) provide to the Minister the certification in the form set out in Schedule 12A of the Development Regulations 1993; and

(b) to the extent that may be relevant and appropriate:

- (i) issue a schedule of essential safety provisions under Division 4 of Part 12; and
- (ii) assign a classification of the building under these regulations; and
- (iii) ensure that the appropriate levy has been paid under the Construction Industry Training Fund 1993.

Regulation 64 of the Development Regulations 1993 provides further information about the type and quantity of all building certification documentation required for referral to the Minister.

- The City of Holdfast Bay, or private certifier undertaking the Building Rules assessment and certification for the Holdfast Shores Stage 2B development, must ensure that any assessment and certification is consistent with this provisional development authorisation (including any conditions or notes that apply in relation to this provisional development authorisation).
- Should the applicant wish to vary the application or the staging of any reserved matters, as outlined in this provisional development authorisation, a variation to the application may be submitted, pursuant to section 48B of the Development Act 1993, provided that the development application variation remains within the ambit of the Amended Development Report and Amendment Assessment Report referred to in this provisional development authorisation.
- The applicant is advised of the requirement to comply with the Environment Protection Authority's (EPA) 'Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry' during demolition and construction of the development.
- Noise emissions from the Holdfast Shores Stage 2B development will be subject to the Environment Protection (Industrial Noise) Policy 1994 and the Environment Protection Authority (EPA) Guidelines and the Environment Protection Act 1993.
- Prior to any construction, the applicant should consult with Adelaide Airport Ltd, about crane operations.
- The Heritage Branch of the Department for Environment and Heritage, should be consulted if there is to be any physical intervention to the structures on the adjacent State Heritage place (Glenelg Town Hall). Any such work must be executed in accordance with advice arising from such consultation.
- The proponent is reminded of the General Environmental Duty under section 25 of the Environment Protection Act 1993, which requires that a person must not undertake any activity, which pollutes, or may pollute, without taking all reasonable and practical measures to prevent or minimise harm to the environment.
- If the Holdfast Shores 2B development is not substantially commenced within two years of the date of any reserved matter decisions, the Governor (or her delegate) may cancel this provisional development authorisation and any subsequent decisions on reserved matters (where relevant).
- The Minister has a specific power to require testing, monitoring and auditing under section 48(c) of the Development Act 1993.

Dated 26 August 2004.

H. RANNAMAE, Acting Secretary, Development Assessment Commission

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 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 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		
Lot 91 Kadina Road, Alford	Allotment 91 in Filed Plan 167830, Hundred of Tickera	5316	148	27.5.04, page 1372	80.00
Flat 43A Haig Street, Broadview	Allotment 49 in Filed Plan 111757, Hundred of Yatala	5321	331	24.6.04, page 2259	105.00
2 Illogan Street, Burra	Allotment 8 in Filed Plan 104095, Hundred of Kooringa	5210	159	24.6.04, page 2259	65.00
47 Devon Street South, Goodwood	Allotment 8 in Filed Plan 104095, Hundred of Kooringa	5141	150	24.6.04, page 2259	65.00
63 Taylor Street, Kadina	Common Property Primary Community Plan 6626, Hundred of Adelaide	5901	259	26.6.86, page 1640	310.00
Section 17, Moppa Road, Koonunga (Moppa Road North, Hundred of Belvidere)	Allotment 626 in Filed Plan 197997, Hundred of Wallaroo	5552	377	26.2.04, page 568	95.00
27 Ellen Street, Nailsworth	Section 17 in the Hundred of Belvidere in the area named Koonunga	5910	629	27.5.04, page 1372	65.00
	Allotment 33 in Deposited Plan 614	5159	342	26.5.94, page 1277	5.00

Dated at Adelaide, 26 August 2004.

M. DOWNIE, General Manager, Housing Trust

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 did declare the houses described in the said table to be substandard for the purposes of Part 7 of the Housing Improvement Act 1940, and whereas the South Australian Housing Trust 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	
129 Mead Street, Peterhead	Portion of section 1099 of allotment 77, Hundred of Port Adelaide	5717	380	17.9.70, page 1279
Caravan with galvanised iron annexe at Section 17, Culgoa Street, Renmark North	Allotment 19 in Deposited Plan 28085, Renmark Irrigation District	5416	822	25.9.97, page 886
13 Twentieth Street, Renmark (Detached timber framed asbestos house)	Allotment 21 of part Block A, Hundred of Renmark	5483	794	28.5.81, page 1563
82 Twentieth Street, Renmark	Allotment 127 in Filed Plan 18511, Renmark Irrigation District	5156	856	14.9.89, page 880
34 Sellicks Beach Road, Sellicks Beach, (also known as Lot 30 Sellicks Beach Road)	Allotment 30 in Filed Plan 22936, Hundred of Willunga	5296	540	25.7.96, page 182

Dated at Adelaide, 26 August 2004.

M. DOWNIE, General Manager, Housing Trust

HOUSING IMPROVEMENT ACT 1940

NOTICE is hereby given that the South Australian Housing Trust 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
4 Stuart Street	Dernancourt	Allotment 46 in Deposited Plan 7216, Hundred of Yatala	5210	690
7 Goldfinch Avenue	Cowandilla	Allotment 13 in Deposited Plan 2503, Hundred of Adelaide	5258	844
Section 255, Hundred of Minlacowie	Minlaton	Section 255, Hundred of Minlacowie in the area named Minlaton	5792	235
10 Kellett Street,	Mount Bryan	Allotment 9, Town of Mount Bryan, Hundred of Kingston	5372	229

Dated at Adelaide, 26 August 2004.

M. DOWNIE, General Manager, Housing Trust

FISHERIES ACT 1982: SECTION 59

TAKE notice that pursuant to section 59 of the Fisheries Act 1982, Terry Scott (the 'exemption holder'), c/o Post Office, Coffin Bay, S.A. 5607 is exempt from section 34 of the Fisheries Act 1982 and the Scheme of Management (Miscellaneous Fishery) Regulations 1991 but only insofar as he may take sea urchins (Family Echinometridae) for the purposes of trade or business (the 'exempted activity'), subject to the conditions in Schedule 1, from 24 August 2004 until 31 December 2004, unless varied or revoked earlier.

SCHEDULE 1

1. Fish may be taken from coastal waters of the State including the waters of Coffin Bay.

2. The exemption holder may authorise a person to act on his behalf in conducting the exempted activity (the 'nominated person'). Before the nominated person undertakes fishing activity pursuant to this notice, the exemption holder must contact PIRSA Fishwatch on 1800 065 522 and provide the following information:

- the full name of the nominated person; and
- the residential address of the nominated person.

3. The nominated person may undertake fishing activity pursuant to this exemption for a maximum of 21 days within the period 24 August 2004 to 31 December 2004.

4. The exemption holder or the nominated person must be present at all times during which fishing activity is undertaken pursuant to this exemption.

5. The exemption holder (or the nominated person) may have two other persons assisting them at any one time whilst undertaking the exempted activity. The persons assisting the exemption holder must, at all times whilst conducting the exempted activity, remain within 50 m of the exemption holder.

6. Sea urchins may only be taken by hand.

7. The exemption holder must provide the Director of Fisheries with statistical catch and effort information (including zero returns if no fishing operations have been conducted), in the form of a daily log, within 15 days of the completion of each calendar month.

8. At least one hour prior to conducting the exempted activity, the exemption holder must contact the PIRSA Fisheries Compliance Unit on 1800 065 522 and answer a series of questions about the exempted activity. They will need to have a copy of their exemption with them 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.

9. The exemption holder or nominated person must allow a PIRSA Fisheries departmental officer to accompany them at any time whilst conducting the exempted activity.

10. The exemption holder or their assistants must not conduct any other fishing activity whilst undertaking the exempted activity.

11. While engaged in the exempted activity the exemption holder (or the nominated person) 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.

12. The exemption holder must not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

Dated 24 August 2004.

J. PRESSER, Principal Fisheries Manager

LIQUOR LICENSING ACT 1997

Notice of Application

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that John William and Keryn Lee Gorman have applied to the Licensing Authority for a Producer's Licence in respect of premises situated at section 456 Murrayview Road, Waikerie, S.A. 5330 and to be known as J. W. & K. L. Gorman.

The application has been set down for hearing on 24 September 2004 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicants at the applicants' address given above, at least seven days before the hearing date (viz: 16 September 2004).

The applicants' address for service is c/o Stuart Andrew, 11 Ahern Street, Berri, S.A. 5343.

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 19 August 2004.

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 Gerald Patrick and Janne Therese Coughlin have applied to the Licensing Authority for a Producer's Licence in respect of premises situated at Lot 4, Blacktop Road, One Tree Hill, S.A. 5114.

The application has been set down for hearing on 24 September 2004 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and

servicing a copy of the notice on the applicants at the applicants' address given above, at least seven days before the hearing date (viz: 16 September 2004).

The applicants' address for service is c/o Janne Coughlin, Lot 4 Blacktop Road, One Tree Hill, S.A. 5114.

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 17 August 2004.

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 Rusden Wines Pty Ltd, as trustee for the Canute Family Trust, has applied to the Licensing Authority for the transfer of a Producer's Licence in respect of the premises situated at Magnolia Road, Tanunda, S.A. 5352 and known as Rusden Wines.

The application has been set down for hearing on 28 September 2004 at 10 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date (viz: 20 September 2004).

The applicant's address for service is c/o Dennis Canute, P.O. Box 257, Tanunda, S.A. 5352.

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 20 August 2004.

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 G. M. and F. J. Hardy, R. D. and P. E. Oakeshott, V. M. and C. C. Winnall, J. P. and E. G. Pargeter, J. A. and J. Younger, G. J. Mansell, V. M. and B. J. Riggs, R. J. Dennis, Vintech Pty Ltd, Collett Nominees Pty Ltd, Collett Vineyards Pty Ltd, Havel Pty Ltd, Morrabbin Nominees Pty Ltd, Oakeshott Family Investments Pty Ltd, Christmas Hill Pty Ltd, Ryde Properties Pty Ltd, Doomy Bess Pty Ltd and Eakay Pty Ltd have applied to the Licensing Authority for the transfer of a Producer's Licence in respect of premises situated at Wellington Road, Langhorne Creek, S.A. 5255 and known as Angus Vineyards.

The application has been set down for hearing on 29 September 2004 at 9.30 a.m..

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicants at the applicants' address given above, at least seven days before the hearing date (viz: 21 September 2004).

The applicants' address for service is c/o Wallmans Lawyers, 173 Wakefield Street, Adelaide, S.A. 5000, contact Peter Hoban or Ben Allen.

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 23 August 2004.

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 John and Rose Caporaso have applied to the Licensing Authority for a Retail Liquor Merchant's Licence in respect of premises situated at 625-627 Lower North East Road, Campbelltown, S.A. 5074 and to be known as Imma and Mario's Continental.

The application has been set down for hearing on 24 September 2004 at 9 a.m.

Conditions

The following licence condition is sought:

The Sale of Products will be restricted to the following:

Imported Italian Liqueurs, Italian Aperitifs and Italian Wines.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicants at the applicants' address given above, at least seven days before the hearing date (viz: 16 September 2004).

The applicants' address for service is c/o John Caporaso, 625-627 Lower North East Road, Campbelltown, S.A. 5074.

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 23 August 2004.

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 Gael Ann and Garry William Lovering have applied to the Licensing Authority for a Producer's Licence in respect of premises situated at Section 176 Hundred of Haines, Kangaroo Island, S.A. 5223 and known as Lovering Vineyard.

The application has been set down for hearing on 24 September 2004 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicants at the applicants' address given above, at least seven days before the hearing date (viz: 16 September 2004).

The applicants' address for service is Hume Taylor & Co., c/o Brendan Bowler, 84 Flinders Street, Adelaide, S.A. 5000.

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 18 August 2004.

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 Steven and Mira Milosevic have applied to the Licensing Authority for a Direct Sales Licence in respect of premises situated at 14 Barham Street, Allenby Gardens, S.A. 5009 and known as Belriva Imports.

The application has been set down for hearing on 24 September 2004 at 9 a.m.

Applicants

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicants at the applicants' address given above, at least seven days before the hearing date (viz: 16 September 2004).

The applicants' address for service is c/o Steven Milosevic, 14 Barham Street, 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 17 August 2004.

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 Cellar Force Pty Ltd has applied to the Licensing Authority for a Direct Sales Licence in respect of premises situated at 26 Howard Street, Beulah Park, S.A. 5067 and to be known as Cellar Force.

The application has been set down for hearing on 24 September 2004 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date (viz: 16 September 2004).

The applicant's address for service is c/o Thomson Playford, 101 Pirie Street, Adelaide, S.A. 5000 (Attention: Scott Lumsden).

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 19 August 2004.

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 Oyster Bay Wines Australia Pty Ltd has applied to the Licensing Authority for a Wholesale Liquor Merchant's Licence in respect of premises situated at Office 7, Unit 4, 348 Richmond Road, Netley, S.A. 5037.

The application has been set down for hearing on 24 September 2004 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date (viz: 16 September 2004).

The applicant's address for service is c/o Wallmans Lawyers, 173 Wakefield Street, Adelaide, S.A. 5000 (Contact: Peter Hoban).

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 19 August 2004.

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 S. & A. D. Basheer Nominees Pty Ltd has applied to the Licensing Authority for an Alteration of a Special Circumstances Licence in respect of premises situated at 129 North Terrace, Adelaide, S.A. 5000 and known as Strathmore Hotel.

The application has been set down for hearing on 24 September 2004 at 9 a.m.

Conditions

The following licence conditions are sought:

- To make alterations to the licence to include a courtyard area at rear of premises and to include a private function room on the first floor.
- The applicant seeks the existing Extended Trading Authorisation to apply to the proposed area as per plans lodged with this office.
- Entertainment consent is not sought for the proposed courtyard area.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date (viz: 16 September 2004).

The applicant's address for service is c/o David Basheer, 129 North Terrace, Adelaide, S.A. 5000.

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 19 August 2004.

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 Haselgrove Wines Pty Ltd has applied to the Licensing Authority for a Producer's Licence in respect of premises situated at 150 Main Road, McLaren Vale, S.A. 5171 and known as Haselgrove Wines.

The application has been set down for hearing on 24 September 2004 at 9 a.m.

Condition

The following licence condition is sought:

- Hours of trading for the sampling area are 8.30 a.m. to 5.30 p.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date (viz: 16 September 2004).

The applicant's address for service is c/o Kelly & Co., G.P.O. Box 286, Adelaide, S.A. 5001.

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 20 August 2004.

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 Jane Marion McPherson has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 134 Ellen Street, Port Pirie, S.A. 5540 and known as Family Seafood & Grill.

The application has been set down for hearing on 27 September 2004 at 10 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date (viz: 17 September 2004).

The applicant's address for service is c/o Jane Marion McPherson, 134 Ellen Street, Port Pirie, S.A. 5540.

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 18 August 2004.

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 Mocean Cafe Restaurant Bar Pty Ltd, c/o Wallmans Lawyers has applied to the Licensing Authority for a Restaurant Licence, Extended Trading Authorisation and Entertainment Consent in respect of premises situated at 30 Alfred Terrace, Streaky Bay, S.A. 5680 and to be known as Mocean Cafe Restaurant.

The application has been set down for hearing on 24 September 2004 at 9 a.m.

Conditions

The following licence conditions are sought:

The applicant seeks section 34 (1) (c) authorisation for consumption on the licensed premises by persons:

- seated at a table; or
- attending a function at which food is provided.

Extended Trading Authorisation to apply to the whole of the licensed premises including the following times:

Friday and Saturday: Midnight to 2 a.m. the following day;
Sunday: 8 a.m. to 11 a.m. and 8 p.m. to Midnight;
Christmas Day, Good Friday and Public Holidays:
Midnight to 2 a.m. the following day.

Entertainment Consent is sought for whole of the licensed premises and including the abovementioned hours.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date (viz: 16 September 2004).

The applicant's address for service is c/o Ben Allen of Wallmans Lawyers, 173 Wakefield Street, Adelaide, S.A. 5000.

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 17 August 2004.

Applicant

LOCAL GOVERNMENT ACT 1999

NOTICE OF APPROVAL OF A REGIONAL SUBSIDIARY

Highbury Landfill Authority Regional Subsidiary

THE City of Burnside, City of Norwood, Payneham & St Peters and Corporation of the Town of Walkerville have resolved to establish a regional subsidiary pursuant to section 43 of the Local Government Act 1999 to facilitate the closure and the post-closure of the Highbury Landfill Site, to manage the joint interests and liability of the constituent councils in relation to the closure of the Highbury Landfill Site, to undertake all manner of things relating to and incidental to the management function of the Authority and to provide a forum for the discussion and consideration of issues related to the joint obligations and responsibilities of the constituent councils in respect to the closure (and post-closure) of the Highbury Landfill Site.

Pursuant to clause 17 of Part 2 of Schedule 2 of the Local Government Act 1999, I approve the establishment of the Highbury Landfill Authority Regional Subsidiary.

The charter of the Highbury Landfill Authority Regional Subsidiary is set out below.

Dated 10 August 2004.

RORY MCEWEN, Minister for State/Local Government Relations

HIGHBURY LANDFILL AUTHORITY

Charter

1. INTRODUCTION

1.1 Name

The name of the subsidiary shall be the Highbury Landfill Authority (referred to as “the Authority” in this Charter).

1.2 Establishment

The Authority is a regional subsidiary established pursuant to Section 43 of the Local Government Act 1999 by the:

1.2.1 City of Burnside;

1.2.2 City of Norwood, Payneham & St Peters; and

1.2.3 Corporation of the Town of Walkerville

1.3 **Local Government Act 1999**

This Charter must be read in conjunction with Parts 2 and 3 of Schedule 2 to the Local Government Act 1999. The Authority shall conduct its affairs in accordance with Schedule 2 to the Act except as modified by this Charter in a manner permitted by Schedule 2.

1.4 **Interpretation**

- 1.4.1 “Act” means the Local Government Act 1999;
- 1.4.2 “Board” means the Board of Management established under Clause 2 of this Charter;
- 1.4.3 “Constituent Councils” means those Councils named in Clause 1.2 of this Charter;
- 1.4.4 “East Waste” means the Eastern Waste Management Authority;
- 1.4.5 “Financial Year” means 1 July in each year to 30 June in the subsequent year;
- 1.4.6 “*Gazette*” means the *South Australian Government Gazette*;
- 1.4.7 “Highbury Landfill Site” means the land known as Allotment 4, Volume 5290, Folio 829;
- 1.4.8 “Minister” means the Minister for State/Local Government Relations.

1.5 **Purpose For Which The Authority Is Established**

The Authority is established for the following objects and purposes:

- 1.5.1 to facilitate the closure and the post-closure of the Highbury Landfill Site;
- 1.5.2 to manage the joint interests and liability of the Constituent Councils in relation to the closure of the Highbury Landfill Site;
- 1.5.3 to undertake all manner of things relating to and incidental to the management function of the Authority;
- 1.5.4 to provide a forum for the discussion and consideration of issues related to the joint obligations and responsibilities of the Constituent Councils in respect of the closure (and post-closure) of the Highbury Landfill Site.

1.6 **Powers and Functions of the Authority**

The powers, functions and duties of the Authority are to be exercised in the performance of the Authority’s objects and purposes. The Authority shall have those powers, functions and duties delegated to it by the Constituent Councils from time to time that include but are not limited to:

- 1.6.1 the power to accumulate surplus funds for investment purposes;
- 1.6.2 the power to establish a reserve fund or funds clearly identified for meeting any liability or obligation of the Authority;
- 1.6.3 the power to make loans of any of the funds of the Authority provided that it shall be a condition precedent, that the written approval of all the Constituent Councils is first had and obtained;
- 1.6.4 the power to enter into contracts, to purchase, sell, lease, hire, rent or otherwise acquire or dispose of any personal property or interests therein;
- 1.6.5 the power to purchase, sell, lease, hire, rent or otherwise acquire or dispose of any real property or interests therein, provided that it shall be a condition precedent, that the written approval of all the Constituent Councils is first had and obtained;
- 1.6.6 the power to employ, engage, remunerate, remove, suspend or dismiss the Manager of the Authority;
- 1.6.7 the power to employ, engage or retain professional advisers to the Authority;
- 1.6.8 the power to return to the Constituent Councils or at their direction to the East Waste regional subsidiary any or all surplus funds upon completion of the approved remediation plan of Highbury Landfill Site;
- 1.6.9 the power to invest any of the funds of the Authority in any investment authorised by the Trustee Act 1936 or with the Local Government Finance Authority provided that:
 - 1.6.9.1 in exercising this power of investment the Authority must exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
 - 1.6.9.2 the Authority must avoid investments that are speculative or hazardous in nature;
- 1.6.10 the power to undertake all manner of things relating and incidental to the objects and purposes of the Authority; and
- 1.6.11 the power to do anything else necessary or convenient for or incidental to the exercise, performance or discharge of its powers, functions or duties.

1.7 **Property**

- 1.7.1 All property held by the Authority is held by it on behalf of the Constituent Councils.
- 1.7.2 No person may sell, encumber or otherwise deal with any property of the Authority without the approval of the Board by way of a Board resolution.

1.8 Delegation by the Authority

The Authority may by resolution delegate to the Manager or to any employee of the Authority any of its powers, functions and duties under this Charter but may not delegate:

- 1.8.1 the power to impose charges;
- 1.8.2 the power to borrow money or obtain any other form of financial accommodation;
- 1.8.3 the power to approve expenditure of money on the works, services or operations of the Authority not contained in a budget approved by the Authority or where required by this Charter, approved by the Constituent Councils;
- 1.8.4 the power to approve the reimbursement of expenses or payment of allowances to members of the Board of Management;
- 1.8.5 the power to adopt or revise a strategic management plan or budget of the Authority; or
- 1.8.6 the power to make any application or recommendation to the Minister.

A delegation is revokable at will and does not prevent the Authority from acting in a matter.

1.9 National Competition Policy

The Authority must undertake any commercial activities that constitute a significant business activity of the Authority in accordance with the principles of competitive neutrality.

(See clause 32, Part 2, Schedule 2 of the Act and Part 4 of the Government Business Enterprises (Competition) Act 1996)

2. BOARD OF MANAGEMENT

The Authority is a body corporate and is governed by a Board of Management that shall have the responsibility to manage the business and other affairs of the Authority ensuring that the Authority acts in accordance with this Charter.

2.1 Functions of the Board

- 2.1.1 The formulation of a closure management plan and strategy for closure of the Highbury Landfill Site by the Authority.
- 2.1.2 The provision of professional input and direction to the Authority.
- 2.1.3 To monitor, oversee and measure the performance of the Manager.
- 2.1.4 Subject to sub-clause 2.5.16 to ensure that the business of the Authority is undertaken in an open, transparent and accountable manner.

- 2.1.5 To assist in the development of an environmentally sound and economical solution to the closure of the Highbury Landfill Site.
- 2.1.6 To exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons.

2.2 **Membership of the Board**

- 2.2.1 The Board shall consist of five members appointed as follows:
 - 2.2.1.1 one person appointed by each Constituent Council;
 - 2.2.1.2 two persons appointed jointly by the Constituent Councils who are not members or officers of the Constituent Councils but who, in the opinion of the Constituent Councils, have expertise in environmental management and/or waste operations and business and/or commerce.
- 2.2.2 A Board Member shall, subject to this Charter, be appointed for a term not exceeding three years specified in the instrument of appointment and at the expiration of the term of office will be eligible for re-appointment.
- 2.2.3 Each Constituent Council must give notice in writing to the Manager of the Authority of the persons appointed as Board Members and of any revocation of those appointments.
- 2.2.4 The term of office of a member of the Board will cease upon the Council providing written notice to the Board Member or upon the happening of any other event through which the Board Member would be ineligible to remain as a member of the Board.
- 2.2.5 The appointment of a Board Member shall terminate upon any of the grounds set out at clause 20, Part 2, Schedule 2 of the Act arising, or otherwise:
 - 2.2.5.1 if the Board Member has been appointed under clause 2.2.1.1:
 - (i) upon the Council which appointed him/her ceasing to be a Constituent Council; or
 - (ii) if the Board Member is an elected member of a Constituent Council upon ceasing to be an elected member; or
 - (iii) if the Board Member is an employee of a Constituent Council, upon ceasing to be employed by the Council which appointed him/her;
 - 2.2.5.2 in respect of any Board appointment upon the happening of any other event through which the Board Member would be ineligible to remain as a member of the Board;

(See clause 20, Part 2, Schedule 2 of the Act for the grounds which give rise to a vacancy)

- 2.2.6 The Board may by a two thirds majority vote of the members present (excluding the member subject to this Clause 2.2.6) make a recommendation to the Constituent Councils seeking the Councils approval to terminate the appointment of the member in the event of:
- 2.2.6.1 any behaviour of the member which in the opinion of the Board amounts to impropriety;
 - 2.2.6.2 serious neglect of duty in attending to the responsibilities of a member of the Board;
 - 2.2.6.3 breach of fiduciary duty to the Board or the Constituent Council(s);
 - 2.2.6.4 breach of the duty of confidentiality to the Board and/or the Constituent Council(s);
 - 2.2.6.5 breach of the conflict of interest rules of the Board; or
 - 2.2.6.6 any other behaviour which may discredit the Board.
- 2.2.7 A member may be removed from office as a member of the Board prior to the expiration of a term of appointment only in accordance with the following:
- 2.2.7.1 a member appointed by a Constituent Council pursuant to Clause 2.2.1.1, by resolution of the Constituent Council which originally appointed the member;
 - 2.2.7.2 a member appointed jointly by the Constituent Councils pursuant to Clause 2.2.1.2 by a joint resolution being a resolution passed by each of the Constituent Councils.
- 2.2.8 The term of office of a Board Member appointed pursuant to Clause 2.2.1.1, shall terminate if the Council appointing him/her shall cease to be a Constituent Council.
- 2.2.9 If any casual vacancy occurs in the membership of the Board it will be filled in the same manner as the original appointment.
- 2.2.10 Board Members shall be eligible for such allowances from the funds of the Authority as the Board shall determine from time to time by a majority resolution of two-thirds of the whole number of Board members.
- 2.2.11 Each Constituent Council may appoint a deputy Board Member to act in place of that Constituent Council's Board Member appointed pursuant to Clause 2.2.1.1, where the Board Member will not be present at a meeting of the Board.
- 2.2.12 In the absence of the Board Member, a deputy Board Member will be deemed to be the Board Member and can exercise all of the rights, privileges and obligations of the Board Member during the absence of that Board Member.

2.3 **Propriety of Members of the Board**

2.3.1 The principles regarding conflict of interest prescribed in the Act will apply to all Board Members as if they were elected members of a council.

(See Chapter 5, Part 4, Division 3 of the Act for conflict of interest provisions)

2.3.2 The Board Members are not required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.

2.3.3 The Board Members will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties including honesty and the exercise of reasonable care and diligence with respect to the performance and discharge of official functions and duties as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Part 2 of Schedule 2 to the Act.

2.4 **Chair of the Board**

2.4.1 The Board shall elect from amongst the Members appointed by the Constituent Councils pursuant to Clause 2.2.1.1, a Chair who shall hold office for a term of three years or if the Member is an Elected Member of a Constituent Council for a period coinciding with his/her term of office as an Elected Member of the Constituent Council, whichever is the lesser, unless he/she resigns or is removed from office pursuant to this Charter or is otherwise no longer eligible to act as a Board Member.

2.4.2 In the event that the appointed Chair either resigns or is no longer eligible to act as a Board Member prior to the expiration of that person's term, then the Board shall elect from amongst the Members appointed by the Constituent Councils a new Chair who shall hold office for the duration of the original appointment.

2.4.3 The Chair shall preside at all meetings of the Board and, in the event of the Chair being absent from a meeting, the members present shall appoint a member from amongst the Elected Members present, for the purposes of that meeting, who shall preside for that meeting or until the Chair is present.

2.5 **Meetings of the Board**

2.5.1 The provisions of Part 2 of the Local Government (Procedures at Meetings) Regulations 2000 shall, insofar as the same may be applicable and not inconsistent with this Charter, apply to the proceedings at and conduct of all meetings of the Board.

2.5.2 Ordinary meetings of the Board must take place at such times and places as may be fixed by the Board or the Manager of the Authority from time to time. There shall be at least one ordinary meeting of the Board held every quarter. Meetings shall not be held before 5 p.m. unless the Board resolves otherwise by resolution supported unanimously by all Board Members.

- 2.5.3 An ordinary meeting of the Board will constitute an ordinary meeting of the Authority. The Board shall administer the business of the ordinary meeting.
- 2.5.4 Notice of ordinary meetings of the Board must be given by the Manager to each Board Member and to each Constituent Council not less than 7 clear days prior to the holding of the meeting and shall be accompanied by the agenda for the meeting and any written reports.
- 2.5.5 For the purposes of this sub-clause, the contemporary linking together by telephone, audio-visual or other instantaneous means (“telecommunications meeting”) of a number of the members of the Board provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board Members taking part in the telecommunications meeting, must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting, each Board Member must announce his/her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audiovisual or other communication equipment, unless that Board Member has previously notified the Chair of the meeting.
- 2.5.6 A proposed resolution in writing and given to all Board Members in accordance with proceedings determined by the Board will be a valid decision of the Board where a majority of Board Members vote in favour of the resolution by signing and returning the resolution to the Manager or otherwise giving written notice of their consent and setting out the terms of the resolution to the Manager. The resolution shall thereupon be as valid and effectual as if it had been passed at a meeting of the Board duly convened and held.
- 2.5.7 Any Constituent Council or Board Member may by delivering written notice to the Manager of the Authority require a special meeting of the Board to be held. On receipt of the notice the Manager shall send a notice of the special meeting to all Board Members and to each Constituent Council at least 4 hours prior to the commencement of the special meeting. Such notice shall specify the date, time and place of the special meeting and be signed by the Manager, and contain, or be accompanied by, the agenda for the meeting.
- 2.5.8 The notice to the Manager requiring a special meeting to be held must be accompanied by the agenda for the meeting and any written reports intended to be considered at the meeting.
- 2.5.9 The quorum for any meeting of the Board is determined by dividing the number of members by two ignoring any fraction resulting from the division and adding one.

- 2.5.10 Every member of the Board, including the Chair, shall have a deliberative vote. The Chair shall not in the event of an equality of votes have a casting vote.
- 2.5.11 All matters will be decided by a majority of votes of the Board Members present except where this Charter provides otherwise.
- 2.5.12 Subject to sub-clause 2.3.1, all Board Members present at a meeting shall vote.
- 2.5.13 Any meeting of the Board may be adjourned from time to time and from place to place.
- 2.5.14 Subject to Clause 2.5.16, meetings of the Board must be conducted in a place open to the public.
- 2.5.15 All Board Members must keep confidential all documents and any information provided to them for their consideration prior to a meeting of the Board.
- 2.5.16 The Board may order that the public be excluded from attendance at any meeting in order to enable the Board to consider in confidence any information or matter listed in Section 90 (3) of the Act (after taking into account any relevant consideration under that subsection).
- The exercise of this power does not exclude Board Members and any other person permitted by the Board to remain in the room.
- 2.5.17 Where an order is made under Clause 2.5.16, a note must be made in the minutes of the making of the order and of the grounds on which it was made.
- 2.5.18 The Manager must cause minutes to be kept of the proceedings at every meeting of the Board.
- 2.5.19 Where the Manager is excluded from attendance at a meeting of the Board pursuant to Clause 2.5.16, the person presiding at the meeting shall cause the minutes to be kept.
- 2.5.20 Each member of the Board and each Constituent Council must, notwithstanding an order made pursuant to Clause 2.5.16 be supplied with a copy of all minutes of the proceedings of the meeting.
- 2.5.21 Subject to Clause 2.5.23 a person is entitled to inspect, without payment of a fee, at the office of the Authority:
- 2.5.21.1 minutes of a Board Meeting;
 - 2.5.21.2 reports to the Board received at a meeting of the Board;
 - 2.5.21.3 recommendations presented to the Board in writing and adopted by resolution of the Board.

- 2.5.22 Subject to Clause 2.5.23, a person is entitled, on payment of a fee fixed by the Board, to obtain a copy of any documents available for inspection under Clause 2.5.21.
- 2.5.23 Clauses 2.5.21 and 2.5.22 do not apply in relation to a document or part of a document if:
- 2.5.23.1 the document or part of the document relates to a matter of a kind referred to in Clause 2.5.16; and
 - 2.5.23.2 the Board orders that the document or part of the document be kept confidential.

3. STAFFING ISSUES

- 3.1 The Board must appoint a Manager of the Authority to manage the business of the Authority on terms agreed between the Manager and the Board. The Manager may be a natural person or a body corporate.
- 3.2 If the Manager is a natural person, he/she shall be appointed on a fixed term performance based employment contract that does not exceed 5 years in duration. The Board may at the end of the contract term enter into a new contract not exceeding 12 months in duration with the same person.
- 3.3 The Manager shall cause records to be kept of the business and financial affairs of the Authority in accordance with this Charter, in addition to other duties provided for by this Charter and those specified in the terms and conditions of appointment.
- 3.4 In the absence of the Manager for any period exceeding one week, a suitable person to act in the position of Manager of the Authority must be appointed by the Board.
- 3.5 The Board shall delegate responsibility for the day-to-day management of the Authority to the Manager, who will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the Authority.
- 3.6 The functions of the Manager shall include but are not limited to:
- 3.6.1 attending at all meetings of the Board unless excluded by resolution of the Board;
 - 3.6.2 ensuring that the decisions of the Board are implemented in a timely and efficient manner;
 - 3.6.3 providing information to assist the Board to assess the Authority's performance against its closure Management Plan and Strategy and its Business Plan;
 - 3.6.4 appointing, managing, suspending and dismissing all other employees of the Authority;

- 3.6.5 determining the conditions of employment of all other employees of the Authority, within budgetary constraints set by the Board;
 - 3.6.6 providing advice and reports to the Board on the exercise and performance of its powers and functions under this Charter or any Act;
 - 3.6.7 co-ordinating and initiating proposals for consideration of the Board including but not limited to continuing improvement of the operations of the Authority;
 - 3.6.8 ensuring that the assets and resources of the Authority are properly managed and maintained;
 - 3.6.9 ensuring that records required under the Act or any other legislation are properly kept and maintained;
 - 3.6.10 exercising, performing or discharging other powers, functions or duties conferred on the Manager by or under the Act or any other Act, and performing other functions lawfully directed by the Board; and
 - 3.6.11 achieving financial outcomes in accordance with adopted plans and budgets of the Authority.
- 3.7 The Manager may delegate or sub-delegate to an employee of the Authority or a committee comprising employees of the Authority, any power or function vested in the Manager. Such delegation or sub-delegation may be subject to any conditions or limitations as determined by the Manager.
- 3.8 Where a power or function is delegated to an employee, the employee is responsible to the Manager for the efficient and effective exercise or performance of that power or function.
- 3.9 The Manager must keep a written record of all delegations and sub-delegations at all times.

4. MANAGEMENT

4.1 Financial Management

- 4.1.1 The Authority shall keep proper books of accounts in accordance with the requirements of the Local Government (Financial Management) Regulations 1999.
- 4.1.2 The Authority's books of account must be available for inspection by any Board Member or authorised representative of any Constituent Council at any reasonable time on request.
- 4.1.3 The Authority must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.
- 4.1.4 The Authority shall appoint no less than two Board Members, the Manager, and the Chair as authorised operators of the bank accounts. A minimum of two authorised operators are required to deal with the bank account at any one time.

- 4.1.5 Two persons authorised by resolution of the Board must sign all cheques.
- 4.1.6 All payments made by Electronic Funds Transfer must be made in accordance with procedures that have received prior approval of the Auditor of the Authority.
- 4.1.7 The Manager must act prudently in the handling of all financial transactions of the Authority and must provide regular financial and corporate reports to the Board and if requested, the Constituent Councils.

4.2 Auditor

- 4.2.1 The Authority shall appoint an auditor in accordance with the Local Government (Financial Management) Regulations 1999.
- 4.2.2 The Auditor shall hold office until the appointment is rescinded by a resolution of the Board at an ordinary meeting.
- 4.2.3 The Auditor will have the same powers and responsibilities as set out in the Act in relation to a Council.
- 4.2.4 The audit of Financial Statements of the Authority, together with the accompanying report from the Auditor, shall be submitted to both the Board and the Constituent Councils.
- 4.2.5 The books of account and financial statements shall be audited at least once per year.

4.3 Business Plan

The Authority shall:

- 4.3.1 prepare a three year Business Plan linking the closure of the Highbury Landfill Site to strategic, operational and organisational requirements with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period;
- 4.3.2 in consultation with the Constituent Councils review the Business Plan annually; and
- 4.3.3 submit the Business Plan to the Constituent Councils for their approval.

(See Clause 24, Part 2, Schedule 2 to the Act for the contents of the Business Plan)

4.4 Annual Budget

- 4.4.1 The Authority shall prepare and after 31 May each year adopt an annual budget for the ensuing financial year in accordance with the Act.
- 4.4.2 The Authority must provide a copy of its annual budget to the Chief Executive Officer of each Constituent Council within five business days after adoption.

4.4.3 Reports summarising the financial position and performance of the Authority shall be prepared and presented to the Board, at each ordinary meeting of the Board and copies provided to the Chief Executive Officer of each Constituent Council.

4.4.4 The Authority must reconsider its budget at least three times in each Financial Year at intervals of not less than three months between 30 September and 31 May (inclusive) in accordance with the requirements of the Local Government (Financial Management) Regulations 1999.

(See Clause 25, Part 2, Schedule 2 to the Act for the contents of the budget)

4.5 **Reporting**

4.5.1 The Authority must submit to the Constituent Councils, by 30 September in each Financial Year a report on the work and operations of the Authority detailing achievement of the aims and objectives of its Business Plan and incorporating the audited Financial Statements of the Authority and any other information or reports as required by the Constituent Councils.

4.5.2 On or before the second Friday in September of each year the Board shall present to the Constituent Councils a balance sheet and full financial report in respect of the previous operating year.

4.5.3 The Board shall present financial statements in accordance with the Local Government (Financial Management) Regulations 1999 to the Constituent Councils at the end of each Financial Year.

5. **MISCELLANEOUS**

5.1 **Equitable Share**

Each of the Constituent Councils will have a equity share in the Authority as set out in the table contained at Schedule 1 to this Charter.

5.2 **Withdrawal**

5.2.1 A constituent Council may not withdraw from the Authority except with the approval of the Minister and subject to the Act and this Charter.

5.2.2 A constituent Council that intends to withdraw from the Authority shall give to the Board written notice of such intention, specifying the date of intended withdrawal. The notice shall be a minimum of 12 months notice expiring on 30 June of the subsequent year.

5.2.3 The withdrawal of any constituent Council does not extinguish the liability of that Constituent Council for the payment of its contribution towards any actual or contingent deficiency in the net assets of the Authority at the end of each Financial Year until the Authority is dissolved or wound up.

- 5.2.4 The withdrawal of any Constituent Council does not extinguish the liability of the withdrawing Constituent Council to contribute to any liability in respect of the Highbury Landfill Site.
- 5.2.5 Any payment by or to the withdrawing Constituent Council must be fully paid by 30 June of the Financial Year in which the demand is made unless there is common agreement of alternative payment arrangements by the Constituent Councils.
- 5.2.6 The guarantee for any liability incurred or assumed by a Constituent Council survives the withdrawal by the Constituent Council.

5.3 **New Members**

Subject to the provisions of the Act and in particular the consent of the Minister to admission of a new Constituent Council or Councils, this Charter may be amended by unanimous agreement of the Constituent Councils to provide for the admission of a new Constituent Council or Councils, with or without conditions of membership.

5.4 **Insurance and Superannuation Requirements**

- 5.4.1 The Authority shall register with the Local Government Mutual Liability Scheme and the Local Government Workers Compensation Scheme and comply with the rules of those schemes.
- 5.4.2 The Authority shall advise the Local Government Risk Management Services of its insurance requirements relating to Local Government Special Risks including land, contamination, buildings, structures, vehicles and equipment under the management, care and control of the Authority.
- 5.4.3 Where the Authority has employees it shall register with the Local Government Superannuation Scheme and comply with the rules of the Scheme.

5.5 **Winding Up**

- 5.5.1 The Authority may be wound up by the Minister acting upon a unanimous resolution of the Constituent Councils or by the Minister in accordance with Schedule 2, Part 2, clause 33 (1) (b) of the Act.
- 5.5.2 On winding up of the Authority, the surplus assets or liabilities of the Authority, as the case may be, shall be distributed between or become the responsibility of the Constituent Councils in the proportions of their equitable interest in accordance with Schedule 1.
- 5.5.3 If there are insufficient funds to pay all expenses due by the Authority on winding up, a levy shall be imposed on all Constituent Councils in proportion to the equity share of the Constituent Councils in the Financial Year prior to the passing of the resolution to wind up.

5.6 **Direction by Constituent Councils**

- 5.6.1 The establishment of the Authority does not derogate from the power of any of the Constituent Councils to act independently in relation to a matter within the jurisdiction of the Authority.
- 5.6.2 Provided that the Constituent Councils have all first agreed unanimously as to the action to be taken, the Constituent Councils may direct and control the Authority.
- 5.6.3 For the purpose of sub-clause 5.5.2, any direction given by the Constituent Councils must be given in writing to the Manager of the Authority.

5.7 **Review of Charter**

- 5.7.1 The Constituent Councils will review this Charter at least once in every three years.
- 5.7.2 This Charter may be amended by unanimous resolution of the Constituent Councils.
- 5.7.3 The Manager must ensure that the amended Charter is published in the *Gazette* and a copy of the amended Charter provided to the Minister.
- 5.7.4 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendation of the Board.

5.8 **Disputes Between Constituent Councils**

- 5.8.1 The Constituent Councils agree to work together in good faith to resolve any matter requiring their direction or resolution.
- 5.8.2 Where the Constituent Councils are unable to resolve a matter within 21 days of a matter being presented to them, the matter will be referred by the Manager, for arbitration by the President (or his/her nominee) of the Institute of Arbitration.
- 5.8.3 Notwithstanding sub-clause 5.7.2 the Constituent Councils agree to be bound by the decision of the Arbitrator (except in relation to any decision relating to the acquisition or disposal of any real property) and will endeavour to work together in good faith in the implementation of that decision.
- 5.8.4 The costs of arbitration shall be borne equally by the Constituent Councils.

5.9 **Committees**

- 5.9.1 The Board may establish a committee of Board Members for the purpose of:
 - 5.9.1.1 enquiring into and reporting to the Board on any matter within the Authority's functions and powers and as detailed in the terms of reference given by the Board to the Committee;

5.9.1.2 exercising, performing or discharging delegated powers, functions or duties.

5.9.2 A member of a committee established under this Clause holds office at the pleasure of the Board.

5.9.3 The Board may establish advisory committees consisting of or including persons who are not Board Members for enquiring into and reporting to the Board on any matter within the Authority's functions and powers and as detailed in the terms of reference which must be given by the Board to the advisory committee.

5.9.4 A member of an advisory committee established under this clause holds office at the pleasure of the Board.

5.9.5 The Chair of the Board is an *ex officio* a member of any advisory committee established by the Board.

5.10 **Common Seal**

5.10.1 The Authority will have a common seal, which may be affixed to documents requiring execution under seal and where affixed must be witnessed by the Chair of the Board and the Manager.

5.10.2 The common seal must not be affixed to a document except to give effect to a resolution of the Board.

5.10.3 The Manager must maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with the particulars of persons who witnessed the fixing of the seal and the date that the seal was affixed.

5.10.4 The Board may by instrument under seal authorise a person to execute documents on behalf of the Authority.

5.11 **Circumstances Not Provided For**

5.11.1 If any circumstance arises about which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the Chair may decide the action to be taken to ensure achievement of the objects of the Authority and its effective administration.

5.11.2 The Chair shall report any such decision at the next ordinary meeting of the Authority.

SCHEDULE 1
EQUITY SHARE

Constituent Council	Equity Share
City of Burnside	50.406%
City of Norwood, Payneham & St Peters	40.357%
Corporation of Town of Walkerville	9.237%
TOTAL	100%

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 Ltd
 Location: Coorabie area—Approximately 140 km north-west of Ceduna.
 Term: 1 year
 Area in km²: 934
 Ref: 2004/00269

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

H. TYRTEOS, Mining Registrar

MINING ACT 1971

NATIVE TITLE (SOUTH AUSTRALIA) ACT 1994

NOTICE is hereby given in accordance with section 53 (2) of the Mining Act 1971 and Part 5 of the Native Title (South Australia) Act 1994 and the Regulations thereunder that an application for a Miscellaneous Purposes Licence has been received. Details of the proposal may be inspected at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000:

Applicant: OneSteel Manufacturing Pty Limited
 Location: Sections 5, 6, 7 and 8, Hundred of Randell, Allotment 7097, Town Plan 560501.
 Area: 79.3 hectares
 Purpose: Iron Ore Slurry and return water pipelines, transmission line upgrade and optical fibre cable.
 Reference: T02465 (1)

The Minister for Mineral Resources Development is required to have regard to any representations received from owners of the land (including native title holders) to which the application relates and/or any interested members of the public in determining the application or in fixing the conditions to be attached to the lease if granted.

A copy of the proposal has been provided to the Corporation of the City of Whyalla.

Written submissions in relation to the granting of the Miscellaneous Purposes Licence are invited to be received at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000 or G.P.O. Box 1671, Adelaide, S.A. 5001 no later than 10 September 2004.

H. TYRTEOS, Mining Registrar

MINING ACT 1971

NATIVE TITLE (SOUTH AUSTRALIA) ACT 1994

NOTICE is hereby given in accordance with section 53 (2) of the Mining Act 1971 and Part 5 of the Native Title (South Australia) Act 1994 and the Regulations thereunder that an application for a Miscellaneous Purposes Licence has been received. Details of the proposal may be inspected at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000:

Applicant: OneSteel Manufacturing Pty Limited
 Location: Pieces 51 and 52 and Allotment 50, Deposited Plan 25261, Hundred of Moonabie; Piece 19, Deposited Plan 23001, Hundred of Moonabie, section 12, Hundred of Moonabie; Pieces 28 and 31, Deposited Plan 23001, Hundred of Ash, sections 10, 12 and 15, Hundred of Ash; Allotment 1, Deposited Plan 28423, Hundred of Randell, sections 4 and 5, Hundred of Randell.
 Area: 200.9 hectares
 Purpose: Iron Ore Slurry and return water pipelines, transmission line upgrade and optical fibre cable.
 Reference: T02465 (2)

The Minister for Mineral Resources Development is required to have regard to any representations received from owners of the land (including native title holders) to which the application relates and/or any interested members of the public in determining the application or in fixing the conditions to be attached to the lease if granted.

A copy of the proposal has been provided to the Corporation of the City of Whyalla.

Written submissions in relation to the granting of the Miscellaneous Purposes Licence are invited to be received at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000 or G.P.O. Box 1671, Adelaide, S.A. 5001 no later than 10 September 2004.

H. TYRTEOS, Mining Registrar

MINING ACT 1971

NATIVE TITLE (SOUTH AUSTRALIA) ACT 1994

NOTICE is hereby given in accordance with section 53 (2) of the Mining Act 1971 and Part 5 of the Native Title (South Australia) Act 1994 and the Regulations thereunder that an application for a Miscellaneous Purposes Licence has been received. Details of the proposal may be inspected at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000:

Applicant: OneSteel Manufacturing Pty Limited
 Location: Sections 10 and 11, Hundred of Batchelor—Approximately 50 km south-west of Whyalla.
 Area: 23.5 hectares
 Purpose: Disposal of Overburden
 Reference: T02465 (3)

The Minister for Mineral Resources Development is required to have regard to any representations received from owners of the land (including native title holders) to which the application relates and/or any interested members of the public in determining the application or in fixing the conditions to be attached to the lease if granted.

A copy of the proposal has been provided to the Corporation of the City of Whyalla.

Written submissions in relation to the granting of the Miscellaneous Purposes Licence are invited to be received at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000 or G.P.O. Box 1671, Adelaide, S.A. 5001 no later than 10 September 2004.

H. TYRTEOS, Mining Registrar

MINING ACT 1971

NATIVE TITLE (SOUTH AUSTRALIA) ACT 1994

NOTICE is hereby given in accordance with section 53 (2) of the Mining Act 1971 and Part 5 of the Native Title (South Australia) Act 1994 and the Regulations thereunder that an application for a Miscellaneous Purposes Licence has been received. Details of the proposal may be inspected at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000:

Applicant: OneSteel Manufacturing Pty Limited
 Location: Section 11, Hundred of Batchelor—Approximately 50 km south-west of Whyalla.
 Area: 24.2 hectares
 Purpose: Disposal of Overburden
 Reference: T02465 (4)

The Minister for Mineral Resources Development is required to have regard to any representations received from owners of the land (including native title holders) to which the application relates and/or any interested members of the public in determining the application or in fixing the conditions to be attached to the lease if granted.

A copy of the proposal has been provided to the Corporation of the City of Whyalla.

Written submissions in relation to the granting of the Miscellaneous Purposes Licence are invited to be received at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000 or G.P.O. Box 1671, Adelaide, S.A. 5001 no later than 10 September 2004.

H. TYRTEOS, Mining Registrar

MINING ACT 1971

NATIVE TITLE (SOUTH AUSTRALIA) ACT 1994

NOTICE is hereby given in accordance with section 53 (2) of the Mining Act 1971 and Part 5 of the Native Title (South Australia) Act 1994 and the Regulations thereunder that an application for a Miscellaneous Purposes Licence has been received. Details of the proposal may be inspected at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000:

Applicant: OneSteel Manufacturing Pty Limited
 Location: Piece 35, Deposited Plan 23001, Hundred of Moonabie—Approximately 50 km south-west of Whyalla.
 Area: 54.3 hectares
 Purpose: Disposal of Iron Ore Tailings
 Reference: T02465 (5)

The Minister for Mineral Resources Development is required to have regard to any representations received from owners of the land (including native title holders) to which the application relates and/or any interested members of the public in determining the application or in fixing the conditions to be attached to the lease if granted.

A copy of the proposal has been provided to the Corporation of the City of Whyalla.

Written submissions in relation to the granting of the Miscellaneous Purposes Licence are invited to be received at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000 or G.P.O. Box 1671, Adelaide, S.A. 5001 no later than 10 September 2004.

H. TYRTEOS, Mining Registrar

MINING ACT 1971

NATIVE TITLE (SOUTH AUSTRALIA) ACT 1994

NOTICE is hereby given in accordance with section 53 (2) of the Mining Act 1971 and Part 5 of the Native Title (South Australia) Act 1994 and the Regulations thereunder that an application for a Miscellaneous Purposes Licence has been received. Details of the proposal may be inspected at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000:

Applicant: OneSteel Manufacturing Pty Limited
 Location: Pieces 19 and 35, Deposited Plan 23001, Hundred of Moonabie—Approximately 50 km south-west of Whyalla.
 Area: 233.3 hectares
 Purpose: Disposal of Iron Ore Tailings
 Reference: T02465 (6)

The Minister for Mineral Resources Development is required to have regard to any representations received from owners of the land (including native title holders) to which the application relates and/or any interested members of the public in determining the application or in fixing the conditions to be attached to the lease if granted.

A copy of the proposal has been provided to the Corporation of the City of Whyalla.

Written submissions in relation to the granting of the Miscellaneous Purposes Licence are invited to be received at the Department of Primary Industries and Resources, Mineral Resources Group, Level 5, 101 Grenfell Street, Adelaide, S.A. 5000 or G.P.O. Box 1671, Adelaide, S.A. 5001 no later than 10 September 2004.

H. TYRTEOS, Mining Registrar

NATIONAL PARKS AND WILDLIFE ACT 1972

Parks of the Coffin Bay Area Management Plan

I, JOHN HILL, Minister for Environment and Conservation, hereby give notice under the provisions of section 38 of the National Parks and Wildlife Act 1972, that I have adopted a plan of management for the parks of the Coffin Bay area, incorporating Coffin Bay National Park, Kellidie Bay Conservation Park, Avoid Bay Islands Conservation Park, Whidbey Isles Conservation Park and Mount Dutton Bay Conservation Park.

Copies of the plan may be inspected at or obtained from the offices of the Department for Environment and Heritage, 1 Richmond Road, Keswick, S.A. 5035 (G.P.O. Box 1047, Adelaide, S.A. 5001), telephone (08) 8124 4946, West Region Office of DEH, 75 Liverpool Street, Port Lincoln, S.A. 5606, telephone (08) 8688 3111 or on the departmental website:

http://www.environment.sa.gov.au/parks/management_plans.html.

Copies of this publication can be purchased at a cost of \$10 per copy (plus \$2 postage within South Australia) from the addresses above.

JOHN HILL, Minister for Environment and Conservation

NATIONAL PARKS AND WILDLIFE ACT 1972

Lincoln National Park Management Plan

I, JOHN HILL, Minister for Environment and Conservation, hereby give notice under the provisions of section 38 of the National Parks and Wildlife Act 1972, that I have adopted a plan of management for Lincoln National Park, incorporating Lincoln Conservation Reserve.

Copies of the plan may be inspected at or obtained from the offices of the Department for Environment and Heritage, 1 Richmond Road, Keswick, S.A. 5035 (G.P.O. Box 1047, Adelaide, S.A. 5001), telephone (08) 8124 4946, West Region Office of DEH, 75 Liverpool Street, Port Lincoln, S.A. 5606, telephone (08) 8688 3111 or on the departmental website:

http://www.environment.sa.gov.au/parks/management_plans.html.

Copies of this publication can be purchased at a cost of \$10 per copy (plus \$2 postage within South Australia) from the addresses above.

JOHN HILL, Minister for Environment and Conservation

PETROLEUM ACT 2000

Application for Grant of an Associated Facilities Licence AFL 15

PURSUANT to section 65 (6) of the Petroleum Act 2000 (the Act) and Delegation dated 28 March 2002, *Gazetted* 11 April 2002, page 1573, notice is hereby given that an application for the grant of an Associated Facilities Licence over the area described below has been received from Beach Petroleum Limited.

Description of Application Area

A 50 m buffer around line segments defined by the following pairs of coordinates (GDA94), adjacent to Petroleum Exploration Licence PEL 107:

From		To	
382264E	6882992N	382631E	6882388N
386695E	6881253N	387692E	6880582N
389167E	6879589N	390724E	6878524N
387247E	6881994N	388448E	6883981N

Dated 19 August 2004.

B. A. GOLDSTEIN, Director Petroleum Minerals and Energy Division
 Primary Industries and Resources SA
 Delegate of the Minister for Mineral Resources Development

PETROLEUM ACT 2000

Surrender of Associated Facilities Licence—AFL 3

NOTICE is hereby given that I have accepted surrender of the abovementioned Associated Facilities Licence under the provisions of the Petroleum Act 2000, pursuant to delegated powers dated 28 March 2002, *Gazetted* 11 April 2002, page 1573.

No. of Licence	Licensee	Locality	Date of Surrender	Approx. Area in km ²	Reference
AFL 3	Stuart Petroleum Limited	Cooper Basin of South Australia	23 October 2003	1.99	27/2/265

Description of the Area

All that part of the State of South Australia, bounded as follows: A 50 m buffer around line segments defined by the following pairs of co-ordinates (decimal degrees GDA 94), adjacent to Petroleum Exploration Licence PEL 102 in the State of South Australia.

From		To	
-27.324944	140.751219	-27.312470	140.763093
-27.446768	140.751260	-27.436716	140.759469
-27.445865	140.751232	-27.450566	140.760046
-27.204778	140.667891	-27.195437	140.693129
-27.178307	140.667899	-27.174303	140.677803
-27.165107	140.667847	-27.161957	140.675901
-27.210511	140.667944	-27.205656	140.680944
-27.201256	140.667770	-27.200998	140.705968
-27.165125	140.642219	-27.160730	140.653628
-27.165137	140.619235	-27.161686	140.628351
-27.165178	140.601389	-27.161760	140.599544
-27.335118	140.496225	-27.331758	140.503509
-27.507549	140.577513	-27.500005	140.584568
-27.300362	140.581777	-27.295711	140.593416

Area: 1.99 km² approximately.

Dated 24 August 2004.

B. A. GOLDSTEIN, Director Petroleum
Minerals and Energy Division
Primary Industries and Resources SA
Delegate of the Minister for Mineral Resources Development

PETROLEUM ACT 2000

Grant of Associated Facilities Licence—AFL 14

NOTICE is hereby given that the undermentioned Associated Facilities Licence has been granted under the provisions of the Petroleum Act 2000, pursuant to delegated powers dated 28 March 2002, *Gazetted* 11 April 2002, page 1573.

No. of Licence	Licensees	Locality	Approximate Area in km ²	Reference
AFL 14	Santos Limited Santos Petroleum Pty Ltd Santos (BOL) Pty Ltd Vamgas Pty Ltd Reef Oil Pty Ltd Alliance Petroleum Australia Pty Ltd Bridge Oil Developments Pty Ltd Delhi Petroleum Pty Ltd Origin Energy Resources Ltd Basin Oil Pty Ltd Novus Australia Resources NL	Cooper Basin of South Australia	1.0	27/2/303

Description of Area

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

A 50 m buffer around line segments defined by the following pairs of co-ordinates (GDA94), within Petroleum Exploration Licences PEL 104, PEL 105 and PEL 106:

From		To	
27°42'24.46"	140°02'42.49"	27°42'25.06"	140°03'56.36"
27°43'24.59"	139°58'46.53"	27°43'00.82"	139°59'26.59"
27°43'50.45"	139°58'44.52"	27°43'32.92"	140°00'13.41"
27°43'41.22"	139°55'36.70"	27°44'21.84"	139°56'14.52"
27°33'44.60"	140°05'24.00"	27°33'23.76"	140°05'56.38"
27°32'54.22"	140°06'42.18"	27°32'45.08"	140°06'56.38"
27°46'51.23"	139°54'47.96"	27°46'22.89"	139°55'34.52"
27°45'44.61"	139°57'31.62"	27°46'04.61"	139°57'50.26"

Dated 19 August 2004.

B. A. GOLDSTEIN, Director Petroleum
Minerals and Energy Division
Primary Industries and Resources SA
Delegate of the Minister for Mineral Resources Development

PETROLEUM ACT 2000

*Grant of Geothermal Exploration Licences
GEL 170, GEL 171, GEL 172 and GEL 173*

NOTICE is hereby given that the undermentioned Geothermal Exploration Licences have been granted under the provisions of the Petroleum Act 2000, pursuant to delegated powers dated 28 March 2002, *Gazetted* 11 April 2002, page 1573.

No. of Licence	Licensee	Locality	Area in km ²	Reference
GEL 170	Scopenergy Limited	Otway Basin of South Australia	500	27/02/293
GEL 171	Scopenergy Limited	Otway Basin of South Australia	496	27/02/294
GEL 172	Scopenergy Limited	Otway Basin of South Australia	497	27/02/295
GEL 173	Scopenergy Limited	Otway Basin of South Australia	499	27/02/296

Description of Area—GEL 170

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

Commencing at a point being the intersection of latitude 37°31'00"S GDA94 and longitude 140°22'00"E GDA94, thence east to longitude 140°32'00"E GDA94, south to latitude 37°38'00"S GDA94, east to longitude 140°33'00"E GDA94, south to latitude 37°40'00"S GDA94, east to longitude 140°35'00"E GDA94, south to latitude 37°42'00"S GDA94, east to longitude 140°38'00"E GDA94, south to latitude 37°44'00"S GDA94, east to longitude 140°41'00"E GDA94, south to latitude 37°46'00"S GDA94, east to longitude 140°44'00"E GDA94, south to latitude 37°47'00"S GDA94, east to longitude 140°47'00"E GDA94, south to latitude 37°48'00"S GDA94, east to longitude 140°51'00"E GDA94, south to latitude 37°49'00"S GDA94, east to longitude 140°54'00"E GDA94, south to latitude 37°50'00"S GDA94, east to longitude 140°56'00"E GDA94, south to latitude 37°52'00"S GDA94, west to longitude 140°43'00"E GDA94, north to latitude 37°49'00"S GDA94, west to longitude 140°38'00"E GDA94, north to latitude 37°46'00"S GDA94, west to longitude 140°33'00"E GDA94, north to latitude 37°44'00"S GDA94, west to longitude 140°32'00"E GDA94, north to latitude 37°43'00"S GDA94, west to longitude 140°29'00"E GDA94, north to latitude 37°40'00"S GDA94, west to longitude 140°26'00"E GDA94, north to latitude 37°37'00"S GDA94, west to longitude 140°25'00"E GDA94, north to latitude 37°36'00"S GDA94, west to longitude 140°23'00"E GDA94, north to latitude 37°35'00"S GDA94, west to longitude 140°22'00"E GDA94, and north to the point of commencement but excluding Tantanoola Conservation Park and Gower Conservation Park.

Area: 500 km² approximately.

Description of Area—GEL 171

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

Commencing at a point being the intersection of latitude 37°24'00"S GDA94 and longitude 140°14'00"E GDA94, thence east to longitude 140°18'00"E GDA94, south to latitude 37°25'00"S GDA94, east to longitude 140°20'00"E GDA94, south to latitude 37°26'00"S GDA94, east to longitude 140°21'00"E GDA94, south to latitude 37°27'00"S GDA94, east to longitude 140°30'00"E GDA94, south to latitude 37°29'00"S GDA94, east to longitude 140°41'00"E GDA94, south to latitude 37°31'00"S GDA94, east to longitude 140°42'00"E GDA94, south to latitude 37°32'00"S GDA94, east to longitude 140°43'00"E GDA94, south to latitude 37°33'00"S GDA94, east to longitude 140°44'00"E GDA94, south to latitude 37°34'00"S GDA94, east to longitude 140°45'00"E GDA94, south to latitude 37°36'00"S GDA94, west to longitude 140°39'00"E GDA94, south to latitude 37°39'00"S GDA94, west to longitude 140°38'00"E GDA94, south to latitude 37°42'00"S GDA94, west to longitude 140°35'00"E GDA94, north to latitude 37°40'00"S GDA94, west to longitude 140°33'00"E GDA94, north to latitude 37°38'00"S GDA94, west to longitude 140°32'00"E GDA94, north to latitude 37°31'00"S GDA94, west to longitude 140°22'00"E GDA94, south to latitude 37°34'00"S GDA94, west to longitude 140°20'00"E GDA94, north to latitude 37°33'00"S GDA94, west to longitude 140°19'00"E GDA94, north to latitude 37°28'00"S GDA94, west to longitude 140°17'00"E GDA94, north to latitude 37°27'00"S GDA94, west to longitude 140°15'00"E GDA94, north to latitude 37°26'00"S GDA94, west to longitude 140°14'00"E GDA94, and north to the point of commencement.

Area: 496 km² approximately.

Description of Area—GEL 172

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

Commencing at a point being the intersection of latitude 37°36'00"S GDA94 and longitude 140°39'00"E GDA94, thence east to longitude 140°45'00"E GDA94, south to latitude 37°38'00"S GDA94, east to longitude 140°46'00"E GDA94, south to latitude 37°39'00"S GDA94, east to longitude 140°52'00"E GDA94, south to latitude 37°40'00"S GDA94, east to longitude 140°55'00"E GDA94, south to latitude 37°41'00"S GDA94, east to the eastern border of the State of South Australia, thence southerly along the border of the said State to latitude 37°52'00"S GDA94, east to longitude 140°56'00"E GDA94, north to latitude 37°50'00"S GDA94, west to longitude 140°54'00"E GDA94, north to latitude 37°49'00"S GDA94, west to longitude 140°51'00"E GDA94, north to latitude 37°48'00"S GDA94, west to longitude 140°47'00"E GDA94, north to latitude 37°47'00"S GDA94, west to longitude 140°44'00"E GDA94, north to latitude 37°46'00"S GDA94, west to longitude 140°41'00"E GDA94, north to latitude 37°44'00"S GDA94, west to longitude 140°38'00"E GDA94, north to latitude 37°39'00"S GDA94, east to longitude 140°39'00"E GDA94, and north to the point of commencement but excluding Telford Scrub Conservation Park.

Area: 497 km² approximately.

Description of Area—GEL 173

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

Commencing at a point being the intersection of latitude 37°21'00"S GDA94 and longitude 140°02'00"E GDA94, thence east to longitude 140°12'00"E GDA94, south to latitude 37°29'00"S GDA94, east to longitude 140°13'00"E GDA94, south to latitude 37°30'00"S GDA94, east to longitude 140°15'00"E GDA94, south to latitude 37°31'00"S GDA94, east to longitude 140°17'00"E GDA94, south to latitude 37°32'00"S GDA94, east to longitude 140°19'00"E GDA94, south to latitude 37°33'00"S GDA94, east to longitude 140°20'00"E GDA94, south to latitude 37°34'00"S GDA94, east to longitude 140°22'00"E GDA94, south to latitude 37°35'00"S GDA94, east to longitude 140°23'00"E GDA94, south to latitude 37°36'00"S GDA94, east to longitude 140°25'00"E GDA94, south to latitude 37°37'00"S GDA94, east to longitude 140°26'00"E GDA94, south to latitude 37°40'00"S GDA94, west to longitude 140°21'00"E GDA94, north to latitude 37°39'00"S GDA94, west to longitude 140°20'00"E GDA94, north to latitude 37°38'00"S GDA94, west to longitude 140°18'00"E GDA94, north to latitude 37°37'00"S GDA94, west to the eastern boundary of Canunda National Park, thence generally north-westerly along the boundary of the said National Park to a line being Low Water Mark, Southern Ocean (Rivoli Bay), thence generally north-westerly along the said line to longitude 140°02'00"E GDA94 and north to the point of commencement but excluding sections 410 and 427, Hundred of Rivoli Bay.

Area: 498 km² approximately.

Dated 19 August 2004.

B. A. GOLDSTEIN, Director Petroleum
Minerals and Energy Division
Primary Industries and Resources SA
Delegate of the Minister for Mineral Resources Development

PETROLEUM ACT 2000

Grant of Petroleum Production Licence—PPL 206

NOTICE is hereby given that pursuant to section 92 (1) of the Petroleum Act 2000, the undermentioned Petroleum Production Licence has been granted under the provisions of the Petroleum Act 2000, pursuant to delegated powers dated 28 March 2002, *Gazetted* 11 April 2002, page 1573.

No of Licence	Licensee	Locality	Approximate Area in km ²	Reference
PPL 206	Santos Limited	Cooper Basin of South Australia	0.62	28/01/377

Description of Area

All that part of the State of South Australia, bounded as follows: Commencing at a point being the intersection of latitude 28°30'45"S GDA94 and longitude 140°15'10"E GDA94, thence east to longitude 140°15'25"E GDA94, south to latitude 28°31'10"S GDA94, east to longitude 140°15'30"E AGD66, south to latitude 28°31'15"S GDA94, west to longitude 140°15'20"E GDA94, south to latitude 28°31'20"S GDA94, west to longitude 140°15'10"E GDA94, south to latitude 28°31'25"S GDA94, west to longitude 140°15'00"E AGD66, north to latitude 28°30'50"S GDA94, east to longitude 140°15'10"E GDA94, and north to the point of commencement.

Area: 0.62 km² approximately.

Dated 23 August 2004.

BARRY A. GOLDSTEIN, Director Petroleum
Minerals and Energy Division
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**

*Walkway—Dutton Street/Pick Avenue, Mount Gambier
Deposited Plan 65414*

BY Road Process Order made on 18 June 2004, the City of Mount Gambier ordered that:

1. The whole of the walkway between Dutton Street and Pick Avenue adjoining the northern boundary of allotment 589 in Filed Plan 193581 more particularly lettered 'A' in Preliminary Plan No. 04/0034 be closed.

2. The whole of the land subject to closure be transferred to Boandik Lodge Inc. in accordance with agreement for transfer dated 11 June 2004 entered into between the City of Mount Gambier and Boandik Lodge Inc.

On 12 August 2004 that order was confirmed by the Minister for Administrative Services conditionally on approval and deposit of the survey plan by the Registrar-General. The condition has now been fulfilled.

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

Dated 26 August 2004.

P. M. KENTISH, Surveyor-General

NOTICE TO MARINERS

No. 24 of 2004

*South Australia—Port Victoria—South Beatrice Rock—
Buoy adrift*

THE FL.R. 3 seconds buoy position 34°26.872'S, 137°23.872'E has broken off its mooring and has run adrift. The buoy has been retrieved and will be re-installed in due course.

Mariners are advised to exercise caution when navigating in the area.

Navy chart affected: Aus 777.

Adelaide, 16 August 2004.

TRISH WHITE, Minister for Transport

TSA 2004/00541

NOTICE TO MARINERS

No. 25 of 2004

*South Australia—Gulf St Vincent—Approaches to Port Adelaide—
No Anchoring Zone*

(Former notice No. 10 of 2004)

MARINERS and fishers are reminded that the No Anchoring Zone referred to in the previous notice has been declared. It is located approximately one nautical mile west of the Port Adelaide Entrance Beacon and is bounded by the following corners, whose approximate WGS84 co-ordinates are:

34°46'35.666"S, 138°21'33.513"E

34°47'05.586"S, 138°24'35.574"E

34°47'18.567"S, 138°24'35.560"E

34°47'54.079"S, 138°21'33.380"E

A number of vessels have been fouled by unmarked crab pots in this zone. Therefore in the interests of safety in navigation, mariners and fishers are advised to refrain from anchoring and/or laying and retrieving fishing pots in this zone.

Mariners and fishers are also advised that this prohibited anchoring zone will be regularly patrolled by Transport SA Marine Safety Officers.

Navy Chart affected: Aus 781.

Publication affected: Australian Pilot, Volume 1 (Seventh Edition, 1992) pages 125-130.

Adelaide, 17 August 2004.

TRISH WHITE, Minister for Transport

FP 2001/1439
TSA 2004/00541



**Government
of South Australia**

**TREASURER'S
QUARTERLY STATEMENT**

for the

**THREE MONTHS and NINE MONTHS ended on
31 MARCH 2004 and 31 MARCH 2003**

*Presented by the
Honourable Kevin Foley MP
Treasurer of South Australia*

GOVERNMENT OF SOUTH AUSTRALIACOMMENTARY TO THE STATEMENT OF THE AMOUNTS CREDITED TO
AND ISSUED FROM THE CONSOLIDATED ACCOUNT FOR THE QUARTERS ENDED
31 MARCH 2004 AND 31 MARCH 2003*Receipts**Taxation*

Taxation receipts for the first nine months of 2003-04 were significantly higher than for the same period in the previous year reflecting the ongoing strength in the property market impacting on stamp duty (mainly mortgages and property transfers) and land tax receipts. Underlying strength in economic conditions also impacted favourably on payroll tax receipts.

Higher gambling tax receipts for the nine months to 31 March 2004 compared with a year earlier reflect increased expenditure on gambling, particularly gaming machines in clubs and hotels.

Land tax receipts are also higher for the nine months to 31 March 2004 due to underlying growth in the property market impacting on site values and the timing of a large land tax payment made by the South Australian Housing Trust (SAHT). In 2002-03, the SAHT made its payment of land tax (\$58.1 million) in April (in the June quarter), but in 2003-04, the payment (\$70.6 million) was made in February (in the March quarter).

The Save the River Murray Levy was first introduced in 2003-04. The first payment to Treasury of levy collections from SA Water was made in March 2004.

Fees and charges

The increase in revenue from fees and charges in the nine months to March 2004 (compared with the same period a year earlier) mainly reflects higher receipts from court fees and fines and audit fees.

Royalties

The decrease in royalty revenue in the nine months to March 2004 (compared with a year earlier) is primarily due to reduced royalty income from the Cooper Basin (reflecting declining production levels). The lower result for the March quarter 2004 (relative to the March quarter 2003) also reflects the loss of production at Olympic Dam due to the copper smelter being shut down for relining and operational difficulties with the heat exchanger in the sulphuric acid plant.

Commonwealth – General Purpose Grants

As published in the 2003-04 Mid-Year Budget Review and the 2004-05 Budget papers, South Australia has received GST revenue grants in excess of the Guaranteed Minimum Amount (GMA) in 2003-04. Growth in grant revenues in the nine months

to March 2004 compared with the same period last year is due to underlying growth in the GST pool available for distribution to the States.

Commonwealth – Specific Purpose Grants

Commonwealth Specific Purpose Grants were lower in the first nine months of 2003-04 compared to the same period in 2002-03.

The majority of the reduction reflected a reducing level of temporary additional First Home Owner Grants (FHOG). Technically, the temporary scheme ceased on 30 June 2002 but grants for eligible properties continued to be paid out after that date. Specific purpose funding for the additional FHOG amounted to \$4.5 million in the nine months ended 31 March 2003; no comparable funds were received by the State in the nine months to March 2004.

Payments

Payments have been made pursuant to the *Appropriation Act*, passed at the time of the 2003-04 State Budget and in accordance with various Acts for which specific appropriation has been authorised.

The lower total payments for the both the quarter and nine months ending 31 March 2004, compared with the same period last year is mainly due to the Past Service Superannuation payment (\$183 million) included under Administered Items for the Department of Treasury and Finance paid in March 2003 compared with a later payment date for the current financial year.

The total payments for the nine months ending 31 March 2004 for Administered Items for Transport Services exceeds the 2003-04 budget. This is due to funding for the Community Road Safety Fund being provided from the Consolidated Account rather than directly from fines revenue. When formulating the 2003-04 Budget it was envisaged that the Community Road Safety Fund would be established with the use of revenue from anti-speeding devices as its funding source. However the *Expiation of Offences Act 1996* requires that money received by way of expiation fees must be paid into the Consolidated Account. As a result, funding for the Community Road Safety Fund was actually provided by appropriation pursuant to section 6 of the *Public Finance and Audit Act 1987*. Additional appropriation authority was provided from the Governor's Appropriation Fund to accommodate this change in arrangements.

Taking these factors into account the total payments for the nine months ending 31 March 2004 are broadly in line with the budget for the 2003-04 financial year.

The structure of the *Appropriation Act* was changed in the 2003-04 Budget to provide a greater number of appropriation lines and to reflect changes in administrative structures. Accordingly, comparative data are not available for all payments made from the Consolidated Account for the December quarter 2003 relative to the December quarter 2002. Footnotes to the Statement of Payments indicate the agencies affected by these changes.

Note

Considerable caution should be exercised in interpreting the quarterly statement of Consolidated Account transactions. Unlike the State budget, which comprises transactions on an accrual basis, the information reflected in the quarterly statements is limited to cash transactions. In addition, the Consolidated Account does not capture all the transactions undertaken by the general government sector (in particular, it does not record receipts to and payments from special deposit accounts). Finally, it should be noted that the timing of receipts and payments could be volatile within a particular year. As a result, apparently significant movements between years may only be due to changes in the timing of receipts and payments, and therefore may not have implications for the underlying budget position.

GOVERNMENT OF SOUTH AUSTRALIA

SUMMARY OF THE STATEMENT
ON THE CONSOLIDATED ACCOUNT FOR THE
QUARTERS ENDED 31 MARCH 2004 AND 31 MARCH 2003

(Prepared on a Cash Basis)

- Nine months ended -			- Quarter ended -		
31 March 2004 \$ 000	31 March 2003 \$ 000	Variation \$ 000	31 March 2004 \$ 000	31 March 2003 \$ 000	Variation \$ 000
RECEIPTS					
4,618,851	4,295,549	323,302	1,550,319	1,390,263	160,056
PAYMENTS					
4,432,979	4,622,621	-189,642	1,347,462	1,588,550	-241,088
FINANCING REQUIREMENT					
-185,872	327,072	-512,944	-202,857	198,287	-401,144
BORROWINGS					
-	-	-	-	-	-
CONSOLIDATED ACCOUNT RESULT					
Deficit / - Surplus					
-185,872	327,072	-512,944	-202,857	198,287	-401,144

GOVERNMENT OF SOUTH AUSTRALIA

STATEMENT OF THE RECEIPTS AND BORROWINGS ON THE CONSOLIDATED ACCOUNT
FOR THE QUARTERS ENDED 31 MARCH 2004 AND 31 MARCH 2003*(Prepared on a Cash Basis)*

	- Nine months ended -			- Quarter ended -	
	Budget	31 March	31 March	31 March	31 March
	2003-04	2004	2003	2004	2003
	\$ 000	\$ 000	\$ 000	\$ 000	\$ 000
RECEIPTS -					
Taxation -					
Financial Institutions Duty	-	-	1,500	-	-
Debits Tax	59,400	44,705	43,872	14,594	14,397
Gambling	374,000	284,611	249,939	95,793	85,153
Land Tax	187,700	185,543	91,263	104,611	34,944
Payroll Tax	818,700	642,853	583,593	210,916	191,551
Stamp Duties	833,500	832,588	656,986	263,363	221,109
Commonwealth Places Mirror Tax	16,500	13,422	11,661	4,749	3,593
Other taxes on property	10	-	841	-	-
River Murray Levy	15,900	7,973	-	7,973	-
Total Taxation	2,305,710	2,011,695	1,639,655	701,999	550,747
Contributions from State Undertakings	491,436	77,427	103,670	20,926	29,686
Recoveries -					
Superannuation	-	-	32,717	-	1,000
Other	32,117	7,693	9,722	2,046	2,918
Total Recoveries	32,117	7,693	42,439	2,046	3,918
Fees and charges	72,752	81,076	76,997	31,689	24,715
Royalties	74,400	58,799	65,414	20,998	31,576
Commonwealth -					
General Purpose Grants	3,047,100	2,232,764	2,189,653	732,336	702,123
Specific Purpose Grants	47,742	35,168	38,446	10,191	5,629
Total Commonwealth	3,094,842	2,267,932	2,228,099	742,527	707,752
Other Receipts	208,915	114,229	139,275	30,134	41,869
Total Receipts	6,280,172	4,618,851	4,295,549	1,550,319	1,390,263
BORROWINGS -					
Funds borrowed from South Australian Government					
Financing Authority	34,316	-	-	-	-
Total Receipts and Borrowings	6,314,488	4,618,851	4,295,549	1,550,319	1,390,263

GOVERNMENT OF SOUTH AUSTRALIA

STATEMENT OF THE PAYMENTS ON THE CONSOLIDATED ACCOUNT
FOR THE QUARTERS ENDED 31 MARCH 2004 AND 31 MARCH 2003*(Prepared on a Cash Basis)*

	- Nine months ended -			- Quarter ended -	
	Budget	31 March	31 March	31 March	31 March
	2003-04	2004	2003	2004	2003
	\$ 000	\$ 000	\$ 000	\$ 000	\$ 000
PAYMENTS -					
Department of the Premier and Cabinet	46,278	34,709	34,880	11,570	11,610
Administered Items for the Department of the Premier and Cabinet	6,361	5,200	557	1,407	334
State Governor's Establishment	2,503	1,897	1,717	556	543
Arts SA	89,337	83,296	91,635	14,838	22,268
South Australian Tourism Commission	43,159	31,125	37,827	12,000	9,000
Minister for Tourism	4,862	4,862	6,053	-	617
Auditor-General's Department	9,682	7,060	6,878	2,250	2,140
Administered Items for the Auditor-General's Department	766	168	489	-	302
Department of Treasury and Finance	38,639	28,980	27,216	9,660	9,072
Administered Items for the Department of Treasury and Finance	1,011,298	430,725	641,635	112,024	334,881
Independent Gambling Authority	1,386	1,044	873	348	291
Department of Industry and Trade	-	-	121,673	-	31,055
Department for Business, Manufacturing and Trade (a)	103,670	62,958	-	27,628	-
Administered Items for the Department for Business, Manufacturing and Trade	2,538	3,586	1,840	48	-
Office of Economic Development (a)	14,062	9,024	-	3,272	-
Department of Primary Industries and Resources	112,043	83,332	86,028	27,910	31,303
Administered Items for the Department of Primary Industries and Resources	88,619	-	1,878	-	-
Department of Justice	-	-	463,058	-	146,505
Department for Correctional Services (b)	117,694	87,250	-	23,150	-
South Australian Police	342,648	278,734	-	94,644	-
Administered Items for Police and Emergency Services	49,151	39,371	2,481	10,696	1,013
Courts Administration Authority (b)	62,789	44,772	-	14,454	-
State Electoral Office (b)	2,065	1,548	-	516	-
Attorney-General's Department (b)	49,996	37,242	-	11,386	-
Administered Items for the Attorney-General's Department	53,887	32,325	42,206	4,477	13,992
Department of Human Services	1,584,149	1,259,398	1,135,832	420,437	404,160
Administered Items for the Department of Human Services	107,680	88,197	76,228	23,222	14,435
Department of Education and Children's Services and Department of Employment, Further Education, Science and Small Business	-	-	1,157,975	-	386,622
Department of Education and Children's Services (c)	1,419,931	989,859	-	311,036	-
Administered Items for the Department of Education and Children's Services	129,443	121,671	112,180	6,551	6,192

GOVERNMENT OF SOUTH AUSTRALIA

STATEMENT OF THE PAYMENTS ON THE CONSOLIDATED ACCOUNT
FOR THE QUARTERS ENDED 31 MARCH 2004 AND 31 MARCH 2003*(Prepared on a Cash Basis)*

	- Nine months ended -		- Quarter ended -			
	Budget	31 March	31 March	31 March		31 March
	2003-04	2004	2003	2004		2003
	\$ 000	\$ 000	\$ 000	\$ 000	\$ 000	
PAYMENTS -						
Department of Further Education, Employment, Science and Technology (c)	220,331	148,732	-	48,844	-	
Department for Environment and Heritage and Environment Protection Authority	-	-	78,843	-	12,343	
Department for Environment and Heritage (d)	92,651	80,250	-	12,360	-	
Administered Items for the Department for Environment and Heritage	3,838	3,910	4,690	142	109	
Environment Protection Authority (d)	8,775	6,950	-	1,380	-	
Department of Water, Land and Biodiversity Conservation	51,151	43,244	43,775	17,668	17,356	
Administered Items for Department of Water, Land and Biodiversity Conservation	38,878	27,623	7,913	4,334	5,346	
Department of Transport and Urban Planning	-	-	40,090	-	10,893	
Office of Local Government	2,670	1,966	1,959	633	658	
Administered Items for the Office of Local Government	512	512	416	-	-	
Planning SA	16,861	10,511	7,501	3,612	2,751	
Administered Items for Planning SA	958	1,096	759	724	652	
Transport Services (e)	9,913	6,363	-	2,121	-	
Administered Items for Transport Services	13,180	24,072	4,356	10,629	-	
Transport Planning (e)	2,304	1,728	-	576	-	
Passenger Transport Board	167,646	128,000	128,961	41,000	46,345	
TransAdelaide	5,350	2,679	5,406	639	1,459	
Offices for Sustainable Social, Environmental and Economic Development (e)	869	648	-	216	-	
Department for Administrative and Information Services	119,469	88,056	114,923	29,511	34,350	
Administered Items for the Department for Administrative and Information Services	5,254	4,662	-	2,180	-	
House of Assembly	6,092	4,064	3,987	1,196	1,110	
Joint Parliamentary Services	8,672	4,915	5,375	1,390	1,326	
Legislative Council	3,786	2,489	2,507	784	734	
Special Acts	97,492	72,176	120,021	23,443	26,783	
Total Payments	6,371,288	4,432,979	4,622,621	1,347,462	1,588,550	

(a) Shown under the Department of Industry and Trade in 2002-03

(b) Shown under the Department of Justice in 2002-03

(c) Shown under the Department of Education and Children's Services and Department of Employment, Further Education, Science and Small Business in 2002-03

(d) Shown under the Department for Environment and Heritage and Environment Protection Authority in 2002-03

GOVERNMENT OF SOUTH AUSTRALIASTATEMENT OF THE PAYMENTS ON THE CONSOLIDATED ACCOUNT
FOR THE QUARTERS ENDED 31 MARCH 2004 AND 31 MARCH 2003*(Prepared on a Cash Basis)*

	- Nine months ended -		- Quarter ended -	
Budget	31 March	31 March	31 March	31 March
2003-04	2004	2003	2004	2003
\$ 000	\$ 000	\$ 000	\$ 000	\$ 000

PAYMENTS -

(e) Shown under the Department of Transport and Urban Planning in 2002-03

South Australia

Authorised Betting Operations Act (Commencement) Proclamation 2004

1—Short title

This proclamation may be cited as the *Authorised Betting Operations Act (Commencement) Proclamation 2004*.

2—Commencement of suspended provisions

The remaining provisions of the *Authorised Betting Operations Act 2000* (No 95 of 2000) will come into operation on 1 September 2004.

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2004

T&F04/040CS

South Australia

Statutes Amendment (Courts) Act (Commencement) Proclamation 2004

1—Short title

This proclamation may be cited as the *Statutes Amendment (Courts) Act (Commencement) Proclamation 2004*.

2—Commencement of Act and suspension of certain provisions

- (1) The *Statutes Amendment (Courts) Act 2004* (No 23 of 2004) will come into operation on 1 September 2004.
- (2) The operation of sections 19 and 23 of the Act is suspended until a day to be fixed by subsequent proclamation.

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2004

AGO0335/02CS

South Australia

Administrative Arrangements (Administration of Agricultural and Veterinary Products (Control of Use) Act) Proclamation 2004

under section 5 of the *Administrative Arrangements Act 1994*

1—Short title

This proclamation may be cited as the *Administrative Arrangements (Administration of Agricultural and Veterinary Products (Control of Use) Act) Proclamation 2004*.

2—Commencement

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

3—Administration of Act committed to Minister for Agriculture, Food and Fisheries

The administration of the *Agricultural and Veterinary Products (Control of Use) Act 2002* is committed to the Minister for Agriculture, Food and Fisheries.

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2004

MAFF04/0023CS

South Australia

Government Financing Authority (Declaration of Semi-Government Authority) Proclamation 2004

under section 4(2) of the *Government Financing Authority Act 1982*

1—Short title

This proclamation may be cited as the *Government Financing Authority (Declaration of Semi-Government Authority) Proclamation 2004*.

2—Commencement

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

3—Declaration of semi-government authority

The following body corporate is declared to be a semi-government authority for the purposes of the *Government Financing Authority Act 1982*:

Austraining International Pty Ltd

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2004

T&F04/054CS

South Australia

Maritime Services (Access) Variation Proclamation 2004

under section 45 of the *Maritime Services (Access) Act 2000*

Part 1—Preliminary

1—Short title

This proclamation may be cited as the *Maritime Services (Access) Variation Proclamation 2004*.

2—Commencement

This proclamation will come into operation on 31 October 2004.

3—Variation provisions

In this proclamation, a provision under a heading referring to the variation of a specified proclamation varies the proclamation so specified.

Part 2—Variation of proclamation made under sections 5 and 10 of the *Maritime Services (Access) Act 2000* (*Gazette 25.10.2001 p4686*)

4—Variation of clause 2

- (1) Clause 2(a)—delete "by means of channels"
- (2) Clause 2(c)—delete "harbourage" and substitute:
berths
- (3) Clause 2—after paragraph (c) insert:
 - (ca) providing port facilities for loading or unloading vessels at berths adjacent to the loading and unloading facilities referred to in paragraph (d);

Made by the Governor

on the recommendation of the Essential Services Commission and with the advice and consent of the Executive Council
on 26 August 2004

MFI04/019CS

South Australia

Public Finance and Audit (Declaration of Semi-Government Authorities) Variation Proclamation 2004

under section 17(3) of the *Public Finance and Audit Act 1987*

Part 1—Preliminary

1—Short title

This proclamation may be cited as the *Public Finance and Audit (Declaration of Semi-Government Authorities) Variation Proclamation 2004*.

2—Commencement

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

3—Variation provisions

In this proclamation, a provision under a heading referring to the variation of a specified proclamation varies the proclamation so specified.

Part 2—Variation of proclamation under *Public Finance and Audit Act 1987* declaring certain bodies corporate to be semi-government authorities (*Gazette 25.6.1987 p1634*) as varied

4—Variation of Schedule

Schedule—insert alphabetically:

Austraining International Pty Ltd

Made by the Governor

with the advice and consent of the Executive Council
on 26 August 2004

T&F04/054CS

South Australia

Criminal Law Consolidation (Witness Payment) Regulations 2004

under the *Criminal Law Consolidation Act 1935*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Prosecution witness fees
- 5 Defence witness fees

Schedule 1—Revocation of Criminal Law (Witness Payments) Regulations 1989

1—Short title

These regulations may be cited as the *Criminal Law Consolidation (Witness Payment) Regulations 2004*.

2—Commencement

These regulations will come into operation on 1 September 2004.

3—Interpretation

In these regulations—

Act means the *Criminal Law Consolidation Act 1935*;

witness includes a witness who attended court but was not called to give evidence.

4—Prosecution witness fees

- (1) Pursuant to section 297 of the Act, the Sheriff may authorise a witness for the prosecution in respect of proceedings under the Act to be paid any or all of the following amounts:
 - (a) the actual amount lost, or the expenses necessarily incurred, by the witness by reason of the absence of the witness from home or business for the purpose of attending court, or \$100 per day, whichever is the lesser;
 - (b) an allowance for the travelling expenses of the witness, calculated on the basis of travel by public transport to and from court or, if the use of public transport by the witness is not reasonably practicable, \$0.20 per kilometre necessarily travelled to and from court;
 - (c) if the witness is necessarily absent from home overnight—the accommodation and meal expenses reasonably incurred by the witness;
 - (d) if the witness is necessarily accompanied by another person—an amount equal to that which would be paid under this regulation in respect of that other person if he or she were a witness for the prosecution.

- (2) If, on the basis of information provided by the witness, the Sheriff is satisfied—
- (a) that the amount lost, or the expenses incurred, by the witness exceed the amount determined under subregulation (1)(a); or
 - (b) that the travelling expenses incurred by the witness exceed the amount determined under subregulation (1)(b),
- the amount to be paid to the witness may include such further amount as the Sheriff thinks fair and reasonable in the circumstances.
- (3) A claim for witness fees or expenses must be verified by a declaration in writing signed by the witness.
- (4) No amount is to be paid in respect of a witness who is an officer or employee of the State or Commonwealth (including a police officer but excluding an officer or employee who is on leave during the period of attendance at court).

5—Defence witness fees

Pursuant to section 297 of the Act, a court may, at the request of a witness for the defence in respect of proceedings under the Act, authorise the Sheriff to pay to the witness any or all of the amounts that would be payable to the witness if he or she were a witness for the prosecution.

Schedule 1—Revocation of *Criminal Law (Witness Payments) Regulations 1989*

The *Criminal Law (Witness Payments) Regulations 1989* are revoked.

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 26 August 2004

No 179 of 2004

AGO0191/04CS

South Australia

Chiropodists Regulations 2004

under the *Chiropodists Act 1950*

Contents

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- 2 Commencement
- 3 Interpretation

Part 2—Election of chiropodist members of board

- 4 Elections to be conducted by registrar
- 5 Public notice of election
- 6 Eligibility to vote
- 7 Nominations
- 8 Election without ballot
- 9 Election with ballot
- 10 Ballot papers
- 11 Electoral material
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- 13 Scrutineers
- 14 Counting of votes
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Part 3—Registration

- 16 Additional qualifications
- 17 Application for registration
- 18 Fees
- 19 Display of certificate of registration
- 20 Notification of change of practice address

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- 21 Code of professional ethics
- 22 Prescribed equipment and facilities
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- 25 Minutes to be kept of board meetings
- 26 Common seal and execution of documents

Schedule 1—Application for registration

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Schedule 3—Chiropody Code

Schedule 4—Revocation of Chiropodists Regulations 1989

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Chiropodists Regulations 2004*.

2—Commencement

These regulations will come into operation on 1 September 2004.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Chiropodists Act 1950*;

chiropodist means a registered chiropodist;

public notice means a notice published in a newspaper circulating generally throughout the State;

registrar means the person for the time being holding or acting in the office of registrar of the board;

voter means a chiropodist who is eligible to vote in elections under these regulations.

Part 2—Election of chiropodist members of board

4—Elections to be conducted by registrar

An election to be held for the purposes of section 7 of the Act will be conducted by the registrar in accordance with these regulations.

5—Public notice of election

The registrar must—

- (a) in consultation with the board, determine a timetable for an election; and
- (b) publish the timetable by public notice setting out—
 - (i) the date (not being less than 14 days after the date of publication of the notice) and the hour by which nominations must be received by the registrar; and
 - (ii) the date on or before which the registrar will post ballot papers to voters; and
 - (iii) the date (not being less than 14 days or more than 21 days after the date fixed under subparagraph (ii)) by which completed ballot papers must be returned to the registrar.

6—Eligibility to vote

A chiropodist is entitled to vote in an election under these regulations if—

- (a) his or her name appeared on the register on the day immediately preceding publication of public notice of the election timetable; and

- (b) his or her registration was not, on that day, subject to suspension.

7—Nominations

- (1) A chiroprapist is eligible to be a candidate for election as a member of the board if he or she is entitled to vote in the election.
- (2) A nomination of a candidate for election must—
 - (a) be in a form approved by the registrar; and
 - (b) be signed by the candidate and 2 other chiroprapists who are eligible to vote in the election; and
 - (c) be received by the registrar not later than the hour fixed in the public notice of the election timetable for the closure of nominations.

8—Election without ballot

If the number of candidates nominated is the same or less than the number of vacancies to be filled by election, the registrar must, by public notice, declare the candidates to be elected as members of the board.

9—Election with ballot

If the number of candidates nominated exceeds the number of vacancies to be filled by election, a ballot must be held in accordance with these regulations to fill the relevant vacancies.

10—Ballot papers

- (1) The registrar must provide each voter with—
 - (a) a ballot paper initialled by the registrar or by a person authorised for that purpose by the registrar; and
 - (b) an unmarked envelope; and
 - (c) a second envelope addressed to the registrar in which to return the completed ballot paper.
- (2) The names of the candidates must appear on the ballot paper in alphabetical order of surname.
- (3) The registrar may provide a voter with a ballot paper and envelopes by posting them to the voter at his or her last known address.

11—Electoral material

- (1) Subject to this regulation, the registrar must, at the request of a candidate, include with ballot papers provided to voters, material provided by the candidate promoting the candidate's election as a member of the board.
- (2) Such material must be provided to the registrar on or before the date of closure of nominations.
- (3) The material—
 - (a) must not include more than 200 words or more than 1 photograph;
 - (b) may be printed by the registrar in such form as the registrar thinks fit.

12—Voting

To vote in an election, a voter—

- (a) must indicate on the ballot paper the candidate to whom the voter gives his or her first preference (and may indicate the order of his or her preference for the other candidates (if any) in accordance with instructions appearing on the ballot paper); and
- (b) must place the ballot paper in the unmarked envelope provided, place the envelope inside the second envelope addressed to the registrar, seal the second envelope and sign it; and
- (c) must print his or her full name in block letters next to the signature; and
- (d) must return the envelope to the registrar not later than the date fixed in the election timetable for the closure of the poll.

13—Scrutineers

The registrar may permit such scrutineers (who are not candidates for election to the board) as he or she thinks fit to be present at the counting of votes.

14—Counting of votes

The following provisions apply to the counting of votes at an election:

- (a) after counting first preferences, the candidate with the fewest first preferences must be excluded;
- (b) if more candidates remain than the number of vacancies to be filled, each ballot paper counted to the excluded candidate must be counted to the candidate (if any) next in order of the voter's preference;
- (c) this process must be continued until the number of candidates remaining equals the number of vacancies to be filled;
- (d) in the event that 2 or more candidates have an equal number of votes and 1 or more of them must be excluded, the registrar must determine the question by lot.

15—Public notice of election results

The registrar must, by public notice, declare the successful candidates in the ballot to be elected as members of the board.

Part 3—Registration

16—Additional qualifications

For the purposes of section 26 of the Act, the following qualifications are prescribed:

- (a) a degree or diploma related to the practice of chiropody conferred by a university;
- (b) a degree, diploma or other qualification related to health conferred by an educational or training institution recognised by the board;
- (c) membership of a State or Territory association or other body affiliated with the Australian Podiatry Council;
- (d) a qualification achieved by successful completion of an examination approved by the board of the Australasian Academy of Podiatric Sports Medicine or the Australasian College of Podiatric Surgeons.

17—Application for registration

For the purposes of section 28(1) of the Act, the form set out in Schedule 1 is prescribed.

18—Fees

For the purposes of section 29 of the Act, the fees set out in Schedule 2 are prescribed.

19—Display of certificate of registration

A chiropodist must, at each premises at which he or she practises chiropody, display his or her current certificate of registration (or a copy of that certificate) in such a manner and position that the certificate is likely to attract the attention of patients who consult the chiropodist.

Maximum penalty: \$100.

20—Notification of change of practice address

A chiropodist must, within 14 days of any change in the address at which the chiropodist practises chiropody, notify the board in writing of the change.

Maximum penalty: \$100.

Part 4—Chiropody practice

21—Code of professional ethics

The Code set out in Schedule 3 is prescribed as a code of professional ethics to be observed and obeyed by all chiropodists.

22—Prescribed equipment and facilities

(1) In this regulation—

premises means any room or area within a building that is used by a chiropodist for the practice of chiropody and includes mobile premises.

(2) A chiropodist must not practise chiropody except in premises that comply with this regulation and are provided with the equipment and facilities prescribed by this regulation.

Maximum penalty: \$100.

(3) Premises (other than mobile premises) in which a chiropodist practises chiropody must include—

- (a) a waiting or reception room furnished with adequate seating for patients; and
- (b) at least 1 room that is set aside for the purposes of, and is suitable for, the practice of chiropody.

(4) A room that is set aside for the practice of chiropody must be—

- (a) at least 4 square metres in area; and
- (b) adequately lit and ventilated; and
- (c) provided with hygienic storage space for dressings and medicinal substances; and
- (d) provided with sufficient power outlets for the safe operation of electrical equipment; and
- (e) maintained in a clean and hygienic condition; and

- (f) equipped with a patient chair, bench or couch of a type approved by the board for the practice of chiropody.
- (5) Premises in which a chiropodist practises chiropody must—
 - (a) be supplied with hot and cold running water; and
 - (b) be equipped with sterile surgical instruments and equipment that are suitable and necessary for practising chiropody.

23—Hygienic storage of dressings and medicinal substances

A chiropodist must store dressings and medicinal substances used in the practice of chiropody in hygienic conditions inside a suitable storage unit.

Maximum penalty: \$100.

24—Chiropody in hospitals, nursing homes or private homes

- (1) A chiropodist must not practise chiropody in a hospital, nursing home or private home except in a room that complies with this regulation.
Maximum penalty: \$100.
- (2) A room in a hospital, nursing home or private home to be used for the practice of chiropody must—
 - (a) be suitable for that purpose; and
 - (b) be adequately lit; and
 - (c) in the case of a room in a hospital or nursing home—
 - (i) be adequately ventilated; and
 - (ii) be maintained in a clean and hygienic condition.
- (3) A chiropodist must not practise chiropody in a private home unless the area immediately surrounding the patient is in a clean and hygienic condition or is covered with a clean cover sheet.
Maximum penalty: \$100.
- (4) A chiropodist who practises chiropody in a hospital, nursing home or private home must ensure—
 - (a) that all dressings and medicinal substances that he or she uses to treat patients have been hygienically stored; and
 - (b) that suitable surgical instruments and equipment that are sterile are available for his or her use at the hospital or home.

Maximum penalty: \$100.

Part 5—Board administration

25—Minutes to be kept of board meetings

The board must cause accurate minutes to be kept of the business conducted at its meetings.

26—Common seal and execution of documents

- (1) The registrar has custody of the common seal of the board.

- (2) The common seal of the board must not be affixed to any document except by the authority of a resolution of the board and in the presence of 1 member of the board and of the registrar.
- (3) Where an apparently genuine document purports to bear the common seal of the board, it will be presumed in legal proceedings, in the absence of proof to the contrary, that the document has been duly executed by the board.

Schedule 1—Application for registration

To: The Chiropractic Board of South Australia

I of
 apply to be registered as a chiropractor under the *Chiropractors Act 1950* and provide the following information:

- (a) Full name of applicant
- (b) Date of birth
- (c) Place of residence
- (d) Length of residence in South Australia.....
- (e) Full particulars of any certificates, degrees, or diplomas held.....

- (f) If in, or intending to be in, public practice for fee or reward—
 - (i) Name under which you practise, or intend to practise
 - (ii) Address of practice or intended practice.....
 - (iii) Date or intended date of commencement of practice.....
 - (iv) If not in practice for whole of previous financial year, indicate period of public practice.....
- (g) Name and address of two referees

Note: The applicant must enclose two character references with this application.

Schedule 2—Fees

1 Application for registration	\$180
2 Annual subscription	\$180

Schedule 3—Chiropractic Code

1—Short title

This code may be cited as the *Chiropractic Code 2004*.

2—Prohibition on publication of derogatory or untrue statements

- (1) A chiropractor must not publish or cause the publication of—
 - (a) a statement that is derogatory of another chiropractor with respect to the practice of his or her profession; or
 - (b) a statement relating to the practice of chiropractic that is false or misleading.
- (2) Subclause (1)(a) does not apply to in relation to any statement made by a chiropractor where he or she is required by law to give evidence before a court, tribunal or other body.

3—Prohibition on display of fees

A chiropodist must not display within premises at which the chiropodist practises chiropody any sign setting out the fees payable for particular services provided by him or her that is visible to a person outside of those premises.

4—Employed chiropodists not to approach former employer's patients

A chiropodist who is, or has been, employed by another chiropodist must not approach any patient that the employee has attended during his or her employment for the purpose of informing the patient that he or she intends leaving or has left his or her employment.

5—Prohibition on personal endorsements etc

- (1) A chiropodist must not, without the approval of the board—
 - (a) permit his or her name to appear on foot appliances, preparations, shoes or other articles that are offered for sale to the public; or
 - (b) permit any personal recommendation of any medical, surgical or other appliance or any medicinal or other preparation to be published in writing or by means of the electronic media.
- (2) A chiropodist must not—
 - (a) permit any letter or report of any interview in relation to diseases or treatments of the feet to be published under his or her name, except in such official or technical publications as are approved by the board; or
 - (b) make any statement or give any interview or a report relating to the practice of chiropody or to diseases or treatments of the feet that is intended for publication or public broadcast.
- (3) Subclause (2) does not operate to prevent—
 - (a) the chairman of The Chiropody Board of South Australia; or
 - (b) the president of the Australian Podiatry Association (South Australia); or
 - (c) the Head of Podiatry at an academic institution approved by the board; or
 - (d) a person authorised by the president of the Australian Podiatry Association (South Australia),

acting in his or her own name in that capacity.

6—Prohibition on soliciting patients etc

A chiropodist must not—

- (a) solicit patients or work; or
- (b) pay a commission, or any other form of remuneration or give a discount to any person for the introduction of patients; or
- (c) share fees with a person other than a partner or employee of the chiropodist.

7—Prohibition on sharing profits with unregistered person etc

A chiropodist must not—

- (a) enter into an agreement with a person who is not a chiropodist for the sharing of profits from the practice of chiropody; or

- (b) by his or her assistance or co-operation, enable a person who is not a chiropodist to practise chiropody in contravention of section 27 of the Act.

8—Honour and status of profession to be upheld etc

A chiropodist must—

- (a) do his or her utmost to maintain and uphold the honour and status of the chiropody profession; and
- (b) refrain from conduct that is or may be detrimental to the honour or interests of the chiropody profession or is calculated to bring the profession into disrepute.

Schedule 4—Revocation of *Chiropodists Regulations 1989*

1—Revocation

The *Chiropodists Regulations 1989* are revoked.

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

on the recommendation of The Chiropody Board of South Australia and with the advice and consent of the Executive Council
on 26 August 2004

No 180 of 2004

DHSCS04/52

South Australia

Public and Environmental Health (Notifiable Diseases) Regulations 2004

under the *Public and Environmental Health Act 1987*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Notifiable diseases and controlled notifiable diseases (section 3)
- 5 Notification of diseases (section 30)

Schedule 1—Revocation of Public and Environmental Health (Notifiable Diseases) Regulations 1989

1—Short title

These regulations may be cited as the *Public and Environmental Health (Notifiable Diseases) Regulations 2004*.

2—Commencement

These regulations will come into operation on 1 September 2004.

3—Interpretation

In these regulations—

Act means the *Public and Environmental Health Act 1987*.

4—Notifiable diseases and controlled notifiable diseases (section 3)

- (1) The following communicable diseases are prescribed as notifiable diseases for the purposes of the definition of *notifiable disease* in section 3(1) of the Act:

Anthrax

Donovanosis

Haemolytic-uraemic Syndrome (HUS)

Infection caused by Escherichia coli capable of producing Shiga toxin

Invasive Pneumococcal Disease

Lyssavirus Infection

Severe Acute Respiratory Syndrome

Varicella-Zoster Infection.

- (2) The following notifiable diseases are prescribed as controlled notifiable diseases for the purposes of the definition of *controlled notifiable disease* in section 3(1) of the Act:

Lyssavirus Infection

Severe Acute Respiratory Syndrome.

5—Notification of diseases (section 30)

For the purposes of section 30 of the Act, persons who are in charge of pathology laboratories are persons of a prescribed class.

Schedule 1—Revocation of *Public and Environmental Health (Notifiable Diseases) Regulations 1989*

The *Public and Environmental Health (Notifiable Diseases) Regulations 1989* are revoked.

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 26 August 2004

No 181 of 2004

HEACS/04/003

South Australia

Agricultural and Veterinary Products (Control of Use) Regulations 2004

under the *Agricultural and Veterinary Products (Control of Use) Act 2002*

Contents

Part 1—Preliminary

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- 2 Commencement
- 3 Interpretation
- 4 Mandatory instructions
- 5 Trade species animal

Part 2—Agricultural chemical products

- 6 Off-label use of registered agricultural chemical products
- 7 Exemption in relation to horticultural crops
- 8 Exemptions in relation to home garden products

Part 3—Fertilisers

Division 1—Standards for fertilisers

Subdivision 1—Maximum permitted concentrations of heavy metals

- 9 Maximum permitted concentration of cadmium
- 10 Maximum permitted concentration of lead
- 11 Maximum permitted concentration of mercury

Subdivision 2—Standards for gypsum and lime fertilisers

- 12 Minimum percentage of sulphur in gypsum fertilisers
- 13 Fineness of gypsum fertilisers
- 14 Maximum permitted moisture content of gypsum fertilisers
- 15 Minimum neutralising value of lime fertilisers

Division 2—Labelling and information

Subdivision 1—General provisions

- 16 Requirement for label or advice note
- 17 General information to be included on label or advice note
- 18 Use of numbers in name of fertiliser on label or advice note

Subdivision 2—Requirements relating to content of fertilisers

- 19 Information about content and form of nutrients
- 20 Order in which nutrients in fertiliser must be listed
- 21 Concentration of nutrients in fertiliser
- 22 Information about micro-nutrients added during manufacture
- 23 Information about fineness of elemental sulphur

- 24 Information about fineness of rock phosphate
- 25 Information and warnings about gypsum fertilisers
- 26 Additional information about lime fertilisers
- 27 Information about biuret content of fertilisers containing urea
- 28 Information and warnings about biuret content of fertilisers
- 29 Information and warnings about heavy metals in fertilisers

Part 4—Veterinary products

- 30 Prescribed substances
- 31 Related species of animals
- 32 Off-label use of registered veterinary chemical products
- 33 Records to be kept by veterinary surgeons

Part 5—Miscellaneous

- 34 Restrictions on use of certain agricultural or veterinary products
- 35 Products prohibited for use in treating food-producing animals
- 36 Confidentiality
- 37 Variation or revocation of notices

Schedule 1—Substances prescribed for purposes of sections 11 and 12 of Act

Schedule 2—Restricted agricultural and veterinary products

Schedule 3—Products prohibited for use in treating food-producing animals

Schedule 4—Revocation of Agricultural Chemicals Regulations 1996

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Agricultural and Veterinary Products (Control of Use) Regulations 2004*.

2—Commencement

These regulations will come into operation on the day on which the *Agricultural and Veterinary Products (Control of Use) Act 2002* comes into operation.

3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

Act means the *Agricultural and Veterinary Products (Control of Use) Act 2002*;

ChemCert accreditation means—

- (a) a written accreditation issued by ChemCert Australia (SA) Incorporated; or
- (b) a written accreditation issued by—
 - (i) ChemCert Australia (Tas); or
 - (ii) ChemCert Australia (Vic) Inc; or
 - (iii) ChemCert (NSW) Ltd; or

- (iv) ChemCert Training Queensland; or
- (v) ChemCert (NT); or
- (vi) ChemCert (WA),

that is recognised in writing by ChemCert Australia (SA) Incorporated;

crop includes a plant not grown for its produce;

gypsum means a naturally occurring substance composed of calcium sulphate dihydrate;

home garden product means a registered agricultural chemical product that—

- (a) is supplied to the general public for use in the home and home garden; and
- (b) is supplied in a container the approved label for which indicates that the product is intended for such use;

horticultural crop includes fruit, nuts, herbs, vegetables, vines, flowers and ornamental plants;

lime means agricultural lime, dolomite or magnesite that—

- (a) has a neutralising value equal to or greater than 50%; and
- (b) contains calcium or magnesium carbonates or oxides or hydroxides, or a combination of calcium and magnesium carbonates or oxides or hydroxides,

when used for the purpose of decreasing the acidity of soil or when used as a fertiliser to supply principally calcium or magnesium;

liming material means an agricultural liming material that consists of or contains lime or dolomite that has a neutralising value of less than 50%;

neutralising value means the calcium carbonate equivalent as calculated from the calcium and magnesium carbonates, oxides and hydroxides;

prescribed qualification, in relation to an agricultural product or a veterinary product, means—

- (a) a valid ChemCert accreditation accrediting the holder in the use of that product; or
- (b) a qualification approved by the Minister by notice in the Gazette;

phosphatic fertiliser means a fertiliser that contains not less than 2% phosphorus;

State includes a Territory of the Commonwealth;

trace element means boron, cobalt, copper, iron, manganese, molybdenum, selenium or zinc.

(2) For the purposes of these regulations—

- (a) a fertiliser is **partially constituted of trace elements** if the nutritional value of the fertiliser is partially derived from trace elements or the salts of trace elements;
- (b) a fertiliser is **wholly constituted of trace elements** if the nutritional value of the fertiliser is derived only from trace elements or the salts of trace elements.

4—Mandatory instructions

- (1) For the purposes of the definition of *mandatory instruction* in section 3(1) of the Act, an instruction on an approved label for containers for a registered agricultural chemical product or a registered veterinary chemical product is a mandatory instruction if—
 - (a) it uses the words "must", "must not", "may not", "do not", "not to be used", "not for use" or "use only"; or
 - (b) it contains a statement that the product is for use only by a person who has specified qualifications.
- (2) For the purposes of the definition of *mandatory instruction* in section 3(1) of the Act, an instruction on an approved label for containers for a registered veterinary chemical product is a mandatory instruction if it is preceded by the heading "Restraints".

5—Trade species animal

For the purposes of paragraph (c) of the definition of *trade species animal* in section 3(1) of the Act, horses, donkeys and mules are declared to be trade species animals.

Part 2—Agricultural chemical products

6—Off-label use of registered agricultural chemical products

- (1) A person must not use a registered agricultural chemical product in contravention of this regulation except as authorised by a permit.
Maximum penalty: \$10 000.
- (2) If the approved label for containers for the product includes instructions for the use of the product on specified crops, or in specified situations, in this State or in all States, the product—
 - (a) must not be used on a crop, or in a situation, not so specified; and
 - (b) must not be used on a crop, or in a situation, so specified at a rate or frequency that exceeds the rate or frequency specified on the label for use on that crop or in that situation (whether or not the specified rate or frequency is stated to be a maximum rate or frequency).
- (3) If the approved label for containers for the product does not include instructions for the use of the product on specified crops, or in specified situations, in this State but includes such instructions for another State, the product—
 - (a) must not be used in this State on a crop, or in a situation, not specified on the label for another State; and
 - (b) must not be used in this State on a crop, or in a situation, specified on the label for another State at a rate or frequency that exceeds the highest rate or frequency specified on the label for use on that crop or in that situation (whether or not the specified rate or frequency is stated to be a maximum rate or frequency).
- (4) This regulation does not apply to the use of a home garden product unless the product is used on a plant being grown or used for the purposes of trading in the plant or products derived from the plant or for producing products for sale.

7—Exemption in relation to horticultural crops

- (1) A person who is an accredited participant of an approved quality assurance scheme is exempt from regulation 6 in relation to the use of a product on a horticultural crop in respect of which the scheme is approved on condition that the product is not used at a rate or frequency that exceeds the highest rate or frequency specified on the approved label for use on any crop (whether or not the specified rate or frequency is stated to be a maximum rate or frequency).
- (2) The Minister may, by notice in the Gazette, approve a quality assurance scheme for a specified horticultural crop.
- (3) A person is an accredited participant of an approved quality assurance scheme only if he or she satisfies requirements specified by the Minister in the notice approving the quality assurance scheme or by subsequent notice in the Gazette.
- (4) A notice under subregulation (2) will be taken to be revoked on the third anniversary of the day on which it was made.

8—Exemptions in relation to home garden products

- (1) A person is exempt from section 7 of the Act in relation to the use of a home garden product unless the person is using the product on a plant that is being grown or used for the purposes of trading in the plant or products derived from the plant or for producing products for sale.
- (2) A person is exempt from section 7 of the Act in relation to the disposal of a home garden product.
- (3) A person is exempt from section 8 of the Act in relation to the keeping of a home garden product.

Part 3—Fertilisers

Division 1—Standards for fertilisers

Subdivision 1—Maximum permitted concentrations of heavy metals

9—Maximum permitted concentration of cadmium

The concentration of cadmium in a fertiliser must not exceed—

- (a) in the case of a phosphatic fertiliser—300 mg for each kilogram of phosphorus in the fertiliser;
- (b) in the case of a non-phosphatic fertiliser—
 - (i) if the fertiliser is wholly constituted of trace elements—50 mg for each kilogram of the fertiliser; or
 - (ii) in any other case—10 mg for each kilogram of the fertiliser.

10—Maximum permitted concentration of lead

The concentration of lead in a fertiliser must not exceed the following amount for each kilogram of the fertiliser:

- (a) in the case of a foliar fertiliser wholly constituted of trace elements—500 mg; or

- (b) in the case of a fertiliser (other than a foliar fertiliser) wholly constituted of trace elements—2 000 mg; or
- (c) in the case of a fertiliser partially constituted of trace elements—500 mg; or
- (d) in any other case—100 mg.

11—Maximum permitted concentration of mercury

The concentration of mercury in a fertiliser must not exceed the following amount for each kilogram of the fertiliser:

- (a) in the case of a phosphatic fertiliser—10 mg; or
- (b) in any other case—5 mg.

Subdivision 2—Standards for gypsum and lime fertilisers

12—Minimum percentage of sulphur in gypsum fertilisers

A fertiliser supplied as gypsum must contain at least the following percentage of sulphur:

- (a) in the case of fertiliser supplied as premium grade gypsum—16.7% in weight of the total weight of the fertiliser;
- (b) in the case of fertiliser supplied as grade 1 gypsum—15% in weight of the total weight of the fertiliser;
- (c) in the case of fertiliser supplied as grade 2 gypsum—12.5% in weight of the total weight of the fertiliser;
- (d) in the case of fertiliser supplied as grade 3 gypsum—10% in weight of the total weight of the fertiliser.

13—Fineness of gypsum fertilisers

If a fertiliser is supplied as gypsum—

- (a) at least 50% of the total amount of the fertiliser must be capable of passing through a sieve with apertures of 2 mm; and
- (b) at least 80% of the total amount of the fertiliser must be capable of passing through a sieve with apertures of 5.6 mm.

14—Maximum permitted moisture content of gypsum fertilisers

The moisture content of a fertiliser supplied as gypsum must not exceed 15% of the total amount of the fertiliser (disregarding any water bound in the gypsum mineral structure of the fertiliser).

15—Minimum neutralising value of lime fertilisers

A fertiliser supplied as lime must have the following minimum neutralising value:

- (a) in the case of fertiliser supplied as grade 1 lime—80%;
- (b) in the case of fertiliser supplied as grade 2 lime—65%;
- (c) in the case of a fertiliser supplied as grade 3 lime—50%.

Division 2—Labelling and information

Subdivision 1—General provisions

16—Requirement for label or advice note

- (1) A fertiliser must—
 - (a) if supplied in a package—have affixed to, or printed or stencilled on, the package a label or advice note that complies with this Division; or
 - (b) if supplied without a package—be supplied in accordance with this regulation with a label or advice note that complies with this Division.
- (2) If fertiliser supplied without a package is delivered to a person, the label or advice note for the fertiliser must be handed to the person or an agent of the person.
- (3) If fertiliser supplied without a package is delivered to premises where no person is in attendance to accept delivery of the label or advice note for the fertiliser, the label or advice note must, within 7 days of the delivery, be given or sent to the person to whom the fertiliser was supplied.
- (4) If—
 - (a) a fertiliser supplied as gypsum, lime or liming materials is supplied without a package to a person on more than one occasion during a calendar year; and
 - (b) on each occasion the specifications of the fertiliser are the same,compliance with the preceding subregulations is required only in relation to the first supply of the fertiliser during that year.

17—General information to be included on label or advice note

A label or advice note for a fertiliser must state—

- (a) the distinctive name of the fertiliser; and
- (b) the name and principal place of business of the manufacturer or supplier of the fertiliser.

18—Use of numbers in name of fertiliser on label or advice note

If the name of a fertiliser on a label or advice note for the fertiliser includes a number to indicate the percentage concentration of a nutrient in the fertiliser—

- (a) a number including or below the mid range (other than 0.5 or less) must be rounded down to the nearest whole number or the first decimal place;
- (b) a number above the mid range must be rounded up to the nearest whole number or the first decimal place.

Subdivision 2—Requirements relating to content of fertilisers

19—Information about content and form of nutrients

- (1) A label or advice note for a fertiliser must state the name of each element present in the fertiliser and—
 - (a) if the fertiliser contains nitrogen—the following information:
 - (i) the percentage of nitrogen as nitrate;

- (ii) the percentage of nitrogen as ammonium;
 - (iii) the percentage of nitrogen as urea;
 - (iv) the percentage of nitrogen in any other form (to be stated);
 - (v) the total percentage content of nitrogen; and
- (b) if the fertiliser contains phosphorus—the following information:
- (i) the percentage of phosphorus as water soluble;
 - (ii) the percentage of phosphorus as ammonium citrate soluble;
 - (iii) the percentage of phosphorus as ammonium citrate insoluble;
 - (iv) the percentage of phosphorus in any other form (to be stated);
 - (v) the total percentage content of phosphorus; and
- (c) if the fertiliser contains potassium—the following information:
- (i) the percentage of potassium as chloride;
 - (ii) the percentage of potassium as nitrate;
 - (iii) the percentage of potassium as phosphate;
 - (iv) the percentage of potassium as sulphate;
 - (v) the percentage of potassium in any other form (to be stated);
 - (vi) the total percentage content of potassium; and
- (d) if the fertiliser contains calcium—the following information:
- (i) the percentage of calcium as carbonate;
 - (ii) the percentage of calcium as hydroxide;
 - (iii) the percentage of calcium as oxide;
 - (iv) the percentage of calcium as sulphate;
 - (v) the percentage of calcium as nitrate;
 - (vi) the percentage of calcium as chloride;
 - (vii) the percentage of calcium as superphosphate or phosphate;
 - (viii) the percentage of calcium as silicate;
 - (ix) the percentage of calcium in any other form (to be stated);
 - (x) the total percentage content of calcium; and
- (e) if the fertiliser contains magnesium—the following information:
- (i) the percentage of magnesium as carbonate;
 - (ii) the percentage of magnesium as hydroxide;
 - (iii) the percentage of magnesium as oxide;
 - (iv) the percentage of magnesium as silicate;
 - (v) the percentage of magnesium as sulphate;
 - (vi) the total percentage content of magnesium; and

- (f) if the fertiliser contains sulphur—the following information:
 - (i) the percentage of sulphur as sulphate;
 - (ii) the percentage of sulphur as elemental sulphur;
 - (iii) the percentage of sulphur in any other form (to be stated);
 - (iv) the total percentage content of sulphur; and
 - (g) if the fertiliser contains micro-nutrients as a straight product, blended or as a coating—the following information in relation to each micro-nutrient:
 - (i) the percentage of the micro-nutrient as sulphate;
 - (ii) the percentage of the micro-nutrient as chelate and the form of the chelate;
 - (iii) the percentage of the micro-nutrient as oxide;
 - (iv) the percentage of the micro-nutrient in any other form (to be stated).
- (2) If a fertiliser is named on a label or advice note by use of a number that does not reflect the actual percentage content of each element present in the fertiliser, the label or advice note must also state each element's percentage content directly below the fertiliser's name.

20—Order in which nutrients in fertiliser must be listed

A label or advice note for a fertiliser must—

- (a) list the following nutrients in the following order:
 - (i) nitrogen;
 - (ii) phosphorus;
 - (iii) potassium;
 - (iv) sulphur;
 - (v) calcium;
 - (vi) magnesium; and
- (b) list all other nutrients in decreasing quantity.

21—Concentration of nutrients in fertiliser

A label or advice note for a fertiliser must state the concentration of a nutrient in the fertiliser—

- (a) in the case of a fertiliser supplied by weight—as a percentage in weight of the total weight of the fertiliser (% wt/wt);
- (b) in the case of a fertiliser sold by volume—as a percentage in weight of the total volume of the fertiliser (% wt/vol).

22—Information about micro-nutrients added during manufacture

If a fertiliser contains micro-nutrients added during a manufacturing process and, due to chemical reactions the form of the micro-nutrients in the end product is not known, the label or advice note for the fertiliser must state the concentration of micro-nutrients present in the fertiliser in elemental form.

23—Information about fineness of elemental sulphur

If a fertiliser contains elemental sulphur, the label or advice note for the fertiliser must state—

- (a) the percentage of sulphur particles capable of passing through a sieve with apertures of 0.25 mm; and
- (b) the percentage of sulphur particles capable of passing through a sieve with apertures of 0.5 mm but not through a sieve with an aperture of 0.25 mm; and
- (c) the percentage of sulphur particles not capable of passing through a sieve with apertures of 0.5 mm.

24—Information about fineness of rock phosphate

A label or advice note for a fertiliser containing rock phosphate must state—

- (a) the percentage of the rock phosphate that is capable of passing through a sieve with apertures of 1.003 mm; and
- (b) the percentage of the rock phosphate that is capable of passing through a sieve with apertures of 500 microns.

25—Information and warnings about gypsum fertilisers

(1) A label or advice note for fertiliser supplied as gypsum must state—

- (a) whether the fertiliser is premium grade, grade 1, grade 2 or grade 3 gypsum; and
- (b) the minimum amount (expressed as a percentage weight in weight) of each of the following substances in the fertiliser:
 - (i) gypsum;
 - (ii) calcium;
 - (iii) sulphur; and
- (c) the minimum percentage of the fertiliser that will pass through a sieve with apertures of 2 mm; and
- (d) the minimum percentage of the fertiliser that will pass through a sieve with apertures of 5.6 mm.

(2) If the concentration of sodium in a fertiliser supplied as gypsum exceeds 0.8% for each kilogram of the fertiliser, the label or advice note for the fertiliser must contain—

- (a) a statement that continual application of the fertiliser may have a detrimental effect on soil; or
- (b) the following warning:

WARNING—This product is not suitable for reclamation of saline sodic soils.

26—Additional information about lime fertilisers

(1) A label or advice note for a fertiliser supplied as lime must state—

- (a) whether the lime is grade 1, grade 2 or grade 3 lime; and
- (b) the neutralising value of the lime.

- (2) A label or advice note for a fertiliser supplied as liming material must state the neutralising value of the liming material.

27—Information about biuret content of fertilisers containing urea

If a fertiliser contains urea, the label or advice note for the fertiliser must state the maximum proportion of biuret in the fertiliser.

28—Information and warnings about biuret content of fertilisers

If a fertiliser contains biuret, the label or advice note for the fertiliser must contain the following:

- (a) for a foliar fertiliser (other than solely for turf) containing—
- (i) more than 10 grams but not more than 20 grams of biuret for each kilogram of nitrogen—a warning that the fertiliser is not recommended for repeated foliar application on citrus trees;
 - (ii) more than 20 grams but not more than 30 grams of biuret for each kilogram of nitrogen—a warning that the fertiliser is not recommended for repeated foliar application on annual or perennial horticultural crops;
 - (iii) more than 30 grams of biuret for each kilogram of nitrogen—a warning that the fertiliser is not recommended for foliar application;
- (b) for a foliar fertiliser used solely on turf—a statement that the fertiliser is for use on turf only and must not be used in other foliar sprays;
- (c) for a non-foliar fertiliser—a statement that the fertiliser is for soil application only and must not be used as a foliar spray.

29—Information and warnings about heavy metals in fertilisers

- (1) A label or advice note for a fertiliser containing cadmium must contain—
- (a) a statement of the maximum content of cadmium in milligrams for each kilogram of the fertiliser; and
 - (b) in the case of a fertiliser containing more than 1 milligram of cadmium for each kilogram of the fertiliser—the following warning:

WARNING—Use of this product may result in cadmium residues in excess of the maximum permissible concentration (MPC) in plant and animal products and may also result in accumulation of these residues in soils.

- (2) A label or advice note for a phosphatic fertiliser must state the maximum content of cadmium and fluorine in milligrams for each kilogram of phosphorus in the fertiliser.

- (3) A label or advice note for a fertiliser containing lead must contain—

- (a) a statement of the maximum content of lead in milligrams for each kilogram of the fertiliser; and
- (b) in the case of a fertiliser containing more than 20 milligrams of lead for each kilogram of the fertiliser—the following warning:

WARNING—Use of this product may result in lead residues in excess of the maximum permissible concentration (MPC) in plant and animal products and may also result in accumulation of these residues in soils.

- (4) A label or advice note for a fertiliser that is supplied for application on pastures and contains more than 0.001 % of molybdenum must contain the following warning:

WARNING—Excessive use of molybdenum can be harmful to stock. Plant levels of molybdenum can be high for 4 weeks after application. It is advisable to keep stock off treated areas for this period. Check rate and frequency of molybdenum use with appropriate authorities.

- (5) A label or advice note for a fertiliser containing mercury must contain—

- (a) a statement of the maximum content of mercury in milligrams for each kilogram of the fertiliser; and
- (b) in the case of a fertiliser containing more than 0.2 milligrams of mercury per kilogram of the fertiliser—the following warning:

WARNING—Use of this product may result in mercury residues in excess of the maximum permissible concentration (MPC) in plant and animal products and may also result in accumulation of these residues in soils.

- (6) A label or advice note for a fertiliser containing more than 0.001 % of selenium must contain the following warning:

WARNING—Excessive use of this product can be toxic to livestock and should not be used if selenium deficiency does not exist in stock grazing on the area where the product is to be applied. Do not allow stock access to spilt or unused fertiliser.

Part 4—Veterinary products

30—Prescribed substances

- (1) For the purposes of section 11 of the Act, substances containing one or more of the substances specified in Schedule 1 are prescribed.
- (2) For the purposes of section 12 of the Act, the substances specified in Schedule 1 are prescribed.

31—Related species of animals

For the purposes of section 14(2)(a)(ii)(C) of the Act—

- (a) cattle are declared to be related to buffalo, goats and deer; and
- (b) chickens are declared to be related to ducks, geese, Guinea fowl, pheasants, quails, pigeons and turkeys; and
- (c) alpacas, camels and llamas are declared to be related to each other; and
- (d) horses, donkeys and mules are declared to be related to each other; and
- (e) kangaroos and wallabies are declared to be related to each other.

32—Off-label use of registered veterinary chemical products

- (1) A person other than a veterinary surgeon must not use a registered veterinary chemical product in contravention of this regulation except as authorised by a permit or in accordance with the written instructions of a veterinary surgeon.

Maximum penalty: \$10 000.

- (2) If the approved label for containers for the product includes instructions for the use of the product on specified animals, or in specified situations, in this State or in all States, the product —
 - (a) must not be used on an animal, or in a situation, so specified at a rate, dosage or frequency that exceeds the rate, dosage or frequency specified on the label for use on that animal or in that situation (whether or not the specified rate, dosage or frequency is stated to be a maximum rate, dosage or frequency); and
 - (b) must not, if the label specifies a method of administration to an animal, be administered to an animal by any other method.
- (3) If the approved label for containers for the product does not include instructions for the use of the product on specified animals, or in specified situations, in this State but includes such instructions for another State, the product may be used in this State on an animal, or in a situation, specified for another State but—
 - (a) must not be used at a rate or frequency that exceeds the highest rate or frequency specified on the label for use on that animal or in that situation (whether or not the specified rate or frequency is stated to be a maximum rate or frequency); and
 - (b) must not, if the label specifies a method of administration to an animal, be administered to an animal by any other method.

33—Records to be kept by veterinary surgeons

- (1) A veterinary surgeon who treats trade species animals using a veterinary chemical product in a manner that contravenes a mandatory instruction on the approved label for containers of the product must, unless he or she is using the product in accordance with a permit, keep a record of the following information:
 - (a) the approval number allocated to the product by the NRA or the full name of the product and the concentration of each active constituent used in treating the animals;
 - (b) the date on which the product was used;
 - (c) the address at which the product was used;
 - (d) the name, address and telephone number of the person responsible for the care of the animals treated using the product;
 - (e) the species of animal treated using the product;
 - (f) the number of animals treated using the product;
 - (g) the nature of the departure from the mandatory instruction.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A veterinary surgeon who treats animals using a veterinary product prepared by him or her must keep a record of the following information:
 - (a) the concentration of each active constituent used in treating the animals;
 - (b) the date on which the product was used;
 - (c) the address at which the product was used;
 - (d) the name, address and telephone number of the person responsible for the care of the animals treated using the product;

- (e) the species of animal treated using the product;
- (f) the number of animals treated using the product.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) A veterinary surgeon must, on request by the Minister in writing, provide the Minister with specified information contained in a record kept under this regulation within the time specified in the request.

Maximum penalty: \$2 500.

Expiation fee: \$210.

Part 5—Miscellaneous

34—Restrictions on use of certain agricultural or veterinary products

If a person uses an agricultural or veterinary product of a kind specified in the left column of the table in Schedule 2 and the person does not belong to a class of persons specified opposite in the right column of the table, the person is guilty of an offence.

Maximum penalty: \$10 000.

35—Products prohibited for use in treating food-producing animals

A person must not treat an animal kept or used as a food-producing species (within the meaning of the *Agvet Code of South Australia*) using a product specified in Schedule 3 except as authorised by a permit.

Maximum penalty: \$10 000.

36—Confidentiality

For the purposes of section 38(a) of the Act, the following Acts are prescribed:

- (a) the *Controlled Substances Act 1984*;
- (b) the *Dangerous Substances Act 1979*;
- (c) the *Environment Protection Act 1993*;
- (d) the *Occupational Health, Safety and Welfare Act 1986*;
- (e) the *Public and Environmental Health Act 1987*.

37—Variation or revocation of notices

The Minister may, by subsequent notice in the Gazette, vary or revoke a notice published in the Gazette under these regulations.

Schedule 1—Substances prescribed for purposes of sections 11 and 12 of Act

Aldrin
Benzene hexachloride (BHC)
Chlordane
DDT
Dieldrin
Endrin

Heptachlor
 Hexachlorobenzene (HCB)
 Lindane
 Methoxychlor
 Toxaphene (camphechlor)

Schedule 2—Restricted agricultural and veterinary products

Agricultural or veterinary product	Class of person authorised to use product
1 An agricultural chemical product that is a pre-construction termiticide product containing bifenthrin or chlorpyrifos.	A person who holds a valid pest management technician's licence under the <i>Controlled Substances (Pesticides) Regulations 2003</i> authorising the person to use that product pursuant to the licence.
2 An agricultural chemical product containing pindone if— (a) the product is a concentrate; and (b) the instructions on the approved label for containers of the product require the product to be mixed with carriers before it is ready for use as a bait.	A person who holds a valid pest management technician's licence under the <i>Controlled Substances (Pesticides) Regulations 2003</i> authorising the person to use that product pursuant to the licence. An authorised officer under the <i>Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986</i> who has been trained in the use of that product.
3 An agricultural chemical product containing sodium monofluoroacetate (1080) if— (a) the product is a concentrate; and (b) the instructions on the approved label for containers of the product require the product to be mixed with carriers before it is ready for use as a bait.	An authorised officer under the <i>Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986</i> who has been trained in the use of that product. A person who is authorised to handle that product pursuant to a licence issued under section 22 of the <i>Controlled Substances Act 1984</i> .
4 An agricultural chemical product containing— (a) mevinphos; or (b) endosulfan; or (c) acrolein.	A person who holds a prescribed qualification.
5 An agricultural product or a veterinary product to which section 15 of the <i>Controlled Substances Act 1984</i> applies.	A person who holds a prescribed qualification.

Schedule 3—Products prohibited for use in treating food-producing animals

Chloramphenicol and any product related to chloramphenicol
 Crystal (gentian) violet
 Diethylstilboestrol and any product related to diethylstilboestrol
 Dihydrostreptomycin (injectable)
 Fluoroquinolone antibiotics
 Gentamycin
 Nitrofurantoin and nitrofurazone

Strychnine

Sulfonamide antibacterials other than sulfadiazine, sulfadimidine, sulfadoxine, sulfaquinoxaline or sulfatroxazole

Schedule 4—Revocation of *Agricultural Chemicals Regulations 1996*

The *Agricultural Chemicals Regulations 1996* are revoked.

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 26 August 2004

No 182 of 2004

MAFF0012/03CS

South Australia

Livestock Variation Regulations 2004

under the *Livestock Act 1997*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Livestock Variation Regulations 2004*.

2—Commencement

These regulations will come into operation on the day on which the *Agricultural and Veterinary Products (Control of Use) Act 2002* comes into operation.

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 *Livestock Regulations 1998*

4—Substitution of Part 9

Part 9—delete Part 9 and substitute:

Part 9—Stock foods

Division 1—Preliminary

35—Interpretation

In this Part—

Agvet Code of South Australia—see the *Agricultural and Veterinary Chemicals (South Australia) Act 1994*;

approved label has the same meaning as in the Agvet Code of South Australia;

manufactured stock food means anything that is manufactured or processed as food for livestock but does not include stock food comprised only of chaff, hay or wholegrains;

package means anything in or by which a stock food is cased, covered, enclosed, contained or packed;

permit has the same meaning as in the Agvet Code of South Australia;

registered veterinary product has the same meaning as in the Agvet Code of South Australia;

restricted animal material means material derived wholly or partly from a vertebrate, but does not include milk, a milk product, gelatine, tallow or an extracted oil;

stock food means—

- (a) manufactured stock food; or
- (b) chaff, hay or wholegrains; or
- (c) anything else used as food for livestock;

supply means supply through sale, gift, loan, exchange or hire and includes offer to supply.

Division 2—Feeding of livestock

36—Feeding of restricted animal material to ruminants

A person must not;

- (a) feed to ruminants, or permit ruminants to feed on, restricted animal material (whether or not the material has been rendered suitable for animal consumption); or
- (b) dispose of restricted animal material (whether or not the material has been rendered suitable for animal consumption) in a manner that ruminants may gain access to it.

Maximum penalty: \$10 000.

37—Feeding of restricted animal material from placental mammals to non-ruminants

(1) A person must not—

- (a) feed to livestock, or permit livestock to feed on, restricted animal material from a placental mammal unless the material has been rendered suitable for animal consumption by means of a process approved by the Chief Inspector; or
- (b) dispose of restricted animal material from a placental mammal that has not been rendered suitable for animal consumption as referred to in paragraph (a) in a manner that livestock may gain access to it.

Maximum penalty: \$10 000.

(2) In subregulation (1)—

livestock does not include cats, dogs or ruminants.

38—Feeding of stock foods containing faeces

A person must not feed to livestock, or permit livestock to feed on, a stock food that consists wholly or partly of faeces.

Maximum penalty: \$10 000.

39—Feeding of stock foods containing registered veterinary products

A person must not feed to livestock, or permit livestock to feed on, a stock food that contains a registered veterinary product unless—

- (a) —
 - (i) the product is registered for use on the species of animal to which the livestock belongs; and
 - (ii) the stock food is being used to treat the livestock for a disease or condition of the livestock, or infestation of the livestock by a pest, specified on the approved label for containers of that product; or
- (b) the person does so in accordance with a permit or the instructions of a veterinary surgeon responsible for treating the livestock.

Maximum penalty: \$10 000.

Division 3—Standards for stock foods

40—Offence

- (1) A person must not supply stock food unless the stock food complies with the standards prescribed by this Division.

Maximum penalty: \$10 000.

- (2) This regulation does not apply in relation to stock food supplied for consumption by cats, dogs, caged birds (other than poultry) or aquarium fish.

41—Restricted animal material in stock foods

- (1) A stock food supplied for consumption by ruminants must not contain restricted animal material.
- (2) A stock food supplied for consumption by non-ruminant livestock must not contain restricted animal material from a placental mammal unless the material has been rendered suitable for animal consumption by means of a process approved by the Chief Inspector.

42—Substances prohibited in stock foods

A stock food must not contain a substance specified in Schedule 2 Part 1 except as provided in that Part.

43—Organochlorine pesticides in stock foods

A substance specified in Schedule 2 Part 2 must not be present in stock food in a level that is more than the maximum level prescribed by that Part for that substance.

44—Antioxidants in stock foods

A substance specified in Schedule 2 Part 3 must not be present in stock food in a level that is more than the maximum level prescribed by that Part for that substance.

45—Registered veterinary products in stock foods

- (1) A stock food must not contain a registered veterinary product unless—
 - (a) the stock food is supplied for consumption by a species of animal for which the product is registered for use on; and
 - (b) the stock food is supplied for the purpose of treating such an animal for a disease or condition of the animal, or infestation of the animal by a pest, specified on the approved label for containers of that product; and
 - (c) the proportion or amount of the product in the stock food is a proportion or amount determined in accordance with the directions for use of the product specified on the approved label for containers of the product.
- (2) Subregulation (1) does not prevent stock food containing a registered veterinary product being supplied to a veterinary surgeon for use in the treatment of livestock or to a person holding a permit authorising the supply or use of the registered veterinary product in stock food.

Division 4—Labelling of manufactured stock foods

46—Offences

- (1) A person must not supply manufactured stock food unless the stock food is labelled, or information is provided to the person to whom the stock food is supplied, in accordance with this Division.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) A person must not, without reasonable excuse—

- (a) deface, alter or obscure a label for a package of stock food containing information required by this Division; or
- (b) remove from a package of stock food containing restricted animal material a label for the food containing information required by this Division.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (3) This regulation does not apply in relation to stock food supplied for consumption by cats, dogs, caged birds (other than poultry) or aquarium fish.

47—Requirement for label or advice note

- (1) A stock food must—

- (a) if supplied in a package—have affixed to, or printed or stencilled on, the package a label that complies with this Division; or
- (b) if supplied without a package—be supplied in accordance with this regulation with an advice note that complies with this Division.

- (2) If stock food supplied without a package is delivered to a person, the advice note for the stock food must be handed to the person or an agent of the person.

- (3) If stock food supplied without a package is delivered to premises where no person is in attendance to accept delivery of the advice note for the stock food, the advice note must, within 7 days of the delivery, be given or sent to the person to whom the stock food was supplied.

48—General information to be included on label or advice note

A label or advice note for a stock food must state—

- (a) the distinctive name of the stock food; and
- (b) the name and principal place of business of the manufacturer, producer or supplier of the stock food.

49—Information about restricted animal material content

- (1) If—
- (a) a stock food manufactured or produced before 20 December 2001 contains restricted animal material from animals other than fish or birds; and
 - (b) the stock food is not supplied for consumption by dogs or pigeons; and
 - (c) the label or advice note for the stock food does not contain a statement that the stock food is suitable for consumption by non-ruminant livestock only,

the label or advice note for the stock food must contain—

- (d) a statement indicating whether or not the restricted animal material is from a placental mammal; and
 - (e) if the restricted animal material is from a placental mammal—a statement indicating that the stock food must not be fed to ruminants.
- (2) A label or advice note for a stock food manufactured or produced on or after 20 December 2001 must—
- (a) if the stock food contains restricted animal material—contain the following statement:

This product contains restricted animal material—DO NOT
FEED TO CATTLE, SHEEP, GOATS, DEER OR
OTHER RUMINANTS.
 - (b) if the stock food does not contain restricted animal material—contain the following statement:

This product does not contain restricted animal material.

5—Substitution of Schedule 2

Schedule 2—delete Schedule 2 and substitute:

Schedule 2—Stock foods

Part 1—Prohibited substances

Hormones (whether a natural or synthetic product)

Hydroquinone

Phenothiazine

Phthalysulfacetamide

Piperazine and related compounds

Promazines

Reserpine

Sulfacetamide

Sulfacetamide sodium

Sulfachloropyridazine

Sulfafurazole

Sulfamethoxydiazine
 Sulfamonomethoxine
 Sulfanilimide
 Sulfanitran
 Sulfapyridine
 Sulfathiazole
 Thiofurfuran (except in stock food supplied for consumption by pigs)
 Thiouracil

Part 2—Permitted levels of organochlorine pesticides

Substance	Permitted maximum level
Aldrin	0.01 ppm
Chlordane	0.01 ppm
DDT, DDD, DDE combined total	0.05 ppm
Dieldrin	0.01 ppm
Endrin	0.03 ppm
Heptachlor	0.02 ppm
Hexachlorobenzene (HCB)	0.01 ppm
Lindane (BHC)	0.10 ppm
Any combination of the above	0.10 ppm in aggregate

ppm = parts per million

Part 3—Permitted levels of certain antioxidants

Substance	Permitted maximum level
Butylated hydroxy toluene	100 ppm
Butylated hydroxy anisole	100 ppm
Ethoxyquin	150 ppm
Propyl gallate	100 ppm
Any combination of the above	150 ppm in aggregate

ppm = parts per million

Part 3—Revocation of *Stock Foods Regulations 1996*

6—Revocation

The *Stock Foods Regulations 1996* are revoked.

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 26 August 2004

No 183 of 2004

MAFF04/0014CS

South Australia

Subordinate Legislation (Postponement of Expiry) Regulations 2004

under the *Subordinate Legislation Act 1978*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Postponement of expiry for one year—Regulations made before 1 January 1994
- 5 Revocation of obsolete regulations

Schedule 1—Postponement of expiry

Schedule 2—Revocation

1—Short title

These regulations may be cited as the *Subordinate Legislation (Postponement of Expiry) Regulations 2004*.

2—Commencement

These regulations will come into operation on 1 September 2004.

3—Interpretation

In these regulations, unless the contrary intention appears—
Act means the *Subordinate Legislation Act 1978*.

4—Postponement of expiry for one year—Regulations made before 1 January 1994

The expiry under Part 3A of the Act of the regulations listed in Schedule 1 is postponed for a period of one year commencing on 1 September 2004.

5—Revocation of obsolete regulations

The regulations listed in Schedule 2 are revoked (unless they have already been impliedly revoked).

Schedule 1—Postponement of expiry

Aboriginal Lands Trust (Control of Alcoholic Liquor and Regulated Substances on Yalata Reserve) Regulations 1990 made under the *Aboriginal Lands Trust Act 1966* (see *Gazette* 30.8.1990 p737)

Adelaide Festival Centre Trust Regulations 1992 made under the *Adelaide Festival Centre Trust Act 1971* (see *Gazette* 27.8.1992 p950)

Ambulance Services Regulations 1993 made under the *Ambulance Services Act 1992* (see *Gazette* 25.2.1993 p727)

Associations Incorporation Regulations 1993 made under the *Associations Incorporation Act 1985* (see *Gazette* 20.5.1993 p1709)

Botanic Gardens and State Herbarium Regulations 1993 made under the *Botanic Gardens and State Herbarium Act 1978* (see *Gazette* 15.7.1993 p569)

Children's Services (Appeals) Regulations 1993 made under the *Children's Services Act 1985* (see *Gazette* 14.1.1993 p191)

Chiropractors Regulations 1992 made under the *Chiropractors Act 1991* (see *Gazette* 14.5.1992 p1397)

Citrus Industry Regulations 1992 made under the *Citrus Industry Act 1991* (see *Gazette* 13.2.1992 p447)

Classification of Theatrical Performances Regulations 1993 made under the *Classification of Theatrical Performances Act 1978* (see *Gazette* 19.8.1993 p888)

Construction Industry Training Fund Regulations 1993 made under the *Construction Industry Training Fund Act 1993* (see *Gazette* 5.8.1993 p753)

Courts Administration Regulations 1993 made under the *Courts Administration Act 1993* (see *Gazette* 1.7.1993 p358)

Crown Proceedings Regulations 1993 made under the *Crown Proceedings Act 1992* (see *Gazette* 4.11.1993 p2205)

Dairy Industry Regulations 1993 made under the *Dairy Industry Act 1992* (see *Gazette* 1.7.1993 p403)

Development Regulations 1993 made under the *Development Act 1993* (see *Gazette* 27.10.1993 p1954)

Environment, Resources and Development Court Regulations 1993 made under the *Environment, Resources and Development Court Act 1993* (see *Gazette* 27.10.1993 p2094)

Evidence (Reproduction of Documents) Regulations 1993 made under the *Evidence Act 1929* (see *Gazette* 8.4.1993 p1273)

Fair Trading (Health and Fitness Industry Code of Practice) Regulations 1992 made under the *Fair Trading Act 1987* (see *Gazette* 27.2.1992 p578)

Fees Regulation (Education) Regulations 1990 made under the *Fees Regulation Act 1927* (see *Gazette* 12.7.1990 p285)

Fees Regulation (Stock Medicines) Regulations 1992 made under the *Fees Regulation Act 1927* (see *Gazette* 16.4.1992 p1166)

Firearms Regulations 1993 made under the *Firearms Act 1977* (see *Gazette* 29.4.1993 p1482)

Fisheries (Fish Processors) Regulations 1991 made under the *Fisheries Act 1982* (see *Gazette* 27.6.1991 p2172)

Fisheries (Scheme of Management—Abalone Fisheries) Regulations 1991 made under the *Fisheries Act 1982* (see *Gazette* 27.6.1991 p2123)

Fisheries (Scheme of Management—Lakes and Coorong Fishery) Regulations 1991 made under the *Fisheries Act 1982* (see *Gazette* 27.6.1991 p2178)

Fisheries (Scheme of Management—Marine Scalefish Fisheries) Regulations 1991 made under the *Fisheries Act 1982* (see *Gazette* 27.6.1991 p2187)

- Fisheries (Scheme of Management—Prawn Fisheries) Regulations 1991* made under the *Fisheries Act 1982* (see *Gazette 27.6.1991 p2133*)
- Fisheries (Scheme of Management—River Fishery) Regulations 1991* made under the *Fisheries Act 1982* (see *Gazette 27.6.1991 p2197*)
- Fisheries (Scheme of Management—Rock Lobster Fisheries) Regulations 1991* made under the *Fisheries Act 1982* (see *Gazette 27.6.1991 p2143*)
- Forestry (Recreational Access and Use of Reserves) Regulations 1989* made under the *Forestry Act 1950* (see *Gazette 11.1.1990 p58*)
- Freedom of Information (Exempt Agency) Regulations 1993* made under the *Freedom of Information Act 1991* (see *Gazette 21.1.1993 p409*)
- Gaming Machines Regulations 1993* made under the *Gaming Machines Act 1992* (see *Gazette 11.3.1993 p861*)
- Heritage Regulations 1993* made under the *Heritage Act 1993* (see *Gazette 27.10.1993 p2102*)
- Housing Improvement (Standards) Regulations 1992* made under the *Housing Improvement Act 1940* (see *Gazette 27.8.1992 p966*)
- Lottery and Gaming Regulations 1993* made under the *Lottery and Gaming Act 1936* (see *Gazette 27.10.1993 p1901*)
- Members of Parliament (Register of Interests) Regulations 1993* made under the *Members of Parliament (Register of Interests) Act 1983* (see *Gazette 1.7.1993 p409*)
- Pastoral Land Management and Conservation Regulations 1991* made under the *Pastoral Land Management and Conservation Act 1989* (see *Gazette 18.4.1991 p1351*)
- Pharmacists Regulations 1991* made under the *Pharmacists Act 1991* (see *Gazette 21.11.1991 p1334*)
- Physiotherapists Regulations 1991* made under the *Physiotherapists Act 1991* (see *Gazette 5.12.1991 p1710*)
- Public and Environmental Health Regulations 1991* made under the *Public and Environmental Health Act 1987* (see *Gazette 6.6.1991 p1824*)
- Public and Environmental Health (Cervical Cancer Screening) Regulations 1993* made under the *Public and Environmental Health Act 1987* (see *Gazette 18.2.1993 p626*)
- Rates and Land Tax Remission Regulations 1990* made under the *Rates and Land Tax Remission Act 1986* (see *Gazette 5.4.1990 p964*)
- Roads (Opening and Closing) Regulations 1991* made under the *Roads (Opening and Closing) Act 1991* (see *Gazette 31.10.1991 p1212*)
- Roads (Opening and Closing) Fees Regulations 1991* made under the *Roads (Opening and Closing) Act 1991* (see *Gazette 31.10.1991 p1216*)
- Sheriff's Regulations 1992* made under the *Sheriff's Act 1978* (see *Gazette 2.7.1992 p236*)
- South Australian Co-operative and Community Housing (Electoral Procedures) Regulations 1992* made under the *South Australian Co-operative and Community Housing Act 1991* (see *Gazette 3.12.1992 p1709*)
- South Australian Co-operative and Community Housing (General) Regulations 1992* made under the *South Australian Co-operative and Community Housing Act 1991* (see *Gazette 9.1.1992 p33*)

South Australian Health Commission (Cancer) Regulations 1991 made under the *South Australian Health Commission Act 1976* (see *Gazette* 6.6.1991 p1832)

Stock Medicines (Hormonal Growth Promotants) Regulations 1993 made under the *Stock Medicines Act 1939* (see *Gazette* 18.2.1993 p642)

Summary Procedure (Industrial Offences) Regulations 1992 made under the *Summary Procedure Act 1921* (see *Gazette* 2.7.1992 p224)

Summary Procedure (Witness Fees) Regulations 1992 made under the *Summary Procedure Act 1921* (see *Gazette* 2.7.1992 p222)

Superannuation (Bordertown Memorial Hospital Employees) Regulations 1993 made under the *Superannuation Act 1988* (see *Gazette* 1.7.1993 p382)

Superannuation (Child, Adolescent and Family Health Service Employees) Regulations 1993 made under the *Superannuation Act 1988* (see *Gazette* 9.9.1993 p1075)

Superannuation (Kingston Soldiers' Memorial Hospital Employees) Regulations 1993 made under the *Superannuation Act 1988* (see *Gazette* 1.7.1993 p397)

Superannuation (STA Employees) Regulations 1991 made under the *Superannuation Act 1988* (see *Gazette* 20.6.1991 p1935)

Survey Regulations 1992 made under the *Survey Act 1992* (see *Gazette* 1.10.1992 p1250)

Trade Measurement (Administration) Regulations 1993 made under the *Trade Measurement Administration Act 1993* (see *Gazette* 30.9.1993 p1445)

Trade Measurement (Measuring Instruments) Regulations 1993 made under the *Trade Measurement Act 1993* (see *Gazette* 30.9.1993 p1411)

Trade Measurement (Miscellaneous) Regulations 1993 made under the *Trade Measurement Act 1993* (see *Gazette* 30.9.1993 p1387)

Trade Measurement (Pre-Packed Articles) Regulations 1993 made under the *Trade Measurement Act 1993* (see *Gazette* 30.9.1993 p1422)

Trade Measurement (Weighbridges) Regulations 1993 made under the *Trade Measurement Act 1993* (see *Gazette* 30.9.1993 p1390)

Valuation of Land Regulations 1991 made under the *Valuation of Land Act 1971* (see *Gazette* 27.6.1991 p2206)

Wilderness Protection Regulations 1992 made under the *Wilderness Protection Act 1992* (see *Gazette* 18.6.1992 p1781)

Young Offenders Regulations 1993 made under the *Young Offenders Act 1993* (see *Gazette* 9.12.1993 p2897)

Schedule 2—Revocation

Barley Marketing Regulations 1993 made under the *Barley Marketing Act 1993* (see *Gazette* 27.5.1993 p1769)

Real Property (Amalgamation Units) Regulations 1992 made under the *Real Property Act 1886* (see *Gazette* 21.5.1992 p1475)

Subordinate Legislation (Postponement of Expiry) Regulations 2003 made under the *Subordinate Legislation Act 1978* (see *Gazette 28.8.2003 p3384*)

Superannuation (Lotteries Commission Staff Retirement Benefit Fund) Regulations 1991 made under the *Superannuation Act 1988* (see *Gazette 20.6.1991 p1933*)

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 26 August 2004

No 184 of 2004

DPC 023/97 Pt.2 CS

South Australia

Fisheries (Aquatic Reserves) Regulations 2004

under the *Fisheries Act 1982*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Access to and fishing activities in aquatic reserves
- 5 Regulations to have effect subject to Fisheries (General) Regulations 2000

Schedule 1—Access to and fishing activities in aquatic reserves

- 1 Interpretation

Schedule 2—Revocation of Fisheries Act (Aquatic Reserves) Regulations 1989

1—Short title

These regulations may be cited as the *Fisheries (Aquatic Reserves) Regulations 2004*.

2—Commencement

These regulations will come into operation on 1 September 2004.

3—Interpretation

In these regulations—

Act means the *Fisheries Act 1982*.

4—Access to and fishing activities in aquatic reserves

For the purposes of section 48G(1) of the Act, a person may—

- (a) enter and remain in an aquatic reserve; and
- (b) engage in a fishing activity in an aquatic reserve,

as permitted by Schedule 1.

5—Regulations to have effect subject to *Fisheries (General) Regulations 2000*

These regulations have effect subject to the *Fisheries (General) Regulations 2000*, and nothing in these regulations authorises a person to act in contravention of those regulations.

Schedule 1—Access to and fishing activities in aquatic reserves

1—Interpretation

- (1) Words and expressions used in this Schedule that are defined in the *Fisheries (General) Regulations 2000* have the same respective meanings as in those regulations.

- (2) A reference to a named aquatic reserve in this Schedule is a reference to the aquatic reserve of that name as defined from time to time by proclamation made under section 47 of the Act.

Aquatic reserve	Persons permitted access to aquatic reserve	Fishing activity permitted in aquatic reserve
Aldinga Reef Aquatic Reserve	Any person	No fishing activity is permitted.
American River Aquatic Reserve	Any person	No fishing activity is permitted.
Bales Beach Aquatic Reserve	Any person	No fishing activity is permitted.
Barker Inlet—St Kilda Aquatic Reserve	Any person	The taking of fish by using a rod and line or hand line. The taking of bloodworms (Class Polychaeta) for bait by using a hand net.
Blanche Harbour—Douglas Bank Aquatic Reserve	Any person	The taking of fish by using a hand fish spear.
Goose Island Aquatic Reserve	Any person	No fishing activity is permitted.
Point Labatt Aquatic Reserve	No person	No fishing activity is permitted.
Port Noarlunga Reef Aquatic Reserve	Any person	The taking of fish by using a rod and line or a hand line in the portion of the Reserve comprising waters bounded as follows: Commencing at the point where latitude 35° 09.20' S intersects with the high water mark, then in a generally westerly direction to position latitude 35° 09.26' S, longitude 138° 27.72' E, then in a generally northerly direction to position latitude 35° 08.82' S, longitude 138° 27.62' E, then in a generally easterly direction to the point where latitude 35° 08.77' S intersects with the high water mark, and then along the high water mark in a generally southerly direction to the point of commencement, but not— <ul style="list-style-type: none"> (a) from a boat; or (b) from any point on the Port Noarlunga Jetty within 50 metres from the western end of the Jetty; or (c) in waters to the western side of a line 25 metres to the east and parallel to the eastern boundary of the northern Port Noarlunga Reef (at low water) and the prolongations of that boundary.

	Any person	The taking of fish by using a rod and line or a hand line in waters in any other part of the Reserve but not— <ul style="list-style-type: none"> (a) in waters within 25 metres of any part of the southern Port Noarlunga Reef that is exposed at low water; or (b) in waters within 25 metres of any part of Horseshoe Reef that is exposed at low water.
	Any person	The taking of shrimp (<i>Suborder Natantia</i>) by hand net for bait in the waters of the estuary and Onkaparinga River upstream as far as the road bridge on the Main South Road Noarlunga Bypass.
Seal Bay Aquatic Reserve	No person	No fishing activity is permitted.
St Kilda—Chapman Creek Aquatic Reserve	Any person	The taking of blue crab (<i>Portunus pelagicus</i>) by hand or by using a crab rake or crab net.
Troubridge Hill Aquatic Reserve	Any person	The taking of fish by using a rod and line or a hand line.
West Island Encounter Bay Aquatic Reserve	Teachers and students while engaged in the teaching or study of a marine science.	Any fishing activity engaged in by teachers and students for the purposes of the teaching or study of a marine science.
	Any person	The taking of fish by using a rod and line or a hand line in the portion of the Reserve comprising waters bounded as follows: <p style="margin-left: 40px;">Commencing at position latitude 35° 36.75' S, longitude 138° 35.4' E (being a point 200 metres seaward of the low water mark at the south east extremity of section 189, north east of King Beach on Fleurieu Peninsula), then in a generally south easterly direction to a point 100 metres off the north eastern extremity of West Island at position latitude 35° 37.1' S, longitude 138° 35.9' E, then in a westerly, south westerly, southerly and south easterly direction maintaining a distance of 100 metres from West Island to a point 100 metres off the south western extremity of West Island at position latitude 35° 37.45' S, longitude 138° 35.6' E, then in a generally north westerly direction to position latitude 35° 37.15' S,</p>

longitude 138° 35.2' E (being a point 200 metres seaward of the low water mark at King Head on Fleurieu Peninsula), then in a generally north easterly direction maintaining a distance of 200 metres from the low water mark back to the point of commencement.

Any person

No fishing activity is permitted in the portion of the Reserve comprising waters bounded as follows:

Commencing at the high water mark at Restless Point on the western shore of West Island, then due west for a distance of 100 metres, then following the outer boundary of West Island in a generally north easterly direction maintaining a distance of 100 metres from the high water mark to a point due north of Penguin Rock on the northern shore of West Island, then due south to the high water mark on the shore of the island, then in a generally south westerly direction along the high water mark back to the point of commencement.

Any person

No fishing activity is permitted in the portion of the Reserve comprising waters bounded as follows:

Commencing at the high water mark at Restless Point on the western shore of West Island, then due west for a distance of 100 metres, then following the outer boundary of West Island in a southerly, easterly, northerly and north westerly direction maintaining a distance of 100 metres from the high water mark to a point due north of Penguin Rock on the northern shore of West Island, then due south to the high water mark on the shore of the island, then in a south easterly, southerly, westerly and northerly direction along the high water mark back to the point of commencement.

Whyalla—Cowled's Landing Aquatic Reserve Any person

The taking of blue crab (*Portunus pelagicus*) by hand or by using a crab rake or crab net, otherwise than for the purpose of trade or business, in the portion of the Reserve comprising waters

bounded as follows:

Commencing at a point where latitude 33° 05.7' S meets the high water mark on the western shore of Spencer Gulf (near 8 Mile Creek), then south-easterly to position latitude 33° 06.4' S, longitude 137° 33.2' E, then south-westerly to position latitude 33° 06.8' S, longitude 137° 32.8' E, then north-westerly to a point where latitude 33° 06' S meets the high water mark on the western shore of Spencer Gulf, then generally north-easterly along the high water mark back to the point of commencement.

Yatala Harbour—Upper
Spencer Gulf Aquatic Reserve

Any person

No fishing activity is permitted.

Schedule 2—Revocation of *Fisheries Act (Aquatic Reserves) Regulations 1989*

The *Fisheries Act (Aquatic Reserves) Regulations 1989* are revoked.

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 26 August 2004

No 185 of 2004

MAFF 04/0022CS

South Australia

Environment Protection (General) Variation Regulations 2004

under the *Environment Protection Act 1993*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of Environment Protection (General) Regulations 1994

- 4 Insertion of regulation 3B
3B Prescribed bodies (Section 14B)
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Environment Protection (General) Variation Regulations 2004*.

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 *Environment Protection (General) Regulations 1994*

4—Insertion of regulation 3B

After regulation 3A insert:

3B—Prescribed bodies (Section 14B)

- (1) For the purposes of section 14B(4) of the Act, the Minister must, in relation to the selection of persons for appointment to the Board, consult with the following bodies:
 - (a) in relation to the selection for appointment of a person with practical knowledge of, and experience in, industry, commerce or economic development—
 - South Australian Employers' Chamber of Commerce and Industry Incorporated (trading as Business SA)
 - Engineering Employers Association, South Australia
 - South Australian Chamber of Mines and Energy Inc
 - South Australian Farmers Federation Incorporated;
 - (b) in relation to the selection for appointment of a person with practical knowledge of, and experience in, environmental conservation and advocacy on environmental matters on behalf of the community—
 - Conservation Council of South Australia Incorporated
 - Environmental Defenders Office (SA) Inc;
 - (c) in relation to the selection for appointment of a person with practical knowledge of, and experience in, the reduction, re-use, recycling and management of waste or the environmental management industry—
 - Association of Consulting Engineers Australia
 - Waste Management Association of Australia Incorporated
 - Environment Management Industry Association of Australia;
 - (d) in relation to the selection for appointment of a person with legal qualifications and experience in environmental law—
 - National Environmental Law Association Limited (SA Division)
 - Environmental Defenders Office (SA) Inc;
 - (e) in relation to the selection for appointment of a person with practical knowledge of, and experience in, local government—
 - Local Government Association of South Australia.

- (2) A body consulted by the Minister under subregulation (1) must, within a reasonable period of time specified by the Minister, nominate a panel of up to 3 persons, including at least 1 woman and 1 man, from which selection for appointment may be made.

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 26 August 2004

No 186 of 2004

EC04/0025CS

South Australia

South Australian Country Arts Trust Regulations 2004

under the *South Australian Country Arts Trust Act 1992*

Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Notice calling for nominations for membership of Country Arts Board
- 5 Nominations

Schedule 1—Revocation of South Australian Country Arts Trust Regulations 1992

1—Short title

These regulations may be cited as the *South Australian Country Arts Trust Regulations 2004*.

2—Commencement

These regulations will come into operation on 1 September 2004.

3—Interpretation

In these regulations—

Act means the *South Australian Country Arts Trust Act 1992*.

4—Notice calling for nominations for membership of Country Arts Board

- (1) If it is necessary to call for the nomination of persons for appointment as members of a Country Arts Board for the purposes of section 21(1)(c) of the Act, the Minister must do so by notice published in a newspaper circulating throughout the area of the Board.
- (2) A notice under subregulation (1) must—
 - (a) specify—
 - (i) the requirements of regulation 5(2) in relation to a nomination; and
 - (ii) the date and hour by which and the address at which nominations must be lodged; and
 - (b) state that, if the nominator so wishes, the nomination may specify the nature of the nominator's interest in the arts.
- (3) The date for the closure of nominations must be not less than 14 days after the date of publication of the notice.

5—Nominations

- (1) A person may nominate himself or herself or another person for appointment as a member of a Country Arts Board under section 21(1)(c) of the Act.
- (2) A nomination must —
 - (a) be in writing; and
 - (b) —
 - (i) if the nominator is a natural person—
 - (A) be signed by the nominator; and
 - (B) state the full name and principal place of residence of the nominator; or
 - (ii) if the nominator is a body—
 - (A) be signed by a person duly authorised by the body to sign the nomination on its behalf; and
 - (B) state the full name of the body; and
 - (C) state the full name and residential address of the person signing the nomination on behalf of the body; and
 - (c) if the nominator is not also the nominee—contain a statement signed by the nominee to the effect that he or she is willing to be appointed; and
 - (d) state the full name and principal place of residence of the nominee; and
 - (e) be lodged not later than the date and hour specified for the closure of nominations in the notice published under regulation 4.

Schedule 1—Revocation of *South Australian Country Arts Trust Regulations 1992*

The *South Australian Country Arts Trust Regulations 1992* are revoked.

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 26 August 2004

No 187 of 2004

ASACAB003/04

South Australia

Maritime Services (Access) (Port of Ardrossan) Variation Regulations 2004

under the *Maritime Services (Access) Act 2000*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of Maritime Services (Access) (Port of Ardrossan) Regulations 2001

- 4 Variation of regulation 1—Citation
 - 5 Insertion of regulation 5
 - 5 Extension of operation of Part 3 of Act
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Maritime Services (Access) (Port of Ardrossan) Variation Regulations 2004*.

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 *Maritime Services (Access) (Port of Ardrossan) Regulations 2001*

4—Variation of regulation 1—Citation

Regulation 1—delete "*(Port of Ardrossan)*"

5—Insertion of regulation 5

After regulation 4 insert:

5—Extension of operation of Part 3 of Act

Pursuant to section 43 of the Act, Part 3 of the Act continues in operation for a further triennial cycle (commencing 31 October 2004).

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

the Essential Services Commission having recommended that Part 3 of the Act should continue in operation for a further triennial cycle and with the advice and consent of the Executive Council on 26 August 2004

No 188 of 2004

MFI04/019CS

South Australia

Country Fires Regulations 2004

under the *Country Fires Act 1989*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Country Fires Regulations 2004*.

2—Commencement

These regulations will come into operation on 1 September 2004.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Country Fires Act 1989*;

Australian Standard means a standard of Standards Australia;

incident management system—see regulation 4;

incident response plan—see regulation 4;

operation includes a practice or training exercise for members of a CFS organisation;

recognised emergency service means—

- (a) South Australia Police; or
- (b) the South Australian Metropolitan Fire Service; or
- (c) the State Emergency Service; or
- (d) the SA St John Ambulance Service Inc; or
- (e) the SA Ambulance Service.

Part 2—Incident management systems

4—Incident management system

- (1) The Board will prepare and maintain an overall plan for fighting fires and dealing with other emergencies in the country (the *incident management system*).
- (2) The objective of the incident management system will be to achieve—
 - (a) the greatest possible effectiveness and efficiency in the operations of the CFS in the case of a fire or other emergency; and
 - (b) the greatest possible protection of life and property in the case of a fire or other emergency.
- (3) Each CFS organisation must prepare and maintain a plan for the implementation of the incident management system in its area of responsibility (an *incident response plan*).
- (4) A plan under subregulation (3) must—
 - (a) set incident response goals; and
 - (b) set out strategies for fighting fires and dealing with other emergencies in its area, and provide for the periodical review of those strategies; and
 - (c) set out procedures to facilitate co-ordination between the CFS organisation and other recognised emergency services; and
 - (d) provide for the optimum use of equipment and other resources; and
 - (e) set goals for the training and proficiency of the members of the CFS organisation.
- (5) A CFS organisation must, in order to ensure that it can implement the incident management system in accordance with its plan—
 - (a) work to achieve and maintain the highest possible standards in the following organisational areas:
 - (i) operations;

- (ii) planning;
 - (iii) logistics;
 - (iv) finance; and
- (b) carefully manage its equipment and other resources and work (so far as may be reasonable) to develop and improve that equipment and those resources; and
- (c) encourage and support the training and development of its members.

Part 3—CFS organisations

Division 1—CFS brigades

5—Constitution of a CFS brigade

- (1) A group of interested persons may apply to the Board for the constitution of a CFS brigade in relation to a particular area of the State.
- (2) An application under subregulation (1) must—
- (a) be made in a manner and form approved by the Board; and
 - (b) define the area in relation to which it is proposed that the brigade be constituted; and
 - (c) list the full name, residential address, occupation and date of birth of each person who is applying to be a foundation member of the brigade; and
 - (d) specify the location of any proposed fire station for the brigade; and
 - (e) propose a constitution for the brigade; and
 - (f) contain such other information as the Board may require.
- (3) If the Board constitutes a CFS brigade, the Board must furnish the brigade with a certificate in the form of Schedule 1.
- (4) Unless the Board otherwise determines (whether on its own initiative or on the application of the members of the brigade), a CFS brigade will have a constitution in the form set out in Schedule 2.

6—Registration of members of CFS brigades

- (1) A person will not be recognised as a member of a CFS brigade unless the person is registered as a member of that brigade by the Board.
- (2) The Board may refuse to register a person as a member of a CFS brigade if—
- (a) the Board requires the person to undergo a medical examination determined by the Board and the person fails to pass that examination; or
 - (b) the Board considers that the person is not a fit and proper person to be a member of a CFS brigade; or
 - (c) in the case of a person who is applying to be registered as a fire-fighter or officer—the Board considers that the person would not be reasonably available to respond to fires or other emergencies, or otherwise to carry out his or her functions and responsibilities as such a member of the brigade; or

- (d) the Board is satisfied that some other reasonable ground exists on which to refuse registration.
- (3) An application to register a person as a member of a CFS brigade must be in a form approved by the Board.
- (4) Unless the Board otherwise determines, the registration of a person as a member of a CFS brigade will at first be on probation for a period of 6 months.
- (5) Subregulation (4) does not apply in relation to a person who is transferring to a brigade from another brigade and who was not on probation as a member of that other brigade.
- (6) During a period of probation, the person must (unless the Board otherwise determines) successfully complete an introductory course of training approved by the Board.
- (7) If a person successfully completes a course in accordance with subregulation (6), the registration of that person as a member of a CFS brigade will be taken to have been confirmed by the Board.
- (8) Unless the Board otherwise determines, if a person fails to complete a course in accordance with subregulation (6), the registration of that person as a member of a CFS brigade will terminate.
- (9) Subject to section 16 of the Act, the Board may terminate the registration of a person as a member of a CFS brigade on any reasonable ground.

7—Categories of membership

- (1) There will be the following categories of membership in a CFS brigade:
 - (a) cadet fire-fighter;
 - (b) fire-fighter;
 - (c) officer;
 - (d) auxiliary member;
 - (e) honorary member.
- (2) A person is eligible to be a cadet fire-fighter if the person is of or above the age of 11 years and under the age of 16 years.
- (3) The following provisions apply in relation to cadet fire-fighters:
 - (a) a cadet fire-fighter must not be permitted to attend a fire or other emergency;
 - (b) for training purposes, a cadet fire-fighter may, under the supervision of an officer, operate pumps and hoses, and travel on fire appliances;
 - (c) cadet fire-fighters may hold their own meetings under the supervision of the brigade captain, or another officer nominated by the brigade captain;
 - (d) a cadet fire-fighter may attend an ordinary meeting of the brigade, but—
 - (i) a cadet fire-fighter is not eligible to vote on a matter arising for determination at a meeting of the brigade; and
 - (ii) a cadet fire-fighter will not be counted for the purpose of determining a quorum, or any other question relating to the attendance of members of the brigade at a meeting;
 - (e) a cadet fire-fighter may, after attaining the age of 16 years, apply to become a fire-fighter or auxiliary member.

- (4) A person is eligible to be a fire-fighter or officer if the person is of or above the age of 16 years.
- (5) The brigade must determine the extent (if any) to which an auxiliary member may engage in fire-fighting activities as a member of the brigade.
- (6) A person who has been a member of a CFS organisation for at least 20 years is eligible to be an honorary member of a CFS brigade.
- (7) An application to become a member of a CFS brigade must be made to the brigade in a manner and form approved by the Board and, in the case of an application to be a cadet fire-fighter, must be accompanied by the written consent of a guardian of the applicant.
- (8) A person may be proposed as an honorary member of a CFS brigade without formal application.
- (9) An application for membership must be considered at a meeting of the brigade.
- (10) If—
 - (a) a CFS brigade accepts the application of a person to become a member of a CFS brigade; or
 - (b) the membership category of a person who is a member of a CFS brigade changes, the CFS brigade must apply to the Board for registration of that person as a member, or as a member in his or her new category (as the case may be).
- (11) An application under subregulation (10) must be made by the end of the month immediately following the month during which the application for membership is accepted, or the category of membership changes.

8—Brigade officers

- (1) Pursuant to section 16 of the Act, each CFS brigade will have the following officers:
 - (a) a brigade captain;
 - (b) unless the Board otherwise determines—at least 2, but not more than 4, lieutenants (and the order of seniority of the lieutenants will be decided in a manner determined by the brigade).
- (2) Each position referred to in subregulation (1) will be filled by election.
- (3) The specific functions of each officer are set out in Schedule 3.

9—Prescribed positions

- (1) Unless the Board otherwise determines, in addition to its officers, each CFS brigade must have—
 - (a) a communications officer; and
 - (b) a training officer; and
 - (c) an equipment officer; and
 - (d) a logistics support officer; and
 - (e) an administrative officer.
- (2) Each position referred to in subregulation (1) will be filled by election.
- (3) The specific functions that attach to each position are set out in Schedule 4.

- (4) A member of a CFS brigade holding a position under this regulation is responsible to the brigade captain for the performance of the functions that attach to the position.

10—Brigade elections

- (1) For the purposes of this regulation, the Board will determine whether a CFS brigade will hold its elections in each year designated by an even number or in each year designated by an odd number.
- (2) Subject to subregulation (3), brigade elections must be held in July or August of an election year for that brigade.
- (3) The Board may, in special circumstances, allow a brigade to hold its elections at some other time.
- (4) Nominations of candidates for brigade elections will be called by the administrative officer of the brigade in accordance with the brigade's constitution.
- (5) Subject to these regulations, a person is eligible to be nominated for election to a position if the person is a registered member of the brigade.
- (6) A person is not eligible to be nominated for election to an officer rank if the person—
- (a) would, if elected, hold the rank and the rank of group officer or deputy group officer at the same time; or
 - (b) would, if elected, hold the rank and a command or operational rank in a recognised emergency service at the same time; or
 - (c) has been disqualified from holding the rank by the Board.
- (7) In addition to subregulation (6), a person is not eligible to be nominated for election as brigade captain unless the person—
- (a) has been a registered member of the brigade for at least 2 years; and
 - (b) has successfully completed appropriate courses of training approved by the Board.
- (8) The Board may, on the application of a CFS brigade—
- (a) determine that subregulation (6)(a) or (b) will not apply to a particular person; or
 - (b) dispense with a requirement under subregulation (7) if the Board is satisfied that there is no member of the brigade who satisfies the particular requirement, or that no member of the brigade who satisfies the particular requirement is willing to stand for election as brigade captain.
- (9) An election will be by secret ballot (unless the election is uncontested).
- (10) Each member of the brigade attending the meeting at which the elections are held is entitled to vote at the elections.
- (11) Voting for a position if only 1 person is to be elected will be conducted as follows:
- (a) each member will vote for a candidate;
 - (b) after the votes under paragraph (a) are counted, the candidate with the fewest votes will be excluded and—
 - (i) if only 1 candidate remains, he or she will be elected; and
 - (ii) if 2 or more candidates remain, each member will, in respect of the remaining candidates, again vote for 1 candidate;

- (c) the process under paragraph (b) will be continued until 1 candidate remains.
- (12) Voting for a position if 2 or more persons are to be elected will be conducted as follows:
- (a) each member will vote for candidates up to the number required to be elected;
 - (b) after the votes under paragraph (a) are counted, the candidate with the fewest votes will be excluded and if more candidates remain than the number required to be elected, each member will, in respect of the remaining candidates, again vote for candidates up to the number required to be elected;
 - (c) the process under paragraph (b) will be continued until the number of candidates remaining is equal to the number required to be elected.
- (13) For the purposes of subregulations (11) and (12), if 2 candidates have an equal number of votes and 1 of them must be excluded, the person presiding at the election will determine the question by lot.
- (14) A person elected to a position in a CFS brigade holds that position from 1 September of the year of his or her election (except if a person is elected after 1 September of a particular election year, in which case the person will hold the position to which he or she is elected from the date of the election).
- (15) A person holds a particular position in a CFS brigade until 31 August in the next election year of the brigade.
- (16) Subregulation (15) is subject to the following qualifications:
- (a) a person ceases to hold a position in a CFS brigade if the person ceases to be a member of that brigade;
 - (b) unless otherwise determined by the Board in relation to the particular person, a person ceases to hold an officer rank in a CFS brigade if the person—
 - (i) assumes the rank of group officer or deputy group officer; or
 - (ii) assumes a command or operational rank in a recognised emergency service;
 - (c) a person may resign from a position in a CFS brigade by written notice to the brigade;
 - (d) a person may be demoted or disqualified from a particular position by the Board;
 - (e) a person elected to a position in a CFS brigade at a supplementary election on account of a casual vacancy holds the position for the balance of the term of his or her predecessor;
 - (f) if a person's successor is not elected by 31 August of an election year, the person may continue to hold his or her position until a successor is elected.
- (17) If—
- (a) a brigade election fails; or
 - (b) a casual vacancy occurs in a position in a CFS brigade,
- the brigade must hold a supplementary election in accordance with the brigade's constitution.
- (18) Pending the election of a person to fill a vacant position under subregulation (17)(b) (other than brigade captain), the brigade captain may appoint a member of the brigade to the position on an acting basis.

- (19) If the vacant position under subregulation (17)(b) is that of brigade captain—
 - (a) if the brigade is a member of a CFS group—the group officer; and
 - (b) if the brigade is not a member of a CFS group—the regional officer,may appoint a member of the brigade to the rank of brigade captain on an acting basis.
- (20) A person may be re-elected to a position in a CFS brigade.

11—Transfer of membership and resignation

- (1) A member of a CFS brigade may, on written application to another brigade, apply to transfer his or her membership to that other brigade.
- (2) If a member of a CFS brigade transfers to another brigade, a rank that he or she holds at brigade level is not transferred.
- (3) A member of a CFS brigade may resign by written notice to the brigade.

12—Suspension of operations

- (1) The Board may, by notice in the Gazette, suspend the operations of a CFS brigade for a period specified in the notice if—
 - (a) the membership of the brigade has fallen to a level where, in the opinion of the Board, the brigade can no longer function effectively; or
 - (b) the brigade fails to carry out a function under the Act; or
 - (c) the brigade fails to comply with these regulations.
- (2) The Board must, in determining whether or not to act under subregulation (1), consult with the members of the brigade.
- (3) The Board may, by further notice in the Gazette—
 - (a) extend a period of suspension under this regulation; or
 - (b) revoke a period of suspension under this regulation.
- (4) This regulation does not derogate from the power of the Board to dissolve a CFS brigade.

Division 2—CFS groups

13—Constitution of a CFS group

- (1) Two or more CFS brigades may apply to the Board for the constitution of a CFS group.
- (2) An application under subregulation (1) must—
 - (a) be made in a manner and form approved by the Board; and
 - (b) propose a constitution for the group; and
 - (c) contain such information as the Board may require.
- (3) If the Board constitutes a CFS group, the Board must furnish the group with a certificate in the form of Schedule 5.
- (4) Unless the Board otherwise determines (whether on its own initiative or on the application of the brigades in the group), a CFS group will have a constitution in the form set out in Schedule 6.

14—Membership of a CFS group

- (1) The membership of a CFS group will consist of—
 - (a) the officers of the group; and
 - (b) the other elected members of the group; and
 - (c) 1 representative of each brigade in the group; and
 - (d) such other persons (if any) as may be determined by the group in accordance with its constitution.
- (2) Subject to subregulation (3), the representative of a CFS brigade will be the brigade captain, or his or her nominee.
- (3) The brigade may determine that a member of the brigade elected by the members of the brigade will be its representative at group level.

15—Group officers

- (1) Pursuant to section 16 of the Act, each CFS group will have the following officers:
 - (a) a group officer;
 - (b) unless the Board otherwise determines—at least 1, but not more than 3, deputy group officers (and the order of seniority of the deputy group officers will be decided in a manner determined by the group).
- (2) Each position referred to in subregulation (1) will be filled by election.
- (3) The specific functions of each officer are set out in Schedule 7.

16—Prescribed group positions

- (1) Unless the Board otherwise determines, in addition to its officers, each CFS group must have—
 - (a) a group communications officer; and
 - (b) a group training officer; and
 - (c) a group equipment officer; and
 - (d) a group logistics support officer; and
 - (e) a group administrative officer.
- (2) Each position referred to in subregulation (1) will be filled by election.
- (3) The specific functions that attach to each position are set out in Schedule 8.
- (4) A member of a CFS group holding a position under this regulation is responsible to the group officer for the performance of the functions that attach to the position.

17—Group elections

- (1) For the purposes of this regulation, the Board will determine whether a CFS group will hold its elections in each year designated by an even number or in each year designated by an odd number.
- (2) Subject to subregulation (3), group elections must be held in July or August of an election year for that group.

- (3) The Board may, in special circumstances, allow a group to hold its elections at some other time.
- (4) Nominations of candidates for group elections will be called by the group administrative officer in accordance with the group's constitution.
- (5) Subject to these regulations, a person is eligible to be nominated for election to a position if the person is a registered member of a brigade in the group.
- (6) Subject to subregulation (7), a person is not eligible to be nominated for election to an officer rank if the person—
 - (a) would, if elected, hold the rank and an officer rank in a brigade at the same time; or
 - (b) would, if elected, hold the rank and a command or operational rank in a recognised emergency service at the same time; or
 - (c) has been disqualified from holding the rank by the Board.
- (7) The Board may, on the application of a CFS group, determine that subregulation (6)(a) or (b) will not apply to a particular person.
- (8) In addition to subregulation (6), a person is not eligible to be nominated for election as group officer unless the person has successfully completed appropriate courses of training approved by the Board.
- (9) The Board may, on the application of a CFS group, dispense with the requirement under subregulation (8) if the Board is satisfied that it is appropriate in the circumstances of the particular case.
- (10) An election will be by secret ballot (unless the election is uncontested).
- (11) Each member of the group who is a brigade representative attending the meeting at which the elections are held is entitled to vote at the elections.
- (12) Voting for a position if only 1 person is to be elected will be conducted as follows:
 - (a) each brigade representative will vote for a candidate;
 - (b) after the votes under subregulation (12)(a) are counted, the candidate with the fewest votes will be excluded and—
 - (i) if only 1 candidate remains, he or she will be elected; and
 - (ii) if 2 or more candidates remain, each brigade representative will, in respect of the remaining candidates, again vote for 1 candidate;
 - (c) the process under paragraph (b) will be continued until 1 candidate remains.
- (13) Voting for a position if 2 or more persons are to be elected will be conducted as follows:
 - (a) each brigade representative will vote for candidates up to the number required to be elected;
 - (b) after the votes under paragraph (a) are counted, the candidate with the fewest votes will be excluded and if more candidates remain than the number required to be elected, each brigade representative will, in respect of the remaining candidates, again vote for candidates up to the number required to be elected;
 - (c) the process under paragraph (b) will be continued until the number of candidates remaining is equal to the number required to be elected.

- (14) For the purposes of subregulations (12) and (13), if 2 candidates have an equal number of votes and 1 of them must be excluded, the person presiding at the election will determine the question by lot.
- (15) A person elected to a position in a CFS group holds that position from 1 September of the year of his or her election (unless a person is elected after 1 September of a particular election year, in which case the person will hold the position to which he or she is elected from the date of the election).
- (16) A person holds a particular position in a CFS group until 31 August in the next election year of the group.
- (17) Subregulation (16) is subject to the following qualifications:
- (a) a person ceases to hold a position in a CFS group if the person ceases to be a member of a brigade in the group;
 - (b) unless otherwise determined by the Board in relation to the particular person, a person ceases to hold an officer rank in a CFS group if the person—
 - (i) assumes a rank in a brigade; or
 - (ii) assumes a command or operational rank in a recognised emergency service;
 - (c) a person may resign from a position in a CFS group by written notice to the administrative officer of the group;
 - (d) a person may be demoted or disqualified from a particular position by the Board;
 - (e) a person elected to a position in a CFS group at a supplementary election on account of a casual vacancy holds the position for the balance of the term of his or her predecessor;
 - (f) if a person's successor is not elected by 31 August of an election year, the person may continue to hold his or her position until a successor is elected.
- (18) If—
- (a) a group election fails; or
 - (b) a casual vacancy occurs in a position in a CFS group,
- the representatives of the brigades in the group must hold a supplementary election in accordance with the group's constitution.
- (19) Pending the election of a person to fill a vacant position under subregulation (18)(b) (other than group officer), the group officer may appoint a member of a brigade in the group to the position on an acting basis.
- (20) If the vacant position under subregulation (18)(b) is that of group officer, the regional officer may appoint a member of a brigade in the group to the rank of group officer on an acting basis.
- (21) A person may be re-elected to a position in a CFS group.
- (22) While a person holds the rank of group officer or deputy group officer, the person may be regarded as being on leave of absence from his or her brigade without loss of continuity of service.

Division 3—Accounts, audits and reporting

18—Accounts and audits

- (1) Each CFS organisation must open and maintain an operating account at an ADI.
- (2) A CFS organisation must ensure that proper accounting records are kept of the financial affairs of the organisation.
- (3) A CFS organisation must, as soon as practicable after the end of each financial year, cause accounts in respect of that financial year to be prepared and audited—
 - (a) by a member of CPA Australia; or
 - (b) by a member of the National Institute of Accountants; or
 - (c) by a member of The Institute of Chartered Accountants in Australia; or
 - (d) by a person (not being a member of the CFS) with such other qualifications or experience as the Board may approve for the purposes of this regulation.
- (4) A member of the CFS cannot audit the accounts of a CFS organisation of which he or she is a member.
- (5) A copy of the audited accounts of a CFS organisation must be presented to the members of the organisation at its annual general meeting.
- (6) A member of a CFS organisation must, at the request of the auditor for that organisation, produce accounts or other financial records of the organisation in his or her possession for the auditor's inspection.
Maximum penalty: \$2 000.
- (7) A member of a CFS organisation must, at the request of the auditor for that organisation, provide the auditor with explanations or information that the auditor requires for the purposes of an audit.
Maximum penalty: \$2 000.

19—Annual returns

Each CFS organisation must, on or before 31 August in each year, deliver to the Board a return (in a form determined by the Board) containing—

- (a) the full name, residential address, contact telephone number, occupation and date of birth of each member of the CFS who will hold a position in the organisation during the 12 month period commencing on 1 September of that year; and
- (b) a copy of the audited operating accounts of the organisation for the preceding financial year; and
- (c) such other information as the Board may require.

Division 4—Conduct and discipline of members

20—Conduct and discipline of members

- (1) A member of a CFS organisation who—
 - (a) contravenes or fails to comply with—
 - (i) a provision of the Act or these regulations; or

- (ii) a direction or order given to the person as a member of the CFS by a person with authority to give that direction or order; or
 - (b) is negligent or indolent in the discharge of official duties as a member of the CFS; or
 - (c) leaves a place of duty without reasonable excuse; or
 - (d) commits a form of disgraceful or improper conduct in an official capacity; or
 - (e) subverts or disrupts the operations or activities of a CFS organisation; or
 - (f) makes improper use of property or equipment; or
 - (g) behaves in any other manner that reflects seriously and adversely on the CFS,
- is liable to disciplinary action.
- (2) If a CFS officer suspects on reasonable grounds that a member of a CFS organisation may be liable to disciplinary action, the CFS officer may prepare a written report in relation to the matter.
 - (3) The CFS officer must inform the member (orally or in writing) of the preparation of a report under subregulation (2).
 - (4) If a report is prepared in respect of a CFS member by an officer who is not the member's commanding officer, the report must be delivered to the commanding officer.
 - (5) The commanding officer must (whether he or she has prepared the report under subregulation (2) or received the report under subregulation (4)), send a copy of the report to the Chief Officer, together with such comments and recommendations as the commanding officer thinks fit.
 - (6) The Chief Officer must, on the receipt of a report under this regulation, determine whether or not to carry out an investigation in relation to the matter.
 - (7) If the Chief Officer decides to carry out an investigation—
 - (a) the Chief Officer must give the member written notice of the investigation, setting out the grounds on which the member is suspected of being liable to disciplinary action; and
 - (b) the Chief Officer must give the member a reasonable opportunity to appear before him or her (either personally or through his or her representative) and to make submissions in relation to the matter; and
 - (c) the Chief Officer may, pending the outcome of the investigation, suspend the member from service with the CFS.
 - (8) If, on an investigation under this regulation, the Chief Officer is satisfied, on the balance of probabilities, that the member is liable to disciplinary action, the Chief Officer may—
 - (a) reprimand the member; or
 - (b) suspend the member from service with the CFS for a specified period; or
 - (c) recommend to the Board that the Board—
 - (i) demote the member; or
 - (ii) disqualify the member from holding a rank in the CFS; or
 - (iii) disqualify the member from the CFS.

- (9) Before taking or recommending disciplinary action under subregulation (8), the Chief Officer must give the member at least 14 days notice in writing of the Chief Officer's findings on the investigation and of the disciplinary action that the Chief Officer proposes to take or recommend in respect of the member.
- (10) The member may, within the period referred to in subregulation (9), appeal to the Board against the findings of the Chief Officer, or against disciplinary action that the Chief Officer proposes to take or recommend.
- (11) Nothing in this regulation prevents the making of preliminary investigations by an officer of the CFS prior to the preparation of a report under this regulation.

Division 5—Miscellaneous matters

21—Incident reports

- (1) When a CFS organisation attends a fire or other emergency, the commanding officer of that organisation must ensure that the Board is furnished with a written report on the incident and its handling by the CFS organisation.
- (2) A report under subregulation (1) must—
 - (a) be furnished to the Board within 14 days after the fire or other emergency; and
 - (b) be in a form determined by the Board; and
 - (c) contain the name of each member of the CFS organisation who attended the fire or other emergency.

22—Absence from CFS duties

- (1) A member of a CFS organisation may apply to his or her commanding officer for leave of absence.
- (2) A commanding officer may grant up to 3 months leave of absence.
- (3) If an applicant requires more than 3 months leave of absence, the application must be forwarded to the Board, together with a recommendation on the application from the commanding officer.
- (4) The Board may, on receipt of an application under subregulation (3), grant such leave of absence as it thinks fit.
- (5) In deciding whether or not to grant leave of absence (or to recommend such leave), a commanding officer must take into account the effect (if any) that the granting of the leave would have on the ability of the relevant CFS organisation to perform its functions under the Act effectively and efficiently.
- (6) If a member of a CFS organisation, without reasonable excuse, fails to attend 3 or more consecutive meetings of the organisation without leave of absence, the organisation may cancel his or her membership.

23—Brigades formed by various government agencies

Except to such extent as the Board may otherwise determine, this Part may extend to a brigade formed or operated by a government department, or another agency or instrumentality of the Crown, for the purpose of fighting fires in the country.

Part 4—Fire prevention authorities

Division 1—Regional bushfire prevention committees

24—Selection of CFS representatives

For the purposes of section 30(2)(b)(i) of the Act, the following procedures are prescribed in relation to the selection of persons to represent CFS groups on a regional bushfire prevention committee:

- (a) the Board will send a written notice to the administrative officer of each group in the region—
 - (i) indicating that a representative, or 2 representatives (as the case may be), need to be selected for appointment to the committee; and
 - (ii) inviting the group to nominate 1 or more members of the CFS for selection; and
 - (iii) specifying a date by which the representative or representatives must be selected;
- (b) a date (being a date before the date specified in the notice under paragraph (a)(iii)), time and place for a meeting of group officers to select the representative or representatives must then be set by agreement between the relevant administrative officers or, in default of agreement, by the Board;
- (c) each group officer, or his or her nominee, is entitled to attend the meeting and vote on the choice of representative or representatives;
- (d) the persons attending the meeting and entitled to vote must, before commencing proceedings, select a person to preside at the meeting;
- (e) voting to select the representative or representatives will be by secret ballot conducted as follows:
 - (i) each voter will vote for a representative, or for 2 representatives (depending on the number required);
 - (ii) after the votes under subparagraph (i) are counted, the candidate with the fewest votes will be excluded and if more candidates remain than the number of representatives required, each voter will, in respect of the remaining candidates, again vote for a representative, or for 2 representatives (depending on the number required);
 - (iii) the process under subparagraph (ii) will be continued until the number of candidates remaining is equal to the number of representatives required;
 - (iv) if 2 candidates have an equal number of votes and 1 of them must be excluded, the person presiding at the meeting will determine the question by lot;
- (f) the person presiding at the meeting must ensure that the Board receives, within 14 days after the meeting, written notification of the full name, residential address, contact telephone number and rank (if any) of a person selected at the meeting to be a representative;

- (g) in the event that a representative is not selected under the preceding provisions by the date specified by the Board in its notice under paragraph (a)(iii), the Board may make its own selection.

25—Selection of council representatives

For the purposes of section 30(2)(b)(ii) of the Act, the following procedures are prescribed in relation to the selection of persons to represent councils on a regional bushfire prevention committee:

- (a) the Board will send a written notice to the Chief Executive Officer of each council whose area lies wholly or partially within the region—
 - (i) indicating that a representative, or 2 representatives (as the case may be), need to be selected for appointment to the committee; and
 - (ii) inviting the council to nominate 1 or more persons for selection; and
 - (iii) specifying a date by which the representative or representatives must be selected;
- (b) a date (being a date before the date specified in the notice under paragraph (a)(iii)), time and place for a meeting of councils to select the representative or representatives must then be set by agreement between the Chief Executive Officers for the relevant councils or, in default of agreement, by the Board;
- (c) each council must then nominate a member of the council to attend the meeting and vote on the choice of representative or representatives;
- (d) the persons attending the meeting and entitled to vote must, before commencing proceedings, select a person to preside at the meeting;
- (e) voting to select the representative or representatives will be by secret ballot conducted as follows:
 - (i) each voter will vote for a representative, or for 2 representatives (depending on the number required); and
 - (ii) after the votes under subparagraph (i) are counted, the candidate with the fewest votes will be excluded and if more candidates remain than the number of representatives required, each voter will, in respect of the remaining candidates, again vote for a representative, or for 2 representatives (depending on the number required);
 - (iii) the process under subparagraph (ii) will be continued until the number of candidates remaining is equal to the number of representatives required;
 - (iv) if 2 candidates have an equal number of votes and 1 of them must be excluded, the person presiding at the meeting will determine the question by lot;
- (f) the person presiding at the meeting must ensure that the Board receives, within 14 days after the meeting, written notification of the full name, residential address and contact telephone number of a person selected at the meeting to be a representative;
- (g) in the event that a representative is not selected under the preceding provisions by the date specified by the Board in its notice under paragraph (a)(iii), the Board may make its own selection.

26—Prescribed responsibilities

- (1) Pursuant to section 31(1)(f) of the Act, a regional bushfire prevention committee must, on or before 30 June in each year, deliver to the Board an annual report on the bushfire prevention activities undertaken in its region during the 12 month period ending on 30 April in that year.
- (2) A report under subregulation (1) must be accompanied by the reports for the same period submitted to the regional bushfire prevention committee by district bushfire prevention committees in its region.

Division 2—District bushfire prevention committees

27—District bushfire prevention committees

- (1) For the purposes of section 32(2)(b)(i) of the Act, the following procedures are prescribed in relation to the selection of a person to represent a CFS brigade on a district bushfire prevention committee:
 - (a) the council or councils responsible for the committee must send a written notice to the administrative officer of the brigade—
 - (i) indicating that a representative needs to be selected for appointment to the committee; and
 - (ii) inviting the brigade to select a member of the CFS; and
 - (iii) specifying a date (being between 6 and 10 weeks after the date of the notice) by which the representative must be selected;
 - (b) the brigade must then, at a general meeting, select a member of the CFS to be its representative on the committee;
 - (c) the administrative officer must then ensure that the council or councils receive, within 14 days after the meeting, written notification of the full name, residential address and contact telephone number of the person selected to be the brigade's representative;
 - (d) in the event that a representative is not selected by a brigade under a preceding paragraph by the date specified by the council or councils in their notice under paragraph (a)(iii), the Board may select a member of the CFS to represent the brigade on the committee.
- (2) The administrative officer must also, within the period referred to in subregulation (1)(c), send a copy of a notification under that subregulation to the Board.

28—Prescribed responsibilities

- (1) Pursuant to section 33(1)(f) of the Act, a district bushfire prevention committee must—
 - (a) formulate guidelines for the issue of permits within its area; and
 - (b) during October in each year, deliver to the regional bushfire prevention committee whose region includes its area (or, if no such committee exists, to the Board) a report on the state of fire prevention planning in its area; and
 - (c) on or before 31 May in each year, deliver to that regional bushfire prevention committee (or, if no such committee exists, to the Board) an annual report on—

- (i) bushfire prevention activities undertaken in its area during the 12 month period ending on 30 April in that year; and
 - (ii) the outcome achieved as a result of the planning reported during the preceding October.
- (2) A district bushfire prevention committee must, in formulating guidelines for the purposes of subregulation (1)(a), take into account relevant determinations of the Board.

Division 3—Fire prevention officers

29—Fire prevention officers

For the purposes of section 34(1) of the Act, a person who has successfully completed a course of training for fire prevention officers provided or arranged by the Board under section 10(2) of the Act, or a comparable course approved or recognised by the Board, is suitably qualified to be appointed by a council as a fire prevention officer.

Part 5—Fire prevention

Division 1—Preliminary

30—Interpretation

In this Part, unless the contrary intention appears—

aircraft does not include model aircraft;

domestic premises means a building or other structure fixed to the ground that is occupied as a place of residence;

electric welder means an electrode that produces an electric arc for the purpose of welding, cutting or heating;

flammable gas means liquefied petroleum gas, reticulated gas, compressed natural gas or acetylene;

foreshore means the foreshore of the sea along the coastline of the State and includes the area from low water mark to the nearest bush, standing grass or road (as the case may be);

gas fire means an appliance that only uses flammable gas as a fuel;

land holding means a continuous area of land subject to the same occupation (and for the purposes of this definition, separate parcels of land subject to the same occupation divided by a road or railway will be regarded as being continuous);

portable water spray means—

- (a) a knapsack spray pump that—
 - (i) is fully charged; and
 - (ii) complies with Australian Standard 1687–1991: Knapsack Spray Pumps for Fire Fighting; or
- (b) a water fire extinguisher that—
 - (i) complies with Australian Standard 1841.2–1997: Portable Fire Extinguishers—Specific Requirements for Water Type Extinguishers; and

- (ii) is maintained in accordance with Australian Standard 1851.1-1995: Maintenance of Fire Protection Equipment—Portable Fire Extinguishers and Fire Blankets;

spark arrester means a device or arrangement, fitted to the exhaust-pipe of an engine, to prevent the escape of sparks, fire and other burning material.

Division 2—Fires during the fire danger season

31—Permits

- (1) In this regulation—

designated area means an area of the State in relation to which a fire control officer has been appointed under section 62 of the Act;

relevant land means land to be burnt off under a permit.

- (2) A permit authorising a person to light or maintain a fire in the open air during the fire danger season (but not contrary to the terms of a total fire ban) will be in the form set out in Schedule 9.
- (3) A permit authorising a person to light or maintain a fire in the open air—
 - (a) contrary to the terms of a total fire ban; or
 - (b) during the fire danger season and contrary to the terms of a total fire ban,will be in the form set out in Schedule 10.
- (4) A permit issued under the Act for burning off land will include the following conditions:
 - (a) that the land immediately around the relevant land must be cleared of all flammable material to a distance of at least 4 meters;
 - (b) that at least 2 persons who are able to control the fire, or such greater number of persons as may be specified in the permit, must be present at the site of the fire from the time it is lighted to the time it is completely extinguished;
 - (c) that the fire must first be lighted from the leeward side of the relevant land to establish a protective break, and then may be lighted from the windward side of the land;
 - (d) that at least 250 litres of water, or such greater amount of water as may be specified in the permit, must be kept at hand to extinguish the fire;
 - (e) that the holder of the permit must, not more than 7 days, and not less than 2 hours, before the fire is lighted, give notice of his or her intention to light the fire—
 - (i) to any person who owns, occupies or is in charge of land adjoining the land holding where the relevant land is situated and who resides within 8 kilometres of the relevant land or, if it is not reasonably practicable to give such a notice, to the person in charge of the nearest police station; and
 - (ii) if the relevant land is inside (or partially inside) a council area—to an officer of the council for that area; and
 - (iii) if the relevant land is within 2 kilometres of a government reserve—to the person in charge of the reserve; and

- (iv) —
 - (A) if the relevant land is within the area of a CFS brigade—to an officer of that brigade; and
 - (B) if the relevant land is within a designated area—to the fire control officer for that area; and
 - (C) if neither subparagraph (A) nor (B) apply—to the Board.
- (5) A permit issued under the Act other than for burning off land will include the following conditions:
 - (a) that the space immediately around and above the fire must be cleared of all flammable material to a distance of at least 4 meters;
 - (b) that an appropriate agent adequate to extinguish the fire must be kept at hand;
 - (c) that at least 1 person who is able to control the fire, or such greater number of persons as may be specified in the permit, must be present at the site of the fire from the time it is lighted to the time it is completely extinguished;
 - (d) that if the fire is to be lighted within the area of a CFS brigade, the holder of the permit must, not more than 7 days, and not less than 2 hours, before the fire is lighted, give notice of his or her intention to light the fire to an officer of that brigade.
- (6) A notice under subregulation (4)(e) or (5)(d)—
 - (a) may be given—
 - (i) in person; or
 - (ii) by telephone or radio; or
 - (iii) in writing; and
 - (b) must include details of the place, date and time at which the fire will be lighted.
- (7) An authorised officer may, at his or her discretion, by endorsement on the permit, exempt the holder of a permit from the requirement to comply with a condition under subregulation (4) or (5).
- (8) An application for a permit may be made—
 - (a) in person; or
 - (b) by telephone or radio; or
 - (c) in writing.
- (9) If an authorised officer issues a permit—
 - (a) preliminary notice of the issue of the permit may be given to the permit holder by contacting the permit holder by telephone or radio and informing him or her of the permit number and the conditions included in the permit (and the permit holder may proceed to act under the permit on the basis of that notification); and
 - (b) the authorised officer must send a copy of the permit to the permit holder at the address shown on the written application form or, if there was no such form, at his or her last known address; and

- (c) if the permit authorises the permit holder to light or maintain a fire contrary to the terms of a total fire ban, the authorised officer must—
 - (i) give notice of the issue of the permit to—
 - (A) the regional officer in whose region the fire will be lighted; and
 - (B) if the fire will be inside (or partially inside) a council area—an officer of the council for that area; and
 - (C) if the fire will be within the area of a CFS brigade—an officer of that brigade,(whether personally or by telephone or radio); and
 - (ii) send a copy of the permit to the regional officer and any council to which subparagraph (i) applies.

32—Special provisions relating to gas and electric cooking appliances

- (1) For the purposes of section 36(2)(e) of the Act, a person may operate a gas fire or electric element for cooking purposes in the open air during the fire danger season, provided that—
 - (a) the space immediately around and above the gas fire or electric element is cleared of all flammable material to a distance of at least 4 metres; and
 - (b) a person who is able to control the gas fire or electric element is present at all times while it is lighted or charged; and
 - (c) an appropriate agent adequate to extinguish a fire is at hand.
- (2) For the purposes of section 37(4)(a) of the Act, a person may operate a gas fire or electric element for cooking purposes in the open air contrary to the terms of a total fire ban, provided that—
 - (a) the gas fire or electric element is used within 15 metres of domestic premises, or on the foreshore; and
 - (b) the space immediately around and above the gas fire or electric element is cleared of all flammable material to a distance of at least 4 metres; and
 - (c) a person who is able to control the gas fire or electric element is present at all times while it is lighted or charged; and
 - (d) an appropriate agent adequate to extinguish a fire is at hand.
- (3) In addition to subregulations (1) and (2)—
 - (a) a council may in relation to a part of its area; and
 - (b) the Board may in relation to a part of the State outside the area of a council, by notice in the Gazette declare an area of the State to be an area where a person may, in accordance with the terms of the notice, operate a gas fire or electric element for cooking purposes in the open air contrary to the terms of a total fire ban.
- (4) A notice under subregulation (3)—
 - (a) must be in the form set out in Schedule 11; and
 - (b) may be limited in its operation to particular times of the day, and to particular days of the year; and

- (c) will operate subject to the following conditions:
 - (i) that the space immediately around and above the gas fire or electric element must be cleared of all flammable material to a distance of at least 4 metres;
 - (ii) that a person who is able to control the gas fire or electric element must be present at all times while it is lighted or charged;
 - (iii) that an appropriate agent adequate to extinguish a fire must be at hand; and
 - (d) will operate subject to such other conditions (if any) as may be specified by the council or the Board (as the case may be), in its discretion; and
 - (e) may be varied or revoked by further notice in the Gazette.
- (5) If a council publishes a notice in the Gazette under this regulation, the council must immediately send a copy of the notice to the Board.

33—Fires during fire danger season

For the purposes of section 36(2)(e) of the Act, a fire may be lighted or maintained in the open air during the fire danger season in an orchard or vineyard for the purpose of smudging for insect pests, or preventing damage by frost, provided that the space immediately around and above the fire is cleared of all flammable material, other than growing fruit trees or vines, to a distance of at least 4 metres.

34—Fires in the open air on a total fire ban day

For the purposes of sections 36(2)(e) and 37(4)(a) of the Act, a fire may be lighted or maintained in the open air during the fire danger season and contrary to the terms of a total fire ban—

- (a) by an aboriginal person, provided that—
 - (i) the fire is lighted on land set aside for aboriginal purposes; and
 - (ii) the fire is used for ordinary domestic purposes within the traditional aboriginal way of life; or
- (b) to charge explosive materials as part of mining operations under or pursuant to the *Mines and Works Inspection Act 1920*, provided that—
 - (i) the space immediately around and above any blast hole is cleared of all flammable material to a distance of at least 4 metres; and
 - (ii) at least 2 shovels or rakes, and at least 2 portable water sprays in good working order, are at hand; and
 - (iii) a sufficient number of persons who would be able to control the escape and spread of fire are present at all times during the mining operations involving the use of those explosive materials; or
- (c) to light a flare containing flammable material in connection with a mercy flight or in a situation where an aircraft cannot use an electrically lit runway, provided that—
 - (i) each flare is in a metal tray that is large enough to hold all the flammable material; and

- (ii) the space immediately around the flare is cleared of all flammable material to a distance of at least 4 metres; and
 - (iii) fire-fighting equipment adequate to extinguish the flare and control the escape and spread of fire is at hand; and
 - (iv) a sufficient number of persons to control the escape and spread of fire are present at the site of the flares from the time they are lighted to the time they are completely extinguished; or
- (d) by a member of the CFS or a recognised emergency service if the fire is connected with the use of equipment required in an emergency to protect life or property, provided that such steps as are reasonably practicable in the circumstances are taken to control the escape and spread of fire.

Division 3—Restrictions on the use of certain appliances etc

35—Stationary engines

- (1) In this regulation—

stationary engine means a steam engine, an internal combustion engine or a turbine engine that is operated in a stationary position.

- (2) Pursuant to section 46 of the Act, a stationary engine is prescribed.
- (3) A person must not, during the fire danger season, operate a stationary engine not enclosed by non-flammable material in the open air unless—
- (a) the space immediately around and above the engine is cleared of all flammable material to a distance of at least 4 metres, or a person who is able to control the engine is present at all times while the engine is in use; and
 - (b) a shovel or rake, and a portable water spray in good working order, are at hand; and
 - (c) any exhaust pipe is fitted with a spark arrester in good working order.
- (4) A person must not, during the fire danger season, operate a stationary engine enclosed by non-flammable material in the open air unless any exhaust pipe that projects beyond that material is fitted with a spark arrester in good working order.

36—Internal combustion engines

- (1) Pursuant to section 46 of the Act, an internal combustion engine is prescribed.
- (2) A person must not, during the fire danger season, operate an internal combustion engine in connection with—
- (a) harvesting a flammable crop; or
 - (b) moving a flammable crop on the land holding where it has been harvested; or
 - (c) spreading lime or fertiliser,
- unless—
- (d) a shovel or rake, and a portable water spray in good working order, are at hand; and
 - (e) any exhaust pipe is fitted with a spark arrester in good working order.

- (3) A person must not, during the fire danger season, operate an internal combustion engine in connection with cutting flammable bush or grass unless—
- (a) —
 - (i) the land immediately around the land where the bush or grass is to be cut is cleared of all flammable material to a distance of at least 4 metres; or
 - (ii) a shovel or rake, and a portable water spray in good working order, are at hand; and
 - (b) any exhaust pipe is fitted with a spark arrester in good working order.

37—Vehicles

- (1) Pursuant to section 46 of the Act, a vehicle driven by an internal combustion engine (other than an aircraft) is prescribed.
- (2) A person must not, during the fire danger season, drive a vehicle referred to in subregulation (1) within 2 metres of flammable bush or grass unless any exhaust pipe is fitted with a spark arrester in good working order.

38—Aircraft

- (1) Pursuant to section 46 of the Act, an aircraft is prescribed.
- (2) A person must not, during the fire danger season, land an aircraft on, or take off from, land in the country unless reasonable steps have been taken (on account of the use of the land by the aircraft)—
- (a) to prevent the outbreak of fire on the land; and
 - (b) to be able to control and suppress a fire that might break out on the land (whether by the provision of fire-fighting equipment, the clearing of a firebreak, or otherwise).
- (3) This regulation does not apply in relation to—
- (a) an aircraft that is landing on, or taking off from, a government or licensed airfield; or
 - (b) an aircraft that is on a mercy flight; or
 - (c) an aircraft that is landing or taking off in any other emergency; or
 - (d) an aircraft that is engaged in a fire-fighting operation under the direction of a CFS officer; or
 - (e) an aircraft that is exempted from the operation of this regulation by the Board.

39—Welders and other tools

- (1) Pursuant to section 46 of the Act, the following appliances are prescribed:
- (a) an electric welder;
 - (b) a mechanical cutting tool;
 - (c) a gas appliance.

- (2) A person must not, during the fire danger season, operate an appliance referred to in subregulation (1) in the open air unless—
 - (a) the space immediately around and above the appliance is cleared of all flammable material to a distance of at least 4 metres; and
 - (b) a portable water spray in good working order is at hand; and
 - (c) a person who is able to control the appliance is present at all times while the appliance is in use or alight.
- (3) This regulation does not permit the use of an appliance contrary to the terms of a total fire ban.
- (4) This regulation does not apply to a member of the CFS or a recognised emergency service who must use an appliance in an emergency to protect life or property.

40—Bees

- (1) Pursuant to section 46 of the Act, an appliance used to generate smoke for the manipulation of bees is prescribed.
- (2) A person must not, during the fire danger season, use an appliance referred to in subregulation (1) unless a portable water spray in good working order is at hand.

41—Rabbit fumigators

- (1) Pursuant to section 46 of the Act, an appliance used as a rabbit fumigator is prescribed.
- (2) A person must not, during the fire danger season, use an appliance as a rabbit fumigator unless—
 - (a) the space immediately around and above the appliance is cleared of all flammable material to a distance of at least 4 metres; and
 - (b) a portable water spray in good working order is at hand; and
 - (c) a sufficient number of persons who would be able to control the escape and spread of fire are present at all times while the appliance is in use.

42—Bird scarers

- (1) In this regulation—

bird scarer means a device that detonates a flammable gas to create a noise to scare birds.
- (2) Pursuant to section 46 of the Act, a bird scarer is prescribed.
- (3) A person must not, during the fire danger season, use an appliance as a bird scarer unless—
 - (a) the space immediately around and above the appliance is cleared of all flammable material to a distance of at least 4 metres; and
 - (b) the bird scarer—
 - (i) is constructed so as to prevent the escape of fire or burning material; and
 - (ii) is in good working order and clean so as to avoid a malfunction that could cause a fire; and
 - (c) the person using the bird scarer takes all reasonable precautions to ensure that the bird scarer cannot fall over, or be knocked over or otherwise interfered with by animals.

43—Fireworks

- (1) Pursuant to section 46 of the Act, fireworks are prescribed.
- (2) A person must not, during the fire danger season, use fireworks in the open air except in accordance with a permit issued under section 38 of the Act.

44—Blasting

- (1) Pursuant to section 46 of the Act, blasting any tree, wood or timber by the use of explosive materials is prescribed.
- (2) A person must not, during the fire danger season, carry out blasting referred to in subregulation (1) unless—
 - (a) a shovel or rake, and a portable water spray in good working order, are at hand; and
 - (b) a sufficient number of persons who would be able to control a fire are present at all times while the blasting is carried out, and for a reasonable time after the blasting is completed.

Division 4—Duties to prevent fires**45—Notices**

- (1) For the purpose of section 40(4) of the Act, the form set out in Schedule 12 is prescribed.
- (2) For the purposes of section 40(6) of the Act, the form set out in Schedule 13 is prescribed.

Division 5—Prescribed offences**46—Prescribed offences under section 36(1)**

An offence against section 36(1) of the Act is a prescribed offence for the purposes of that section if the lighting and maintaining of the fire does not contravene a prohibition or restriction under section 36(3) of the Act and—

- (a) if the fire is for cooking or personal comfort—the offence consists of a failure to comply with a requirement imposed under section 36(2)(a) of the Act; or
- (b) if the fire is for the burning of refuse—the offence consists of a failure to comply with a requirement imposed under section 36(2)(b) of the Act; or
- (c) if the fire is for heating bitumen, welding, gas-cutting, soldering, grinding or charring—the offence consists of a failure to comply with a requirement imposed under section 36(2)(c) of the Act; or
- (d) if the fire is lighted or maintained pursuant to a permit issued under section 38 of the Act for burning off land—the offence consists of a failure to comply with a condition of the permit prescribed by regulation 31(4)(a), (b) or (d); or
- (e) if the fire is lighted or maintained pursuant to a permit issued under section 38 of the Act other than for burning off land—the offence consists of a failure to comply with a condition of the permit prescribed by regulation 31(5)(a), (b) or (c).

47—Prescribed offences under section 46

An offence against section 46 of the Act is a prescribed offence for the purposes of that section if the offence consists of a breach of, or failure to comply with, 1 or more of the following:

- (a) in the case of an offence involving the operation, during the fire danger season, of a stationary engine not enclosed by non-flammable material in the open air—regulation 35(3)(a) or (b);
- (b) in the case of an offence involving the operation, during the fire danger season, of an internal combustion engine in connection with harvesting a flammable crop, moving a flammable crop on the land holding where it has been harvested or spreading lime or fertilizer—regulation 36(2)(d);
- (c) in the case of an offence involving the operation, during the fire danger season, of an internal combustion engine in connection with cutting flammable bush or grass—regulation 36(3)(a);
- (d) in the case of an offence involving the operation, during the fire danger season, of an electric welder, a mechanical cutting tool or a gas appliance—regulation 39(2)(a) or (b);
- (e) in the case of an offence involving the use, during the fire danger season, of an appliance to generate smoke for the manipulation of bees—regulation 40(2);
- (f) in the case of an offence involving the use, during the fire danger season, of an appliance as a rabbit fumigator—regulation 41(2)(a) or (b);
- (g) in the case of an offence involving the use, during the fire danger season, of an appliance as a bird scarer—regulation 42(3)(a);
- (h) in the case of an offence involving the blasting of any tree, wood or timber by the use of explosive materials—regulation 44(2)(a).

Division 6—Miscellaneous

48—Fire safety at premises

Pursuant to section 43 of the Act, a building outside the area of a council that would, if it were inside the area of a council, be classified as a Class 2, 3, 4, 5, 6, 7, 8 or 9 building under the *Building Code* (within the meaning of the *Development Act 1993*), is prescribed.

49—Caravans

Pursuant to section 45 of the Act, a fire extinguisher carried in a caravan must—

- (a) comply with Australian Standard 1841.5–1997: Portable Fire Extinguishers—Specific Requirements for Powder Type Extinguishers; and
- (b) have a minimum classification and rating of 10B, as defined by Australian Standard 1850–1997: Portable Fire Extinguishers—Classification, Rating and Performance Testing; and
- (c) be maintained in accordance with Australian Standard 1851.1–1995: Maintenance of Fire Protection Equipment—Portable Fire Extinguishers and Fire Blankets.

Part 6—Miscellaneous

50—Prescribed association of insurers

For the purposes of section 18(3) of the Act, the Insurance Council of Australia is prescribed.

51—Identity cards

- (1) The Board will issue to each—
 - (a) CFS officer; and
 - (b) fire control officer; and
 - (c) authorised officer appointed by the Board,a certificate of identity in the form set out in Schedule 14.
- (2) A council will issue to each fire prevention officer or assistant fire prevention officer appointed by the council a certificate of identity in the form set out in Schedule 15.
- (3) A certificate of identity ceases to be valid when the person ceases to hold the position in relation to which the certificate was issued.
- (4) A person must, on ceasing to hold the position in relation to which a certificate of identity has been issued, surrender the certificate to the Board or, in the case of a fire prevention officer or assistant fire prevention officer, to the relevant council.

Maximum penalty: \$1 250.

52—Coronial inquests

Pursuant to section 75(2)(e) of the Act, a coronial inquest may be held at the request of the Board in a circumstance where the Board is of the opinion that such an inquest should be held—

- (a) on account of—
 - (i) the circumstances surrounding the lighting or spread of a fire in the country; or
 - (ii) the intensity or seriousness of a fire in the country; or
 - (iii) the circumstances surrounding the involvement of a person or organisation in a fire or other emergency in the country; or
- (b) on account of representations made to the Board by a council in relation to a fire or other emergency in the country.

53—Uniforms

- (1) The Board may determine the uniform or other apparel to be worn by a member of the CFS or a fire control officer during a CFS operation or other activity.
- (2) A person who is not a member of the CFS or a fire control officer must not, without the approval of the Board (which approval may be given unconditionally or subject to conditions determined by the Board), wear a uniform or other apparel in circumstances where to do so could lead to reasonable belief that he or she is a member of the CFS or a fire control officer.

Maximum penalty: \$1 250.

54—Insignia of the CFS

- (1) The official emblems of the CFS are set out in Schedule 16.
- (2) Other insignia of the CFS will be as determined by the Board.
- (3) In addition to subregulation (2), a member of the CFS or a fire control officer is, in recognition of his or her service with the CFS, the South Australian Metropolitan Fire Service, or any other fire-fighting organisation recognised by the Board for the purposes of this regulation, entitled to wear, on the left sleeve of his or her uniform and fire-fighting clothing, service insignia determined by the Board.
- (4) A person must not, without the approval of the Board (which approval may be given unconditionally or subject to conditions determined by the Board)—
 - (a) use or display an official emblem of the CFS; or
 - (b) sell, hire, lend or otherwise surrender possession of a CFS insignia to a person who is not a member of the CFS or a fire control officer.

Maximum penalty: \$2 000.

55—Flags and other forms of identification

- (1) The Board will determine the flags and other forms of identification that are to be used during fire-fighting activity in the country.
- (2) A person must not display a flag or other material in a manner that contravenes a determination of the Board under subregulation (1).

Maximum penalty: \$1 250.

56—Roadside fire protection

- (1) In this regulation—

responsible authority means a council, or a Minister, agency or instrumentality of the Crown, that has the care, control or management of a road in the country, or roadside vegetation in the country.
- (2) Subject to subregulation (3), a responsible authority may, for the purpose of providing fire protection on a road, or the verge of a road—
 - (a) light a fire on the road, or on the verge of the road; and
 - (b) while the fire is burning, prohibit, direct or regulate the movement of persons, vehicles or animals along the road.
- (3) A responsible authority must obtain a permit to light and maintain a fire under this regulation during the fire danger season.

57—Maintenance and inspection of fire-fighting equipment

- (1) Each CFS organisation or rural council that has possession or control of fire-fighting equipment that is available for use by the CFS under the Act—
 - (a) must maintain the equipment in good working order and test the equipment on a regular basis; and
 - (b) must keep the equipment in a place, and in a manner, that allows the equipment to be readily available in the event of a fire or other emergency, or for training purposes; and

- (c) must ensure that the equipment is inspected at least once in each month by a member of the CFS, or by a person who is responsible to the council for the proper maintenance of the equipment; and
 - (d) must, on the request of the Chief Officer of the CFS, a Deputy Chief Officer or Assistant Chief Officer, a regional officer, or an authorised officer, make the equipment available for inspection by the officer.
- (2) If the Board is of the opinion that fire-fighting equipment in the possession or control of a CFS organisation or rural council is not in good working order, the Board may, after consultation with the organisation or council, by written notice served on the organisation or council, require the organisation or council to reinstate the equipment to good working order.
- (3) A notice under subregulation (2) must—
- (a) state the grounds of the Board's opinion; and
 - (b) specify a day by which the equipment must be reinstated to good working order.
- (4) A CFS organisation or council is responsible for a cost or expense incurred by it in complying with a notice under subregulation (2).

58—Use of water

- (1) A CFS officer may, for the purpose of a CFS operation, take water from a hydrant, fire-plug or stand pipe approved by the South Australian Water Corporation for fire-fighting purposes.
- (2) For training purposes, water may only be taken under subregulation (1) as directed by a responsible officer of the South Australian Water Corporation.
- (3) The CFS is not liable for the cost of water taken under this regulation.

59—Special fire areas

- (1) The Board may, by notice in the Gazette, establish a *special fire area* in relation to a part of the State if, in the opinion of the Board—
- (a) there exists an extreme risk of fire; or
 - (b) CFS capabilities may be limited because a CFS organisation has not been constituted in relation to the area (or a part of the area), or for any other reason; or
 - (c) some other special situation exists that warrants the establishment of a special fire area.
- (2) The Board may not include the area (or part of the area) of a council within a special fire area without first consulting the council.
- (3) If the Board establishes a special fire area, the Board will constitute a committee of management to manage fire prevention and suppression planning in the area.
- (4) A committee of management will (according to the determination of the Board) consist of—
- (a) 1 or more representatives of the CFS; and
 - (b) 1 or more representatives of a council whose area lies wholly or partially within the special fire area; and

- (c) if there is a reserve (or part of a reserve) administered under the *National Parks and Wildlife Act 1972* within the special fire area—1 or more officers of the National Parks and Wildlife Service nominated by the Minister responsible for the administration of the *National Parks and Wildlife Act 1972*; and
 - (d) if there is a forest reserve (or part of a forest reserve) within the special fire area—1 or more nominees of the Minister responsible for the administration of the *Forestry Act 1950*; and
 - (e) 1 or more representatives of any other organisation or agency that, in the opinion of the Board, has a special interest in fire prevention and suppression in the area; and
 - (f) such other persons as the Board thinks fit.
- (5) The Board may use money from the Fund to assist a committee of management in the performance of its functions.
- (6) The Board may, by further notice in the Gazette, vary or dissolve a special fire area established under this regulation.

Schedule 1—Certificate of registration of a CFS brigade

THIS is to certify that [*name of brigade*] is constituted as a CFS brigade under the *Country Fires Act 1989*.

The registered number of the brigade as a CFS organisation is

Dated the day of 20

Seal of the Country Fire Service

.....
Signature of the Chief Executive Officer

Schedule 2—Standard constitution of a CFS brigade

1—Interpretation

In this constitution—

Act means the *Country Fires Act 1989*;

financial year means the period commencing on 1 July in each year and ending on 30 June in the following year;

management committee means the management committee of the brigade appointed under clause 9;

ordinary meeting means a meeting of the brigade other than an annual general meeting or a special meeting;

regulations means the *Country Fires Regulations 2004*.

2—Name of the brigade

The name of the brigade is

3—Brigade area

The brigade is constituted in relation to the following area of the country:

4—Fire stations

The fire station(s) of the brigade will be located at—

5—Objects

The brigade has the following objects:

- (a) to undertake CFS operations—
 - (i) to prevent, control and suppress fires in the country; and
 - (ii) to protect life and property in other emergencies occurring in the country;
- (b) to provide a means by which persons may participate in the activities of the CFS at a local level;
- (c) to ensure that brigade members are properly trained for CFS operations;
- (d) if the brigade is a member of a CFS group—to work as an effective part of that group;
- (e) to advise the regional officer for its area, and relevant persons or organisations, on matters referred to the brigade for advice;
- (f) to report to the Board on matters referred to the brigade by the Board;
- (g) to perform other functions assigned to the brigade under the Act or the regulations.

6—Meetings

- (1) Subject to this clause, the brigade may hold meetings on such days, and at such times and places, as the brigade thinks fit.
- (2) The brigade must hold at least 1 meeting per month on a regular basis.

- (3) The brigade must hold an annual general meeting during July or August of each year (and if brigade elections must be held in a particular year, the annual general meeting will, unless otherwise approved by the Board, be held in conjunction with those elections).
- (4) A special meeting of the brigade may be convened by the administrative officer, the President of the management committee, or the brigade captain.
- (5) The administrative officer must convene a special meeting if requested to do so by at least 5 members of the brigade.
- (6) A special meeting must be held under subclause (5) within 14 days after the request is made to the administrative officer.
- (7) Notice of the annual general meeting and a special meeting of the brigade must be given to all members of the brigade (other than cadet fire-fighters) at least 48 hours before the commencement of the meeting.
- (8) Notice of a meeting under subclause (7)—
 - (a) must be given by the administrative officer or, in the case of a special meeting, by the person convening the meeting; and
 - (b) may be given by written notice to each member—
 - (i) personally or by post; or
 - (ii) by a notice published in a newspaper circulating in the area of the brigade; and
 - (c) must set out the date, time and place of the meeting; and
 - (d) must be signed by the administrative officer or, in the case of a special meeting, by the person convening the meeting; and
 - (e) must set out an agenda for the meeting.

7—Procedure at meetings

- (1) The brigade captain will, if present at a meeting of the brigade, preside at that meeting and, in the absence of the brigade captain, the most senior lieutenant present at the meeting will preside and, in the absence of a lieutenant, a member of the brigade chosen by the members present will preside.
- (2) The prescribed number of members of the brigade constitute a quorum at a meeting.
- (3) The prescribed number for the purposes of subclause (2) is a number ascertained by dividing the total number of members of the brigade by 2, ignoring a fraction resulting from the division, and adding 1.
- (4) Subject to the Act and the regulations, a question for decision at a meeting will be decided by a majority of the votes of members present at the meeting.
- (5) Each member present at a meeting is entitled to 1 vote on a question for decision (and the person presiding at the meeting has, in the event of an equality of votes, a second or casting vote).
- (6) The administrative officer must cause an accurate record to be kept of the proceedings of a meeting of the brigade.
- (7) Subject to this clause, the Act and the regulations, and a direction of the Board, a meeting of the brigade will be conducted in such manner as the brigade may determine.

8—Membership

- (1) If an application for membership is received by the brigade, the administrative officer must refer the application to the next ordinary meeting of the brigade.
- (2) The brigade may, at that meeting—
 - (a) accept the application; or
 - (b) defer consideration of the application; or
 - (c) reject the application.
- (3) When a decision is made on an application for membership, the administrative officer must immediately inform the applicant in writing of the outcome of the application.
- (4) If a person who has been a cadet fire-fighter with the brigade applies for membership of the brigade as a fire-fighter (the person having attained the age of 16 years), his or her application should be accepted at the first opportunity unless the brigade determines that there is good reason to defer or reject the application.

9—Management committee

- (1) The brigade will have a management committee.
- (2) The management committee will consist of—
 - (a) the President of the management committee; and
 - (b) the Vice-President of the management committee; and
 - (c) the brigade captain (*ex officio*); and
 - (d) the administrative officer (*ex officio*); and
 - (e) 3 other members of the brigade (not being cadet fire-fighters).
- (3) The members of the management committee will be elected at the biennial elections of the brigade.
- (4) The management committee will be responsible for—
 - (a) the financial affairs of the brigade; and
 - (b) the general management of the administrative affairs of the brigade.
- (5) The President will, if present at a meeting of the management committee, preside at that meeting and, in the absence of the President, the Vice-President will preside and, in the absence of the Vice-President, a member of the management committee chosen by the members present will preside.
- (6) Four members constitute a quorum of the management committee.
- (7) A decision carried by the votes of at least 4 members present at a meeting of the management committee is a decision of the management committee.
- (8) Each member present at a meeting of the management committee is entitled to 1 vote on a matter arising for decision by the management committee (and the person presiding at the meeting does not have, in the event of an equality of votes, a second or casting vote).
- (9) The management committee must keep minutes of its proceedings.
- (10) Unless a member of the management committee resigns from membership of the committee or the brigade, or ceases to hold a position that entitles him or her to membership of the committee, the member holds office for a period of 2 years.

- (11) The management committee can appoint another member of the brigade to the committee to fill a casual vacancy in the membership of the committee (and he or she holds office for the balance of the term of his or her predecessor).
- (12) A member of the management committee is, on the expiration of a term of office, eligible for reappointment to the committee.
- (13) Subject to this clause, and a direction of the brigade or the Board, a meeting of the management committee will be conducted in such manner as the committee may determine.

10—Nomination of candidates for brigade elections

- (1) The administrative officer must, at least 21 days before the day on which brigade elections are due to be held, give or post to each member of the brigade (other than cadet fire-fighters) a written notice setting out the day on which the elections are due to be held and inviting nominations of candidates for election.
- (2) A member of the brigade who is eligible to be nominated for election to a particular position in the brigade may be nominated for that position by 2 or more members of the brigade.
- (3) A nomination may be made—
 - (a) by written nomination lodged with the administrative officer before election day; or
 - (b) by oral nomination made immediately before the commencement of the relevant election.

11—Conduct of elections

Voting will occur for positions in the following order:

- (a) brigade captain;
- (b) lieutenants;
- (c) communications officer;
- (d) training officer;
- (e) equipment officer;
- (f) logistics support officer;
- (g) administrative officer;
- (h) if the brigade is a member of a CFS group and the brigade captain (or his or her nominee) is not to be the brigade's representative—brigade representative at group level;
- (i) President of the management committee;
- (j) Vice-President of the management committee;
- (k) other members of the management committee;
- (l) other positions that, according to a determination of the brigade or the Board, should be filled by election.

12—Supplementary elections

If a supplementary election must be held—

- (a) the administrative officer must appoint a meeting of the brigade at which the election will be held; and

- (b) the administrative officer must, at least 21 days before that meeting, give or post to each member of the brigade (other than cadet fire-fighters) a written notice informing him or her of the election and inviting nominations of candidates for election; and
- (c) a member of the brigade who is eligible to be nominated for election to the particular position may be nominated for that position by 2 or more members of the brigade; and
- (d) a nomination may be made—
 - (i) by written nomination lodged with the administrative officer before election day; or
 - (ii) by oral nomination made immediately before the commencement of the relevant election.

13—Subscriptions

- (1) The brigade may, by resolution at an annual general meeting, levy an annual subscription against the members of the brigade.
- (2) The subscription is payable within 1 month of the annual general meeting.
- (3) A person who is accepted as a member of the brigade more than 6 months after an annual general meeting at which a subscription is imposed is only liable to pay half the subscription for that year.

14—Accounts at financial institutions

- (1) The brigade must, at each annual general meeting, determine where it will maintain its accounts for the ensuing financial year.
- (2) The brigade must appoint at least 4 office holders as signatories on its accounts, and at least 2 signatories must sign a cheque or withdrawal form.

15—Auditor

- (1) The brigade must, at each annual general meeting, appoint an auditor or auditors for the ensuing financial year.
- (2) If an auditor resigns during the financial year, the brigade must appoint a replacement at its next ordinary meeting.

16—Common seal

- (1) The brigade may have a common seal issued by the Board.
- (2) The administrative officer will be responsible for the safe keeping of the seal.
- (3) The affixation of the common seal to a document must be attested by the President of the management committee, the brigade captain and the administrative officer, or by a combination of 2 or them.

17—Auxiliaries

- (1) The brigade may establish 1 or more auxiliaries (which may include persons who are not members of the brigade) for the purpose of providing support to the brigade in the performance of its functions.
- (2) A member of an auxiliary may be removed by the brigade for reasonable cause.

- (3) An auxiliary—
 - (a) may be wound up by the brigade at any time; and
 - (b) must be wound up at the direction of the Board.

18—Rules

- (1) The brigade may make rules not inconsistent with—
 - (a) the Act; or
 - (b) the regulations; or
 - (c) this constitution,to assist the brigade to manage its affairs effectively and efficiently.
- (2) If the brigade makes a rule under this clause (or varies or revokes such a rule), the administrative officer must, within 14 days, send a copy of the rule to the Board.
- (3) The Board may, if it thinks fit, direct that a rule (or the variation or revocation of a rule) cannot have effect (and the brigade must comply with that direction).

19—Amendment of constitution

The brigade may, by resolution, amend this constitution if—

- (a) at least 2 months written notice, setting out the terms of the proposed resolution, is given to each member of the brigade personally or by post; and
- (b) the resolution is supported at a duly convened meeting of the brigade by at least two-thirds of the total number of members of the brigade present at that meeting.

Note—

An amendment to the constitution is subject to the approval of the Board—*Country Fires Act 1989* section 12(3).

Schedule 3—Officers of a CFS brigade

1—Brigade captain

A brigade captain has the following specific functions:

- (a) to ensure that the brigade prepares and maintains an incident response plan;
- (b) to assist in bushfire prevention planning within the area of the brigade;
- (c) to undertake responsibility for the proper management and maintenance of brigade property and equipment;
- (d) to ensure that members of the brigade are properly trained to carry out their functions;
- (e) subject to the Act and the direction of a superior officer—to take command at a fire or other emergency in the country at which he or she attends as a member of the CFS and to ensure that the chain of command within the brigade operates effectively and efficiently;
- (f) to liaise with other brigade captains in adjacent areas, and other relevant officers;

- (g) to ensure (so far as may be practicable) the health and safety of all members of the brigade during a CFS operation;
- (h) otherwise to manage the operations of the brigade in accordance with a determination of the Board.

2—Lieutenant

A lieutenant must assist the brigade captain in the performance of his or her functions (and, in the absence of the brigade captain, the most senior lieutenant may assume the functions and responsibilities of the brigade captain).

Schedule 4—Functions of other brigade officers

1—Communications officer

A communications officer has the following specific functions:

- (a) to ensure that the brigade's communications system operates effectively and fits into any group communications network;
- (b) to control the use of communications equipment by members of the brigade;
- (c) to undertake responsibility for the maintenance of communications equipment and, if necessary, for its repair or replacement;
- (d) to test the brigade's communications equipment on a regular basis;
- (e) to assist in training members of the brigade in the use of communications equipment;
- (f) if the brigade is a member of a CFS group—to represent the brigade on any Group Communications Committee formed by the group;
- (g) to liaise with communications officers in other CFS brigades;
- (h) to undertake other functions assigned by the brigade captain or determined by the Board.

2—Training officer

A training officer has the following specific functions:

- (a) to organise regular training sessions within the brigade;
- (b) to encourage members to undertake training within the CFS;
- (c) to ensure that members of the brigade receive training that is consistent with the Act and the policies of the Board and the CFS;
- (d) to keep proper records relating to training undertaken by members of the brigade;
- (e) to encourage members of the brigade to become CFS instructors;
- (f) if the brigade is a member of a CFS group—to represent the brigade on any Group Training Committee formed by the group;
- (g) to liaise with training officers in other CFS brigades;
- (h) to undertake other functions assigned by the brigade captain or determined by the Board.

3—Equipment officer

An equipment officer is responsible for the proper management and maintenance of all brigade property and equipment (other than communications equipment).

4—Logistics support officer

A logistics support officer has the following specific functions:

- (a) to undertake responsibility for the management and implementation of all intelligence, planning, support and supply functions during an operation;
- (b) to provide advice to the equipment officer in relation to the effective deployment and use of brigade property and equipment during an operation;
- (c) to liaise with officers at brigade level to ensure co-ordination during an operation.

5—Administrative officer

An administrative officer has the following specific functions:

- (a) to organise meetings of the brigade;
- (b) to give notice of meetings of the brigade in accordance with the constitution of the brigade;
- (c) to prepare an agenda for meetings of the brigade;
- (d) to keep brigade records, and to send and receive brigade correspondence;
- (e) to disseminate information to brigade members;
- (f) to manage the financial affairs of the brigade;
- (g) to keep financial records;
- (h) if the brigade is a member of a group—to liaise with the group administrative officer;
- (i) to undertake other functions assigned by the brigade captain or determined by the Board.

Schedule 5—Certificate of registration of a CFS group

This is to certify that *[name of group]* is constituted as a CFS group under the *Country Fires Act 1989*.

The brigades that make up the group are:

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.....
.....
.....
.....
.....
.....

The registered number of the group as a CFS organisation is

Dated the day of 20

Seal of the Country Fire Service

.....
Signature of the Chief Executive Officer

Schedule 6—Standard constitution of a CFS group

1—Interpretation

In this constitution—

Act means the *Country Fires Act 1989*;

financial year means the period commencing on 1 July in each year and ending on 30 June in the following year;

management committee means the management committee of the group appointed under clause 7;

regulations means the *Country Fires Regulations 2004*;

quarter means each 3 month period commencing on 1 January, 1 April, 1 July and 1 October in a year.

2—Name of the group

The name of the group is

3—Composition of group

The brigades that make up the group are:

4—Objects

The group has the following objects:

- (a) to provide support and guidance to the brigades in the group, and to assist those brigades to fulfil their objects;

- (b) to establish and maintain—
 - (i) an operational command and control structure within the group; and
 - (ii) procedures to enhance the ability of the brigades in the group to carry out operations, activities and training effectively and efficiently;
- (c) to ensure co-operation between the brigades in the group, and between the group and other groups;
- (d) to advise the regional officer for the area, and other relevant persons or organisations, on matters referred to the group for advice;
- (e) to report to the Board on matters referred to the group by the Board;
- (f) to perform other functions assigned to the group under the Act or the regulations.

5—Meetings

- (1) Subject to this clause, the group may hold meetings on such days, and at such times and places, as the group thinks fit.
- (2) Subject to subclause (3), the group must hold at least 1 meeting per quarter on a regular basis.
- (3) The meeting for the quarter commencing on 1 July must be the annual general meeting and must be held during July or August (and if group elections must be held in a particular year, the annual general meeting will, unless otherwise approved by the Board, be held in conjunction with those elections).
- (4) A special meeting of the group may be convened by the group administrative officer or the group officer.
- (5) The group administrative officer must convene a special meeting if requested to do so by at least 4 members of the group.
- (6) A special meeting must be held under subclause (5) within 14 days after the request is made to the group administrative officer.
- (7) Notice of the annual general meeting and a special meeting of the group must be given to all members of the group (and to an organisation entitled to send observers to the meeting) at least 48 hours before the commencement of the meeting.
- (8) Notice of a meeting under subclause (7)—
 - (a) must be given by the group administrative officer; and
 - (b) must be given by written notice to each member (or organisation) personally or by post; and
 - (c) must set out the date, time and place of the meeting; and
 - (d) must set out an agenda for the meeting.

6—Procedure at meetings

- (1) The group officer will, if present at a meeting of the group, preside at that meeting and, in the absence of the group officer, the most senior deputy group officer present at the meeting will preside and, in the absence of a deputy group officer, a member of the group chosen by the members present will preside.
- (2) The prescribed number of members of the group constitute a quorum at a meeting.

- (3) The prescribed number for the purposes of subclause (2) is a number ascertained by dividing the total number of members of the group by 3, multiplying the result by 2, ignoring a fraction resulting from the division and multiplication, and adding 1.
- (4) Subject to the Act and the regulations, a question for decision at a meeting will be decided by a majority of the votes of members present at the meeting.
- (5) Each member present at a meeting is entitled to 1 vote on a question for decision (and the person presiding at the meeting has, in the event of an equality of votes, a second or casting vote).
- (6) The following persons are entitled to attend a meeting of the group:
 - (a) a member of a brigade in the group;
 - (b) up to 2 representatives of each council that has a part of its area within the area of a brigade in the group;
 - (c) 1 or more representatives of the National Parks and Wildlife Service;
 - (d) 1 or more representatives of the South Australian Forestry Corporation;
 - (e) other persons admitted to the meeting by the members at the meeting.
- (7) The group administrative officer must cause an accurate record to be kept of the proceedings of a meeting of the group.
- (8) Subject to this clause, the Act and the regulations, and a direction of the Board, a meeting of the group will be conducted in such manner as the group may determine.

7—Management committee

- (1) The group will have a management committee.
- (2) The management committee will consist of—
 - (a) the group officer; and
 - (b) the deputy group officer, or deputy group officers; and
 - (c) the brigade representatives; and
 - (d) the group administrative officer.
- (3) The management committee will be responsible for—
 - (a) the financial affairs of the group; and
 - (b) the general management of the affairs of the group; and
 - (c) subject to a direction of the group as a whole—
 - (i) ensuring that group equipment, and the equipment in the possession or control of the brigades in the group, is inspected on a regular basis; and
 - (ii) making representations and recommendations to councils in relation to the fire-fighting equipment that should be provided within their areas; and
 - (iii) taking steps to ensure the appropriate distribution of fire-fighting equipment amongst the brigades in the group; and
 - (iv) co-ordinating training within the brigades in the group to ensure that the brigades can work together effectively and efficiently; and

- (v) overseeing the preparation and maintenance of an incident response plan for the group; and
 - (vi) ensuring that an operational command base is established and maintained for the group; and
 - (vii) selecting members of the group to represent the group on a district or regional basis; and
 - (viii) carrying out other functions assigned to the committee by the group or the Board.
- (4) The group officer will, if present at a meeting of the management committee, preside at that meeting and, in the absence of the group officer, a member of the management committee chosen by the members present will preside.
 - (5) The prescribed number of members of the management committee constitute a quorum of the committee.
 - (6) The prescribed number for the purposes of subclause (5) is a number ascertained by dividing the total number of members of the committee by 2, ignoring a fraction resulting from the division, and adding 1.
 - (7) A question for decision at a meeting of the management committee will be decided by a majority of the votes of members present at the meeting.
 - (8) Each member present at a meeting is entitled to 1 vote on a question for decision (and if the group officer is presiding at the meeting, he or she has, in the event of an equality of votes, a second or casting vote but otherwise the person presiding at the meeting does not have a second or casting vote).
 - (9) The management committee must keep minutes of its proceedings.
 - (10) Subject to this clause, and a direction of the group or the Board, a meeting of the management committee will be conducted in such manner as the committee may determine.

8—Nomination of candidates for group elections

- (1) The group administrative officer must, at least 42 days before the day on which group elections are due to be held, give or post to the administrative officers of each brigade in the group a written notice setting out the day on which the elections are due to be held and inviting nominations of candidates for election.
- (2) A member of a brigade who is eligible to be nominated for election to a particular position in the group may be nominated for that position by 2 or more members of a brigade in the group.
- (3) A nomination may be made—
 - (a) by written nomination lodged with the group administrative officer before election day; or
 - (b) by oral nomination made immediately before the commencement of the relevant election.

9—Conduct of elections

Voting will occur for positions in the following order:

- (a) group officer;
- (b) deputy group officers;

- (c) group communications officer;
- (d) group training officer;
- (e) group equipment officer;
- (f) group logistics support officer;
- (g) group administrative officer;
- (h) other positions that, according to a determination of the group or the Board, should be filled by election.

10—Supplementary elections

If a supplementary election must be held—

- (a) the group administrative officer must appoint a meeting of the brigade representatives at which the election will be held; and
- (b) the group administrative officer must, at least 42 days before that meeting, give or post to the administrative officers of each brigade in the group a written notice informing him or her of the election and inviting nominations of candidates for election; and
- (c) a member of a brigade who is eligible to be nominated for election to the particular position in the group may be nominated for that position by 2 or more members of a brigade in the group; and
- (d) a nomination may be made—
 - (i) by written nomination lodged with the group administrative officer before election day; or
 - (ii) by oral nomination made immediately before the commencement of the relevant election.

11—Subscriptions

- (1) The group may, by resolution at an annual general meeting, levy an annual subscription against the brigades in the group.
- (2) The subscription is payable within 1 month of the annual general meeting.

12—Accounts at financial institutions

- (1) The group must, at each annual general meeting, determine where it will maintain its accounts for the ensuing financial year.
- (2) The group must appoint at least 4 office holders as signatories on its accounts, and at least 2 signatories must sign a cheque or withdrawal form.

13—Auditor

- (1) The group must, at each annual general meeting, appoint an auditor or auditors for the ensuing financial year.
- (2) If an auditor resigns during the financial year, the group must appoint a replacement at its next meeting.

14—Common seal

- (1) The group may have a common seal issued by the Board.
- (2) The group administrative officer will be responsible for the safe keeping of the seal.
- (3) The affixation of the common seal to a document must be attested by the group officer, a deputy group officer and the group administrative officer, or by a combination of 2 of them.

15—Auxiliaries

- (1) The group may establish 1 or more auxiliaries (which may include persons who are not members of the group) for the purpose of providing support to the group in the performance of its functions.
- (2) A member of an auxiliary may be removed by the group for a reasonable cause.
- (3) An auxiliary—
 - (a) may be wound-up by the group at any time; and
 - (b) must be wound-up at the direction of the Board.

16—Rules

- (1) The group may make rules not inconsistent with—
 - (a) the Act; or
 - (b) the regulations; or
 - (c) this constitution,to assist the group to manage its affairs effectively and efficiently.
- (2) If the group makes a rule under this clause (or varies or revokes such a rule), the group administrative officer must, within 14 days, send a copy of the rule to the Board.
- (3) The Board may, if it thinks fit, direct that a rule (or the variation or revocation of a rule) cannot have effect (and the group must comply with that direction).

17—Amendment of constitution

The group may, by resolution, amend this constitution if—

- (a) at least 2 months written notice, setting out the terms of the proposed resolution, is given to each member of the group personally or by post; and
- (b) the resolution is supported at a duly convened meeting of the group by at least two-thirds of the total number of members of the group present at that meeting.

Note—

An amendment to the constitution is subject to the approval of the Board—*Country Fires Act 1989* section 12(3).

Schedule 7—Officers of a CFS group

1—Group officer

A group officer has the following specific functions:

- (a) to ensure that the group prepares and maintains an incident response plan;

- (b) in the event of a fire or other emergency requiring a group response—
 - (i) to establish forward command in the field; and
 - (ii) subject to the Act and the direction of a superior officer, to co-ordinate and control the operations of the brigades in the group; and
 - (iii) to organise persons who volunteer to assist the group or a brigade in fighting the fire or dealing with the emergency; and
 - (iv) to liaise with other group officers in adjacent areas, and other relevant officers;
- (c) to oversee the operations, activities and training of the brigades in the group;
- (d) otherwise to undertake functions determined by the Board.

2—Deputy group officer

A deputy group officer must assist the group officer in the performance of his or her functions (and in the absence of the group officer, the most senior deputy group officer may assume the functions and responsibilities of the group officer).

Schedule 8—Functions of other group officers

1—Group communications officer

A group communications officer has the following specific functions:

- (a) to ensure that the group's communications equipment operates effectively;
- (b) in the event of a fire or other emergency requiring a group response—
 - (i) to establish and maintain a group communications centre; and
 - (ii) to co-ordinate and control communications within and between the brigades in the group; and
 - (iii) to co-ordinate communications with other groups;
- (c) to liaise with communications officers in the brigades in the group;
- (d) to represent the group at meetings of communications officers held on a regional basis;
- (e) to undertake other functions assigned by the group officer or determined by the Board.

2—Group training officer

A group training officer has the following specific functions:

- (a) to prepare an annual training plan for the brigades in the group and to organise regular training sessions within the group;
- (b) to ensure that members of the brigades in the group are—
 - (i) trained in accordance with courses approved by the Board; and
 - (ii) assessed to standards approved by the Board;
- (c) to encourage members of the brigades in the group to become CFS instructors;
- (d) to represent the group at meetings of training officers held on a regional basis;

- (e) to undertake other functions assigned by the group officer or determined by the Board.

3—Group equipment officer

A group equipment officer is responsible for the proper management and maintenance of all group property and equipment (other than communications equipment).

4—Group logistics support officer

A group logistics support officer has the following specific functions:

- (a) to undertake responsibility for the management and implementation of all intelligence, planning, support and supply functions at group level;
- (b) to provide advice to the group equipment officer in relation to the effective deployment and use of group property and equipment;
- (c) to liaise with officers at group level to ensure co-ordination during a group operation;
- (d) to liaise with other group logistics support officers.

5—Group administrative officer

A group administrative officer has the following specific functions:

- (a) to organise meetings of the group;
- (b) to give notice of meetings of the group to the group officers and the representatives of brigades in the group in accordance with the constitution of the group;
- (c) to prepare an agenda for meetings of the group;
- (d) to keep group records, and to send and receive group correspondence;
- (e) to disseminate information to brigades in the group;
- (f) to manage the financial affairs of the group;
- (g) to keep financial records;
- (h) to liaise with the administrative officers of the brigades in the group;
- (i) to undertake other functions assigned by the group officer or determined by the Board.

Schedule 9—Permit authorising person to light or maintain fire during fire danger season

.....
(Permit Number)

Permit to authorise a person to light or maintain a fire during the fire danger season

Note—this permit is not valid on a day of total fire ban

1 Pursuant to section 38 of the *Country Fires Act 1989* this permit is issued:

- For the purpose of burning off land
- For some other purpose—

..... (specify)

(tick appropriate box)

2 This permit is issued to (Full name)
of (Address)
and authorises the holder of the permit to light or maintain a fire at*
during the fire danger season for the purpose indicated in 1 above.

*(The location of the proposed fire must be specified with reasonable particularity, indicating either lot, section and hundred numbers, or an appropriate grid reference).

3 This permit is valid from a.m./p.m. on / /20..... to a.m./p.m.
on / /20.....

4 Subject to any variation by an authorised officer (as noted below), this permit is subject to—

- (a) the conditions prescribed by the *Country Fires Regulations 2004*, as set out on the reverse side of this permit; and
- (b) the following additional conditions:

.....
.....
..... [Specify any variations]

5 Note—

- (1) This permit is liable to be revoked if the permit holder fails to comply with a condition of the permit.
- (2) This permit may be revoked in any other justifiable circumstance.
- (3) The fact that the holder of this permit has complied with the conditions of the permit does not of itself relieve the holder from liability for any loss or damage caused by a fire lit under the authority of the permit. (*Country Fires Act 1989* section 38(13)).

.....
(Authorised officer)

..... / /20..... at a.m./p.m.
(Date and time of issue)

Schedule 10—Permit authorising person to light or maintain fire in open air contrary to terms of total fire ban

.....
(Permit Number)

Permit to authorise a person to light or maintain a fire in the open air contrary to the terms of a total fire ban

1 Pursuant to section 38 of the *Country Fires Act 1989* this permit is issued for the purpose of

2 This permit is issued to (Full name)
of..... (Address)

and authorises the holder of the permit to light or maintain a fire at*
contrary to the terms of a total fire ban for the purpose referred to in 1 above.

**(The location of the proposed fire must be specified with reasonable particularity, indicating either lot, section and hundred numbers, or an appropriate grid reference).*

3 This permit is valid from a.m./p.m. on /..... /20..... to a.m./p.m.
on /..... /20.....

4 Subject to any variation by an authorised officer (as noted below), this permit is subject to—

(a) the conditions prescribed by the *Country Fires Regulations 2004*, as set out on the reverse side of this permit; and

(b) the following additional conditions:

.....
.....
..... [Specify any variations]

5 Note—

(1) This permit is liable to be revoked if the permit holder fails to comply with a condition of the permit.

(2) This permit may be revoked in any other justifiable circumstance.

(3) The fact that the holder of this permit has complied with the conditions of the permit does not of itself relieve the holder from liability for any loss or damage caused by a fire lit under the authority of the permit. (*Country Fires Act 1989* section 38(13)).

.....
(Authorised officer)

..... /..... /20..... at..... a.m./p.m.
(Date and time of issue)

Schedule 11—Regulation 32 declaration

Declaration of an area of the State in which a person may operate a gas fire or electric element for cooking purposes in the open air contrary to the terms of a total fire ban.

PURSUANT to regulations under the *Country Fires Act 1989*
(Name of Council) [or the Country Fire Service Board] declares that persons may operate gas fires or electric elements for cooking purposes in the open air contrary to the terms of a total fire ban at the following places:

.....
.....
.....

This notice operates during the following times
..... [or at all times until revoked].

The operation of a gas fire or electric element under this notice is subject to the following conditions—

- (1) The space immediately around and above the gas fire or electric element must be cleared of all flammable material to a distance of at least four metres.
- (2) A person who is able to control the gas fire or electric element must be present at all times while it is lighted or charged.
- (3) An appropriate agent adequate to extinguish any fire must be at hand.
- (4) [Such other conditions as the council or the Board may specify]

.....
Chief Executive Officer

.....
[Name of council or Board]

Schedule 12—Section 40 notice

Pursuant to section 40 of the *Country Fires Act 1989*

..... (*Name of owner*), who is the owner of land at

required to take the following action to protect property on the land from fire, or to prevent or inhibit the outbreak of fire on the land, or the spread of fire through the land

.....
.....
.....
.....
.....

Note—

- 1 If you fail to comply with a requirement of this notice—
 - (a) you may be liable to a significant fine; and
 - (b) the authority that issued the notice may proceed to carry out the work required by the notice and recover the costs against you.
- 2 You are entitled to appeal against a requirement of this notice. Your rights of appeal are set out in the *Country Fires Act 1989*.
- 3 An appeal against a notice issued by a council is to the CFS Board and an appeal against a notice issued by the CFS Board is to the Minister for Emergency Services.
- 4 Your appeal must be made in writing, setting out in detail your grounds of appeal, and may be posted to or lodged with the CFS Board or the Minister for Emergency Services at CFS Headquarters or at the Minister's Office.
- 5 Your appeal should be instituted within 14 days of receiving this notice. A copy of the appeal notice must be sent to the authority that issued this notice.
- 6 YOU MAY WISH TO DISCUSS THE MATTER WITH THE AUTHORITY THAT ISSUED THIS NOTICE BEFORE YOU INSTITUTE AN APPEAL.

.....
(*Authority issuing the notice*)

.....
(*Date*)

Schedule 13—Variation or revocation of section 40 notice

On (date)..... (Name of owner), the owner of land at was required to take certain action by a notice issued under section 40 of the *Country Fires Act 1989*.

That notice is now—

(a) varied as follows:

.....
.....
.....
.....

(b) revoked.

(Strike out unwanted item)

.....
(Authority issuing the notice)

.....
(Date)

Schedule 14—Certificate of identity under Act

The CFS Board
c/o CFS Headquarters
Level 7,
60 Waymouth St
Adelaide SA 5000

CFS
EMBLEM

I certify that
..... *(Specify office held)*
under the *Country Fires Act 1989*.

.....
Chief Executive Officer
Country Fire Service Board

.....
Date

.....
Signature of holder

Valid until / /20.....

Schedule 15—Certificate of identity for fire prevention officer

The

.....

.....

.....

(Name and address of council)

I certify that is
 (Specify
 whether the person is a fire prevention officer or an assistant fire prevention officer) for the area of the
 council.

.....
 Chief Executive Officer

.....
 (Name of council)

.....
 Date

.....
 Signature of holder

Valid until / /20

Schedule 16—Official emblems of CFS



Schedule 17—Revocation of Country Fires Regulations 1989

The *Country Fires Regulations 1989* are revoked.

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 26 August 2004

No 189 of 2004

MES 04/011 CS

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CITY OF CAMPBELLTOWN

Close of Roll for Supplementary Election

NOTICE is hereby given that due to the resignation of a member of the council, a supplementary election will be necessary to fill the vacancy of Councillor for Hectorville Ward for the City of Campbelltown.

The voters roll to conduct this supplementary election will close at 5 p.m. on Tuesday, 31 August 2004.

Nominations to fill the vacancy will open on Thursday, 23 September 2004 and will be received up until 12 noon on Thursday, 14 October 2004.

The election will be conducted entirely by post with the return of ballot material to reach the Returning Officer no later than 12 noon on Monday, 15 November 2004.

STEVE TULLY, Returning Officer

CITY OF CAMPBELLTOWN

Resignation of Councillor

NOTICE is hereby given in accordance with section 54 (6) of the Local Government Act 1999, that a vacancy has occurred within the council, due to the resignation of Mark Utten effective 10 August 2004.

P. VLATKO, Chief Executive Officer

CITY OF CAMPBELLTOWN

Resignation of Councillor

NOTICE is hereby given in accordance with section 54 (6) of the Local Government Act 1999, that a vacancy has occurred within the council, due to the resignation of Robert Chappell effective 23 August 2004.

P. VLATKO, Chief Executive Officer

CITY OF CHARLES STURT

Result of Supplementary Election—Cheltenham Ward—conducted on Monday, 16 August 2004

Formal Ballot Papers: 1 959

Informal Ballot Papers: 8

Quota: 980

Candidates	First Preference Votes	Result After Distribution of Preferences
Rau, Anna.....	761	Elected
Ienco Joe.....	457	
Myall, John.....	276	
Taylor, Chris.....	465	

STEVE TULLY, Returning Officer

THE RURAL CITY OF MURRAY BRIDGE

Notice of Exclusion of Land from Classification as Community Land

NOTICE is hereby given that The Rural City of Murray Bridge at its meeting held on 23 September 2002 resolved, pursuant to section 193 (4) (a) of the Local Government Act 1999, to exclude the following parcel of land from classification as community land:

Allotment 31 in the Deposited Plan F18690, Hindmarsh Road, Hundred of Mobilong, being the whole of the land comprised in certificate of title register book volume 5241, folio 811.

D. ALTMANN, Chief Executive Officer

CITY OF PORT ADELAIDE ENFIELD

ROADS (OPENING AND CLOSING) ACT 1991

Road Process Order

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, the City of Port Adelaide Enfield proposes to make a Road Process Order to close the public road (walkway) between Greenbank Drive and Beaverdale Avenue, Windsor Gardens being allotment 274 in D.P. 6701 and transfer the piece marked 'A' to P. and S. Segat and the piece marked 'B' to S. and M. Strudwick as delineated in Preliminary Plan No. 04/0064.

A copy of the plan and a statement of persons affected are available for public inspection at the Civic Centre, 163 St Vincent Street, Port Adelaide, S.A. 5015, the Council Offices situated in the Enfield, Greenacres and Parks Libraries and the Adelaide Office of the Surveyor-General during normal office hours.

Any application for easement or objection must be made in writing to the Council, P.O. Box 110, Port Adelaide, S.A. 5015 within 28 days of this notice and a copy must be forwarded to the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001. Where a submission is made, the council will give notification of a meeting at which the matter will be considered.

Dated 26 August 2004.

H. WIERDA, City Manager

CITY OF PORT ADELAIDE ENFIELD

ROADS (OPENING AND CLOSING) ACT 1991

Road Closure

NOTICE is hereby given pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the City of Port Adelaide Enfield proposes to make a Road Process Order to close and transfer the public road, between Robe Street and Marryatt Street, transfer to Eleven Sails Pty Ltd the portion marked 'A' and transfer to the City of Port Adelaide Enfield the portion marked 'B' as delineated on Preliminary Plan No. 04/0066.

A copy of the plan and a statement of persons affected are available for public inspection at the Civic Centre, 163 St Vincent Street, Port Adelaide, S.A. 5015, the Council Offices situated in the Enfield, Greenacres and Parks Libraries and the Adelaide Office of the Surveyor-General during normal office hours.

Any application for easement or objection must be made in writing to the Council, P.O. Box 110, Port Adelaide, S.A. 5015 within 28 days of this notice and a copy must be forwarded to the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001. Where a submission is made, the council will give notification of a meeting at which the matter will be considered.

Dated 25 August 2004.

H. WIERDA, City Manager

CITY OF PORT AUGUSTA

ROADS (OPENING AND CLOSING) ACT 1991

La France Terrace, Port Augusta West

PURSUANT to section 10 of the Roads (Opening and Closing) Act 1991, the Corporation of the City of Port Augusta hereby gives notice of its intent to implement a Road Process Order to close and retain the whole of La France Terrace (between Loudon Road and Hackett Street), more particularly delineated and lettered as 'A' on Preliminary Plan No. 04/0068.

A copy of the plan and a statement of persons affected are available for public inspection at the office of the Council, 4 Mackay Street, Port Augusta and the Adelaide office of the Surveyor-General during normal office hours.

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons.

The application for easement or objection must be made in writing to the Council, P.O. Box 1704, Port Augusta, S.A. 5700 WITHIN 28 DAYS OF THIS NOTICE and a copy must be forwarded to the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001.

Where a submission is made, the council will give notification of a meeting at which the matter will be considered.

J. G. STEPHENS, City Manager

ALEXANDRINA COUNCIL

ROADS (OPENING AND CLOSING) ACT 1991

Road Closing Portion of Laurie Lane, Goolwa

NOTICE is hereby given pursuant to section 10 of the Act, that council proposes to make a Road Process Order to close and transfer to the Returned Services League a strip (approximately 4 m wide) of Laurie Lane adjoining allotment 235 in FP 166609 shown as 'A' on Preliminary Plan No. 04/0067.

A copy of the plan and statement of persons affected are available for public inspection at Council's Office, Dawson 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 26 August 2004, 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. L. COOMBE, Chief Executive Officer

DISTRICT COUNCIL OF CEDUNA

Results of Supplementary Election

Councillor: one vacancy
 Formal Ballot Papers: 1 012
 Informal Ballot Papers: 2
 Quota: 507

Candidates	First Preference Votes	Result After Distribution of Preferences
Workman, Brian.....	326	
Ross, Michael.....	686	Elected

STEVE TULLY, Returning Officer

CLARE & GILBERT VALLEYS COUNCIL

Adoption of Valuation and Declaration of Rates

NOTICE is hereby given that the Clare & Gilbert Valleys Council at its special meeting held on 9 August 2004, resolved that for the financial year ending 30 June 2005, and in exercise of the powers contained in Chapter 10 of the Local Government Act 1999, as follows:

1. Adoption of Valuations

Pursuant to section 167 of the Local Government Act 1999, council adopted the most recent capital valuation of the Valuer-General in relation to the whole of the area of the council and specified that the total of the values that are to apply within the area is \$1 443 053 040.

2. Declaration of Differential General Rates

Pursuant to section 153 of the Local Government Act 1999, the following differential general rates for the year ending 30 June 2005, be declared with reference to land use category:

- (1) on rateable land with the land use of Category 1 (Residential) and Category 9 (Other) rate of 0.3980 cents in the dollar of the capital value of such land;

- (2) on rateable land with the land use of Category 2 (Commercial—Shop), Category 3 (Commercial—Office) and Category 4 (Commercial—Other) a rate of 0.5174 cents in the dollar of the capital value of such land;

- (3) on rateable land with the land use of Category 5 (Industrial—Light) and Category 6 (Industrial—Other) a rate of 0.5174 cents in the dollar of the capital value of such land;

- (4) on rateable land with the land use of Category 7 (Primary Production) a rate of 0.3184 cents in the dollar of the capital value of such land; and

- (5) on rateable land with the land use of Category 8 (Vacant Land) a rate of 1.1940 cents in the dollar of the capital value of such land.

3. Declaration of Minimum Rate

Pursuant to section 158 of the Local Government Act 1999, council declared a minimum amount that shall be payable by way of rates on rateable properties of \$412.50.

4. Septic Tank Effluent Drainage Scheme System

Pursuant to section 155 of the Local Government Act 1999, council imposed the following annual service charges for the year ending 30 June 2005 on all properties in the following townships to which it provides, or makes available, a Septic Tank Effluent Disposal Scheme:

Clare

- Occupied Land \$158.40
- Vacant Land \$158.40

Riverton

- Occupied Land \$158.40
- Vacant Land \$158.40

Saddlegorth

- Occupied Land \$158.40
- Vacant Land \$158.40

5. Waste Collection

Pursuant to section 155 of the Local Government Act 1999, council fixed the following annual service charges for the year ending 30 June 2005:

- (a) on each property within the following townships Clare, Riverton, Saddlegorth, Mintaro, Sevenhill, Auburn, Watervale, Manoora, Rhynie, Marrabel, Stockport, Tarlee and Waterloo an annual service charge of \$125; and
- (b) for all properties outside of the above townships that have made applications and have access along the route to the waste collection service, an annual service charge of \$125.

6. Payment of Rates and Charges

Pursuant to section 181 (2) (a) of the Local Government Act 1999, the payment of rates will be made by four approximately equal instalments, with the first of which shall be due on 20 September 2004, second on 20 December 2004, third on 21 March 2005 and the fourth on 20 June 2005.

7. Rate Capping

Pursuant to Section 166 (1) (l) (ii) of the Local Government Act 1999, for the 2004-2005 rating year, council will make generally available to all properties a rebate of rates in order to cap any increase in rates paid for the previous financial year arising from a significant increase in valuation as follows:

- general cap 25%

provided that the increase is not as a result of:

- improvements made to the property worth more than \$5 000;
- a change to the land use of the property not related to changes to the rating system;
- ownership of the rateable property has changed since 1 July 2003;

- the valuation increase due to the maturity of plantings which have been planted within the previous 6 years;
- the valuation has increased due to tenancy apportionments,

with the consideration of a rebate by application only, which must be submitted to council by 1 October 2004, with council reserving the right to refuse to consider applications received after that date.

8. *Discount on Rates*

Pursuant to section 181 (11) of the Local Government Act 1999, council grants a discount of 2.25% for the full payment of rates by one single instalment on or before 20 September 2004.

M. A. GOLDSTONE, Chief Executive Officer

NARACOOORTE LUCINDALE COUNCIL ROADS (OPENING AND CLOSING) ACT 1991

Caves District Road, Naracoorte

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that, the Naracoorte Lucindale Council proposes to make a Road Process Order to:

- open as road portion of allotment 1 in Filed Plan 7987, portion of allotment 6 and portions of allotment 5 in Deposited Plan 28614, portion of allotment 2 in Deposited Plan 32965 and portion of allotment 4 in Filed Plan 7987, more particularly delineated and numbered '1', '2', '3', '4', '5' and '6' respectively, on Preliminary Plan No. 02/0037, forming a re-alignment of the adjoining Caves District Road.
- close and vest in the Crown portion of the public road (Caves District Road) east of Stoney Point Road adjoining section 397 (reserve), Hundred of Joanna and allotment 1 (reserve) in Filed Plan 7987, more particularly delineated and lettered 'A' and 'B' respectively, on Preliminary Plan No. 02/0037.

A statement of persons affected by the road process together with a copy of the Preliminary Plan are available for public inspection at the Council Offices, De Garis Place, Naracoorte, between 9 a.m. and 5 p.m. week days only. Copies may also be inspected at the Adelaide Office of the Surveyor-General during normal working hours.

Any person who may wish to object to the proposed road process or any person affected by the proposed Road Closing who may wish to apply for an easement to be granted in that person's favour over the land subject to the proposed Road Closing must lodge with the said council a Notice of Objection or an application for an easement within 28 days of the date of this notice.

Any objections lodged shall be in writing giving the objector's full name and address, reasons for the objection and whether the objector wishes to appear in person or be represented at the subsequent meeting when the objection will be determined by council.

A copy of any submission must be forwarded to the Surveyor-General, Box 1354, Adelaide, S.A. 5001.

Dated 2 September 2004.

D. HOVENDEN, Chief Executive Officer

ROXBY DOWNS COUNCIL

Adoption of Valuation and Declaration of Rates

NOTICE is hereby given that the Municipal Council of Roxby Downs, for the financial year ending 30 June 2005 in exercise of the powers contained in Chapter 10 of the Local Government Act 1999 and the Roxby Downs (Indenture Ratification) Act 1982, adopted the following resolutions:

Adoption of Valuation

1. (1) The rates assessed on rateable land in the area of the council will be based on the capital value of land for all rateable land.

(2) Pursuant to section 167 (2) (a) of the Local Government Act the most recent valuations of the Valuer-General available to the council of the capital value of land within the council's area be adopted, totalling \$241 557 320.

Fixed Charge

2. A fixed charge of \$150 is imposed in respect of each separate piece of rateable land in the council area.

Declaration of Differential General Rates

3. Differential General Rates are declared in accordance with the use of the land in accordance with the differentiating factors specified in Regulation 10 of the Local Government (General) Regulations 1999 as follows:

- Residential Land—a differential rate of 0.4750 cents in the dollar on the capital value of such land.
- Commercial—Shop, Commercial—Office, Commercial—Other—a differential rate of 0.8825 cents in the dollar on the capital value of such land.
- Industrial—Light, Industrial—Other, Primary Production and Other—a differential rate of 0.7850 cents in the dollar on the capital value of such land.
- Vacant Land—a differential rate of 0.5625 cents in the dollar on the capital value of such land.

Service Charges

4. A service charge of \$120 is imposed upon each separate piece of rateable land to which the council makes available a collection, treatment and disposal of domestic waste service.

Method of Payment

5. That in accordance with section 181 of the Local Government Act 1999, the 2004-2005 General Rates (Fixed Charges and Differential Rates) and Service Charge shall be in four instalments payable on 30 September 2004, 16 December 2004, 16 March 2005 and 16 June 2005.

Dated 23 August 2004.

W. J. BOEHM, Administrator

DISTRICT COUNCIL OF STREAKY BAY

Final Adoption of Community Land Management Plans

NOTICE is hereby given, pursuant to section 197 (3) of the Local Government Act 1999, that the District Council of Streaky Bay, at its meeting held on 18 August 2004, adopted Management Plans for the following Community Land:

Management Plan 1	Cemeteries
Management Plan 2	Streaky Bay Foreshore Reserve
Management Plan 3	Council Parks with Minor Improvements
Management Plan 4	Council Parks with Major Improvements
Management Plan 5	Community Buildings
Management Plan 6	Recreation Facilities
Management Plan 7	Poochera CFS
Management Plan 8	Streaky Bay Council Offices and Institute
Management Plan 9	Wirrulla Caravan Park
Management Plan 10	Poochera Museum

J. RUMBELOW, Chief Executive Officer

WATTLE RANGE COUNCIL

Results of Supplementary Election—Sorby Adams Ward

Councillor: One Vacancy

Formal ballot papers 591

Informal ballot papers 2

Quota: 296

First Preference	Primary Votes	After Distribution of Preferences
Kris Meyer	308	Elected
Vic Smith	198	
Malcolm White.....	85	
Total	591	

STEVE TULLY, Returning Officer

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

Barnes, Edward John David, late of 6 Kerrison Avenue, Ridgehaven, retired distribution manager, who died on 24 June 2004.

Bell, Ronald, late of 54 Woodcroft Drive, Morphett Vale, retired public servant, who died on 23 June 2004.

Bowman, Barbara Joy, late of 4 Lindfield Avenue, Novar Gardens, home duties, who died on 6 June 2004.

Byers, Norma Marion, late of 43 Marlborough Street, Malvern, of no occupation, who died on 16 June 2004.

Cutmore, Laurence Charles, late of 27 Denmead Avenue, Campbelltown, retired machinist, who died on 23 June 2004.

Dobras, Milan, late of 18A Goodenough Street, Mile End, of no occupation, who died on 28 June 2004.

Ellary, Marjorie Louisa, late of 150 Adams Road, Craigmore, of no occupation, who died on 24 June 2004.

Garrett, Lilian Rose Elsie, late of 7 Barker Avenue, Tea Tree Gully, home duties, who died on 17 June 2004.

Glenn, Duncan Cyril James, late of 43 Marlborough Street, Malvern, retired sales representative, who died on 30 June 2004.

Harrod, Gwenda Lucy Mary, late of 17-19 Cornhill Road, Victor Harbor, widow, who died on 18 May 2004.

Jarvis, Sylvia Adelaide, late of 10 Stanford Smith Street, Klemzig, of no occupation, who died on 11 May 2004.

Lloyd, Brenda Lorraine, late of 5-9 Majors Road, North, Moonta, of no occupation, who died on 24 June 2004.

Maddison, Theresa Jane, late of Hazel Grove, Ridgehaven, of no occupation, who died on 20 May 2004.

Parker, Lauris Rosebery, late of 5 Maturin Road, Glenelg, of no occupation, who died on 26 June 2004.

Possee, Doris May, late of 67 Porter Street, Salisbury, widow, who died on 21 July 2004.

Rowse, Ruth Mary, late of 10 Morton Road, Christie Downs, of no occupation, who died on 3 June 2004.

Salter, Clara Ellen, late of 550 Portrush Road, Glen Osmond, widow, who died on 26 July 2004.

Steele, John Ronald, late of 8 Loral Street, Para Hills, retired marine engineer, who died on 16 July 2004.

Thompson, Margaret, late of 8 Fletcher Street, Mount Barker, home duties, who died on 12 July 2004.

Whitehorn, Rita Rubina May, late of 156 Main North Road, Prospect, widow, who died on 27 June 2004.

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 24 September 2004, 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 26 August 2004.

C. J. O'LOUGHLIN, Public Trustee

SOUTH AUSTRALIA—In the Supreme Court No. 2507 of 1995. In the matter of Cudmore Developments Pty Limited (ACN 008 271 887) and in the matter of the Corporations Law of South Australia.

Notice by a Liquidator of His Intention to Seek His Release

Take notice that I, Barrie Malcolm Mansom, First Floor, Menai House, 17 Bagot Street, North Adelaide, the liquidator of the abovenamed company, intend to make application to the Supreme Court of South Australia for my release as the liquidator of the abovenamed company.

And take further notice that if you have any objection to the granting of my release, you must file at the Supreme Court and also forward to me within 21 days of the publication in the *Gazette* of the notice of my intention to apply for a release a notice of objection in the form laid down by the Corporations (South Australia) Rules 1993. A summary of my receipts and payments as liquidator is enclosed herewith.

Dated 17 August 2004.

B. M. MANSOM, Liquidator

Note: section 481 of the Corporations Law enacts that an order of the Court releasing a liquidator shall discharge him or her in the administration of the affairs of the company, or otherwise in relation to his/her conduct as liquidator, but any such order may be revoked on proof that it was obtained by fraud or by suppression or by concealment of any material fact.

ATTENTION

CUSTOMERS requiring a proof of their notice for inclusion in the *Government Gazette*, please note that the onus is on you to inform **Government Publishing SA** of any subsequent corrections by **10 a.m. on Thursday**, which is our publication deadline.

For any corrections to your notice please phone 8207 1045 or Fax 8207 1040 **before** 10 a.m. on Thursday.

If we do not receive any communication by 10 a.m. on Thursday (day of publication) we will presume the notice is correct and will print it as it is.

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Email: governmentgazette@saugov.sa.gov.au