



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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ADELAIDE, THURSDAY, 25 AUGUST 2011

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## GOVERNMENT GAZETTE NOTICES

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

Department of the Premier and Cabinet  
Adelaide, 25 August 2011

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the State Opera of South Australia Board, pursuant to the provisions of the State Opera of South Australia Act 1976:

Member: (from 25 August 2011 until 24 August 2014)

Jan Wilson  
Christine Rothauser

By command,

RUSSELL PAUL WORTLEY, for Premier

ASACAB016/02

Department of the Premier and Cabinet  
Adelaide, 25 August 2011

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Controlled Substances Advisory Council, pursuant to the provisions of the Controlled Substances Act 1984:

Member: (from 30 August 2011 until 29 August 2013)

Simone Maria Cormack

Presiding Member: (from 30 August 2011 until 29 August 2013)

Simone Maria Cormack

Deputy Member: (from 30 August 2011 until 29 August 2013)

Stephen Morris (Deputy to Cormack)

By command,

RUSSELL PAUL WORTLEY, for Premier

HEAC-2011-00048

Department of the Premier and Cabinet  
Adelaide, 25 August 2011

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the State Emergency Management Committee, pursuant to the provisions of the Emergency Management Act 2004:

Member: (from 25 August 2011 until 30 June 2014)

Scott William Ashby  
Wendy Ann Campana  
Raymond Paul Creen  
Joslene Mazel  
John Frederick Ringham  
Brett Gregory Rowse  
David Wayne Swan

Deputy Member: (from 25 August 2011 until 30 June 2014)

Karen Michelle Braunack (Deputy to Creen)  
Veronica Margaret Faggotter (Deputy to Mazel)  
Andrew William Johnson (Deputy to Ashby)  
Pauline Koritsa (Deputy to Campana)  
Stuart Andrew Lawson (Deputy to Nettleton)  
Sandra Joy Pitcher (Deputy to Hallion)  
James Philip Rishworth (Deputy to Ringham)  
Valerie Ann Smyth (Deputy to Swan)  
Andrew Phillip Thompson (Deputy to Rowse)

By command,

RUSSELL PAUL WORTLEY, for Premier

DPC11/034CS

Department of the Premier and Cabinet  
Adelaide, 25 August 2011

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable John James Snelling, MP, Treasurer, Minister for Employment, Training and Further Education and Minister for Workers Rehabilitation to be also Acting Minister for Recreation, Sport and Racing, Acting Minister for Road Safety, Acting Minister for Veterans' Affairs and Acting Minister Assisting the Premier with South Australia's Strategic Plan for the period from 1 September 2011 to 4 September 2011 inclusive, during the absence of the Honourable Thomas Richard Kenyon, MP.

By command,

RUSSELL PAUL WORTLEY, for Premier

MRSR11/007CS

Department of the Premier and Cabinet  
Adelaide, 25 August 2011

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Justice Margaret Jean Nyland, a Puisne Judge of the Supreme Court of South Australia as Acting Chief Justice for the period commencing on 30 August 2011 and expiring on 25 September 2011, pursuant to Section 10 of the Supreme Court Act 1935.

By command,

RUSSELL PAUL WORTLEY, for Premier

AGO0070/03CS

#### ASSOCIATIONS INCORPORATION ACT 1985

##### ORDER PURSUANT TO SECTION 42 (2)

##### *Dissolution of Association*

WHEREAS the Corporate Affairs Commission ('the Commission'), pursuant to Section 42 (1) of the Associations Incorporation Act 1985 ('the Act'), is of the opinion that the undertaking or operations of Royal District Nursing Service of SA Incorporated ('the Association') being an incorporated association under the Act are being carried on, or would more appropriately be carried on by a company limited by guarantee incorporated under the Corporations Act 2001 (Commonwealth) and whereas the Commission was on 3 August 2011, requested by the Association to transfer its undertaking to Royal District Nursing Service of SA Limited (ACN 151 858 025), the Commission, pursuant to Section 42 (2) of the Act does hereby order that on 31 August 2011, the Association will be dissolved, the property of the Association becomes the property of Royal District Service of SA Limited and the rights and liabilities of the Association become the rights and liabilities of Royal District Service of SA Limited.

Given under the seal of the Commission at Adelaide, 19 August 2011.

K. L. RODGER, a Delegate of the Corporate  
Affairs Commission



**Government of South Australia**  
Biosecurity SA

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**BRANDS ACT, 1933**  
**4<sup>TH</sup> QUARTER 2010**

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The following statement of all horse and cattle, sheep and stud stock brands, distinctive brands and marks, sheep earmarks and firebrands registered, transferred and cancelled under the Brands Act, 1933 for the quarter ended 31<sup>st</sup> December 2010 and the names and addresses of their respective owners, is published in the form of the Twenty-third schedule for general information.

Stockowners whose names, addresses, brands or marks may be incorrectly stated are requested to notify the same to the Registrar and in all such notifications the registered brand of the owner, and the number of the certificate of registration must be given.

Any subsequent change of address must be notified at once to the Registrar.

A handwritten signature in black ink, appearing to read 'K. Greenidge'.

**Registrar of Brands**  
15<sup>th</sup> August 2011

## REGISTRATIONS

### HORSE & CATTLE BRANDS REGISTERED

Brand	Owner	Address
Q̄	JR & AM Morgan	Outalpa Station, COCKBURN 5440




### CATTLE EARMARKS REGISTERED

Earmark	Owner	Address
D.2.4	JR & AM Morgan	'Outalpa Station' COCKBURN 5440
F.4	FR Scholz	YANINEE 5653

### DISTINCTIVE BRANDS FOR HORSES AND CATTLE

Brand	Owner	Address
Nil		

### STUD STOCK BRANDS REGISTERED

Brand	Society	Owner	Address
	Welsh Pony & Cob Society of Australia Inc.	RT Drysdale	WYNN VALE SA 5127
	Cleveland Bay Horse Society	EH Edwards	BURRA SA 5417
	Australian Stock Horse Society	CA Hurst	AVENUE RANGE
TJS	Arabian Horse Society of Australia	JA Smith	ANGASTON 5353
G	Australian Stud Book	LM Griffiths	LOXTON 5333

### SHEEP BRANDS REGISTERED

#### *Central District*

Brand	Colour	Position	Owner	Address
Q	Red	2	LR Cowling	WOODSIDE 5244
C	Purple	4	MJ & GA Crossman	ONE TREE HILL 5114
DB	Purple	4	DM Button	ROBERTSTOWN 5381

#### *South East District*

Brand	Colour	Position	Owner	Address
Nil				

#### *Western District*

Brand	Colour	Position	Owner	Address
D̄	Blue	4	NG & AM Dolphin	PORT KENNY 5671

*Northern District*

Brand	Colour	Position	Owner	Address
T	Red	4	AJ Treloar t/a Tikalina Pty Ltd	COCKBURN 5440

*Kangaroo Island*

Brand	Colour	Position	Owner	Address
Nil				

**SHEEP EARMARKS OR FIREBRANDS REGISTERED***Central District*

Brand or Mark	Owner	Address
H.2	LW French & MJ Martin t/a Pernatty Pastoral Co	ORROROO 5431
W.1.L.4	DW & BE Villis t/a Don Villis & Co	HALLETT 5419
XE.3	MJ & GA Crossman	ONE TREE HILL 5114

*South East District*

Brand or Mark	Owner	Address
XM.3	RG Hillier, RN Hillier & JV O'Donnell t/a RG Hillier	BORDERTOWN 5268
W.2	IJ & TJ Wenske	WAIKERIE 5330

*Western District*

Brand or Mark	Owner	Address
F.4	FR Scholz	YANINEE 5653
W.1.L.4	JR Villis t/a Villis Proprietors	HALLETT 5419

*Northern District*

Brand or Mark	Owner	Address
W.1.3	FR Fargher t/a Nilpena Partners	PARACHILNA 5730
D.1.2	JR & AM Morgan	'Outalpa Station' COCKBURN 5440
XL.1	AJ Treloar t/a Tikalina Pty Ltd	COCKBURN 5440

*Kangaroo Island*

Brand or Mark	Owner	Address
Nil		

## TRANSFERS

## HORSE AND CATTLE BRANDS TRANSFERRED

Brand	Transferred from	Transferred to: Owner/Address
☞	A Gerard	Dunns Grazing Pty Ltd, Dunns Livestock Pty Ltd, CJ Dunn, P & J Dunn t/a Cooper Cattle Partners STRATHALBYN 5255
☞28	LJ Carling	BJ & FA Carling, QUORN 5433
36M	MJC & EI Pengilly	WMM & A Pengilly & WCL Errington t/a WMM & A Pengilly WAROOKA 5577
Y33	McWaters Brothers	CW McWaters t/a Samsons Well Pty Ltd, MORGAN 5320
09D	KL & KD Carmichael	BD & AB Carmichael, VICTOR HARBOR 5211
20∩	LF Hillier	RG Hillier, RN Hillier & JV O'Donnel t/a RG Hillier BORDERTOWN 5268
82G	PJ & BD Gartner	SJ & M Gartner t/a Maaoupe Station Pty Ltd, PENOLA 5277
C03	JR & BV Cowling	LR Cowling, COONALPYN 5265
0M8	AG & JMD Malpas	DG & AS Malpas Family Trust t/a Walteela Park LUCINDALE 5272
99H	Stall Investments Pty Ltd	Tidswell Wines Pty Ltd t/a Heathfield Rural KENSINGTON PARK 5068
2I6	JL Nixon	TJ Nixon, ARDROSSAN 5571
☞71	DV & ED Taheny	JF & JL Taheny, WAROOKA 5577
74◇	IK Nunan	B & A Nunan t/a Hilton Rural Trading, ROBE 5276
07d	VR Murray	SC Murray t/a Oak Park Proprietors, CROYDON 5008
∩	AJ McBride	JB McBride t/a Calana Heights, WESTBOURNE PARK 5041
☞43	LW Parker	GC Parker, KINGSTON 5275

## DISTINCTIVE BRANDS FOR HORSES AND CATTLE TRANSFERRED

Brand	Transferred from	Transferred to: Owner/Address
Nil		

## CATTLE EARMARKS TRANSFERRED

Brand	Transferred from	Transferred to: Owner/Address
R.5.P.5	LJ Carling	BJ & FA Carling, QUORN 5433
M.M.5	MJC & EI Pengilly	WMM & A Pengilly & WCL Errington t/a WMM & A Pengilly WAROOKA 5577
XW.5.XW.5	McWaters Brothers	CW McWaters t/a Samsons Well Pty Ltd MORGAN 5320
XI.1.N.2	KL & KD Carmichael	BD & AB Carmichael, VICTOR HARBOR 5211
R.6.7	LF Hillier	RG Hillier, RN Hillier & JV O'Donnell t/a RG Hillier BORDERTOWN 5268
R.1.E.1	PJ & BD Gartner	SJ & M Gartner t/a Maaoupe Station Pty Ltd, PENOLA 5277
Q.5.N.5	JR & BV Cowling	LR Cowling, COONALPYN 5265
XH.3.F.3	Stall Investments Pty Ltd	Tidswell Wines Pty Ltd t/a Heathfield Rural KENSINGTON PARK 5068
F.1.T.1	DV & ED Taheny	JF & JL Taheny, WAROOKA 5577
R.1.N.2	IK Nunan	B & A Nunan t/a Hilton Rural Trading ROBE 5276
XA.2.6	AJ McBride	JB McBride t/a Calana Heights, WESTBOURNE PARK 5041
XP.3.D.3	LW Parker	GC Parker, KINGSTON 5275

## STUD STOCK BRANDS TRANSFERRED

Brand	Society	Transferred from	Transferred to: Owner/Address
DPH (tattoo)	Australian Red Dairy Breed Inc	DN & PM Hamilton	GD & MJ Hamilton Nominees Pty Ltd MOUNT GAMBIER EAST 5291
D (tattoo)	Australian Poll Dorset Assoc	KL & KD Carmichael	BD & AB Carmichael VICTOR HARBOR 5211

## SHEEP BRANDS TRANSFERRED

Central District

Brand	Colour	Position	Transferred from	Transferred to: Owner/Address
MD	Purple	4	FH McDonald & Co	DN & KL McDonald t/a DN McDonald & Co, HALLETT 5419
L	Red	2	MJC & EI Pengilly	WMM & A Pengilly & WCL Errington WAROOKA 5577
Y	Blue	2	McWaters Brothers	CW McWaters t/a Samsons Well Pty Ltd MORGAN 5320
H	Blue	2	EW & DF Hoepner	RW & SA Hoepner t/a EW Hoepner & Co BALAKLAVA 5461
A	Red	2	LO & RL Tucker	GR & JA Tucker, MALLALA 5502
V	Red	3	KL & KD Carmichael	BD & AB Carmichael, VICTOR HARBOR 5211
H	Green	4	H & GS Bamman	GH & CN Bamman t/a Bamman Proprietors MELROSE 5483
Y	Red	4	LG & BJ Pym	AG & MI Pym t/a Dopen Pty Ltd CALLINGTON 5254
MF	Purple	4	FD & MT McIntyre	DJ & SF McIntyre, MAITLAND 5573
B	Blue	2	HM & MB Blieschke	BD & LR Blieschke, MELROSE 5483
H	Red	4	GH Schumacher	GG & R Schumacher, KAPUNDA 5373
F	Blue	3	JR & DM Fetherstonhaugh	RG & JM Fetherstonhaugh, WIRABARA 5481
Q	Green	2	P McKeough	SJ, PJ & MS McKeough t/a SJ & PJ McKeough PETERBOROUGH 5422
VL	Green	4	B & JL Van Loenen	H Van Loenen & Sons Pty Ltd TEA TREE GULLY 5091
F	Purple	4	JR Britza	MJ & CF Britza, QUORN 5433
RG	Blue	3	RA Grossman	MR & JE Grossman t/a Grossman Family ANGASTON 5353
RA	Blue	4	EJ & MW Arthur	GJ, J & TR Arthur, BOOLEROO CENTRE 5482
GK	Red	1	GN & KM Burt	RN & BM Burt, CRYSTAL BROOK 5523
H	Green	4	AB Tohl	MC & FJ Tohl t/a AB & MC Tohl & Son PETERBOROUGH 5422
B	Green	4	EB & EM Busch	MB & LJ Busch t/a The Conabeer Rise Family Trust SADDLEWORTH 5413
7	Green	2	G Mitchell	MG Mitchell t/a H Mitchell & Co YANKALILLA 5203
FT	Purple	3	DV & ED Taheny	JF & JL Taheny, WAROOKA 5577
OP	Purple	4	VR Murray	SC Murray t/a Oak Park Proprietors CROYDON 5008
S T	Red	4	HWS Twelftree	G, S & T Twelftree t/a Wauraltee (YP) Pty Ltd MINLATON 5575

<b>TR</b>	Purple	1	TC & BC Roocke	WJ Roocke t/a WJ Roocke Farming Trust BOOLEROO CENTRE 5482
<b>HF</b>	Green	4	HB Freebairn	IH Freebairn t/a HB Freebairn & Son OWEN 5460
<b>CD</b>	Red	1	CWL & RM Dare	DL Dare t/a L Dare Partnership HALLETT 5419
<b>MT</b>	Green	4	CE & JS Thomas	DG Thomas t/a The Thomas Farm Trust MURRAY BRIDGE 5253
<b>TB</b>	Red	3	EC Buttfield	CJ Buttfield & JA Frearson t/a CJ & JAF Buttfield, PORT VINCENT 5581

*South East District*

<b>Brand</b>	<b>Colour</b>	<b>Position</b>	<b>Transferred from</b>	<b>Transferred to: Owner/Address</b>
□	Purple	1	LF Hillier	RG Hillier, RN Hillier & JV O'Donnell t/a RG Hillier, BORDERTOWN 5268
<b>HI</b>	Purple	4	BM & MA Hilton	CJ & KA Hilton, BORDERTOWN 5268
<b>AH</b>	Green	3	CA Hampel	LJ Hampel t/a CA Hampel & Partners LOXTON 5333
<b>PG</b>	Red	1	PJ & BD Gartner	SJ & M Gartner t/a Maoupe Station Pty Ltd PENOLA 5277
<b>WP</b>	Red	1	AG & JMD Malpas	DG & AS Malpas Family Trust t/a Walteela Park LUCINDALE 5272
<b>YB</b>	Red	1	KG & MH Bagshaw	D & MY Bagshaw, MENINGIE 5264
<b>OF</b>	Blue	4	JE & PJ Shepherd	AJ & DE Shepherd t/a JE Shepherd & Co KYBYBOLITE 5262
<b>WB</b>	Green	3	CG, LA & RH Wenske	IJ & TJ Wenske, WAIKERIE 5330
<b>AL</b>	Blue	1	Nayook Estate	JR & JB Jenkin, MOUNT GAMBIER 5291
<b>HF</b>	Blue	4	Stall Investments Pty Ltd	Tidswell Wines Pty Ltd t/a Heathfield Rural KENSINGTON PARK 5068
<b>RH</b>	Blue	4	RJ & HE Hoare	DR & MC Hoare, MURRAY BRIDGE 5253
Δ	Blue	4	IK Nunan	B & A Nunan t/a Hilton Rural Trading ROBE 5276
<b>N</b>	Red	3	KG Nunan	B & A Nunan t/a Hilton Rural Trading ROBE 5276
<b>M</b>	Green	2	PR Miles	MA & GL Miles t/a PR & GL Miles & Son NARACOORTE 5271
<b>AF</b>	Green	1	EAJ Fisher	CE & GJ Fisher t/a Fisher Bros LOXON 5333
<b>JP</b>	Green	2	LW Parker	GC Parker, KINGSTON 5275

*Western District*

<b>Brand</b>	<b>Colour</b>	<b>Position</b>	<b>Transferred from</b>	<b>Transferred to: Owner/Address</b>
<b>C</b>	Green	2	MF & PG Cook	MW & AA Cook t/a Condada Country Pty Ltd MINNIPA 5654
<b>PL</b>	Red	1	GD & KB Lange	EB & CM Watson t/a Watson Farming Trust CEDUNA 5690
<b>I</b>	Green	4	HR Irvine	MF & KL Skinner, CEDUNA 5690

*Northern District*

<b>Brand</b>	<b>Colour</b>	<b>Position</b>	<b>Transferred from</b>	<b>Transferred to: Owner/Address</b>
<b>Ö</b>	Blue	2	LJ Carling	BJ & FA Carling, QUORN 5433



*Kangaroo Island*

Brand	Colour	Position	Transferred from	Transferred to: Owner/Address
☉	Red	2	MB & GM Couchman	RB & LM Couchman, KINGSCOTE 5223
○	Blue	3	AJ McBride	JB McBride t/a Calana Heights WESTBOURNE PARK 5041
S	Green	4	LD Stanton	M, W, R & K Stanton t/a RD & KD Stanton & Sons KINGSCOTE 5223

**SHEEP EARMARKS OR FIREBRANDS TRANSFERRED***Central District*

Brand or Mark	Transferred from	Transferred to: Owner/Address
N.1.E.2	FH McDonald & Co	DN & KL McDonald t/a DN McDonald & Co HALLETT 5419
XW.3	McWaters Brothers	CW McWaters t/a Samsons Well Pty Ltd MORGAN 5320
N.N.1	KL & KD Carmichael	BD & AB Carmichael, VICTOR HARBOR 5211
F.1.G.1	JR & DM Fetherstonhaugh	RG & JM Fetherstonhaugh, WIRRABARA 5481
XI.3.A.3	P McKeough	SJ,PJ & MS McKeough, PETERBOROUGH 5422
A.1.C.4	JR Britza	MJ & CF Britza, QUORN 5433
T.2.4	AB Tohl	MC & FJ Tohl t/a AB & MC Tohl & Son YONGALA via PETERBOROUGH 5422
B.2.D.4	VR Murray	SC Murray t/a Oak Park Proprietors CROYDON 5008
A.3.J.3	CWL & RM Dare	DL Dare t/a L Dare Partnership HALLETT 5419

*South East District*

Brand or Mark	Transferred from	Transferred to: Owner/Address
G.3.C.3	PJ & BD Gartner	SJ & M Gartner T/A Maaoupe Station Pty Ltd PENOLA 5277
B.1.U.1	KG & MH Bagshaw	D & MY Bagshaw, MENINGIE 5264
XM.1.N.1	Nayook Estate	JR & JB Jenkin, MOUNT GAMBIER 5291
XH.3.F.3	Stall Investments Pty Ltd	Tidswell Wines Pty Ltd t/a Heathfield Rural KENSINGTON PARK 5068
N.3.A.3	IK Nunan	B & A Nunan t/a Hilton Rural Trading ROBE 5276
S.3.P.3	LW Parker	GC Parker, KINGSTON 5275

*Western District*

Brand or Mark	Transferred from	Transferred to: Owner/Address
XA.XA.3	GE Dolphin	NG & AM Dolphin, PORT KENNY 5671
N.1.XO.1	MF & PG Cook	MW & AA Cook t/a Condada Country Pty Ltd MINNIPA 5654

*Northern District*

Brand or Mark	Transferred from	Transferred to: Owner/Address
Nil		

*Kangaroo Island*

Brand or Mark	Transferred from	Transferred to: Owner/Address
A.2	AJ McBride	JB McBride t/a Calana Heights WESTBOURNE PARK 5041
G.2	LD Stanton	M,W, R & K Stanton t/a RD & KD Stanton & Sons KINGSCOTE 5223

**CANCELLATIONS****HORSE AND CATTLE BRANDS CANCELLED**

Brand	Owner & Address	Applicant for Cancellation
A70	MK & RL Allen, KADINA 5554	Registrar of Brands
A01	JK Anderson, KINGSCOTE 5223	QJ Anderson
4H3	BD Bryant, SANDERSTON 5237	BD Bryant
h 61	CH & AV Hancock, SPALDING 5454	AV Hancock
L 52	GR & MM Liddiard, MINLATON 5575	JA Bennett
∞	Peweena Nominees, MOUNT GAMBIER 5291	Registrar of Brands
78 R	TC & BC Roocke, BOOLEROO CENTRE 5482	WJ Roocke
a 21	PR Rowland, NARACOORTE 5271	PE Miles
1T8	GE & EM Telfer, KINGSCOTE 5223	Registrar of Brands
T45	MJ Telfer, NARACOORTE 5271	Mrs Telfer
1 w 6	RL & HN Watts, MILLICENT 5280	SP Watts
7 h 7	WI & RS Willson QUORN 5453	WI Willson

**CATTLE EARMARKS CANCELLED**

Brand	Owner & Address	Applicant for Cancellation
A.3.C.5	JK Anderson, KINGSCOTE 5223	QJ Anderson
N.5.B.5	WR Clarke, LEIGH CREEK 5731	RD Clarke
XL.2.6	GR & MM Liddiard, MINLATON 5575	JA Bennett
0.1.7	Peweena Nominees, MOUNT GAMBIER 5291	Registrar of Brands
XP.5.XM.5	PR Rowland, NARACOORTE 5271	PE Miles
D.2.C.3	MJ Telfer, NARACOORTE 5271	Mrs Telfer
K.3.N.3	RL & HN Watts, MILLICENT 5280	SP Watts
XW.2.C.3	WI & RS Willson QUORN 5453	WI Willson

**DISTINCTIVE BRANDS FOR HORSES AND CATTLE CANCELLED**

Brand	Owner & Address	Applicant for Cancellation
Nil		

**STUD STOCK BRANDS CANCELLED**

Brand	Society	Owner & Address	Applicant for Cancellation
JPS	Australian Simmental Breeders of Australia	JE & PJ Shepherd NARACOORTE 5271	JE & PJ Shepherd
OK	Charolais Society of Australia	JE & PJ Shepherd NARACOORTE 5271	JE & PJ Shepherd
ABT	Australian Poll Hereford Society	AB Tohl, YONGALA 5493	FJB Tohl

**SHEEP BRANDS CANCELLED***Central District*

Brand	Colour	Position	Owner and address	Applicant for cancellation
◊A	Purple	4	MK & RL Allen, KADINA 5554	Registrar of Brands
GL	Red	2	GR & MM Liddiard, MINLATON 5575	JA Bennett
DB	Purple	4	BD Bryant, SANDERSTON 5237	BD Bryant
HB	Red	4	BD Bryant, SANDERSTON 5237	BD Bryant
GU	Purple	2	HE & GM Gursansky ROSEDALE 5350	BA Gursansky
◊	Purple	1	PG & J Girke, SPRINGTON 5235	PG Girke
V	Green	4	CH & AV Hancock, SPALDING 5454	AV Hancock
⊗H	Green	1	RJ & PJ Harris, SEDAN 5353	Registrar of Brands
△H	Blue	2	GR Harvie & Co, LAURA 5480	GR Harvie
M J	Green	4	ME & DJ Jamieson BARUNGA GAP 5520	CD Jamieson
VR	Purple	1	MT & BP McMahon PORT PIRIE 5540	MT McMahon

*South East District*

Brand	Colour	Position	Owner and address	Applicant for cancellation
H <sub>2</sub>	Green	2	J & V Hampel, LOXTON 5333	JG Hampel
MC	Red	1	MJ & MA McLean BORDERTOWN 5268	MA McLean
L	Blue	2	RR & RM Liddell BORDERTOWN 5268	RR Liddell
◻P	Blue	4	Peweena Nominees MOUNT GAMBIER 5291	Registrar of Brands
⊂R	Red	3	PW & JA Ridgway, WOLSELEY 5269	JA Ridgway
B S	Red	1	BD Schulz, COONALPYN 5265	JR Schulz
◊C	Green	3	RJ & CO Smith, HYNAM 5262	CO Smith
⊂T	Green	2	MJ Telfer	Mrs Telfer
W	Blue	4	Westphal Nominees LUCINDALE 5272	K O'Brien

*Western District*

Brand	Colour	Position	Owner and address	Applicant for cancellation
<u>D</u>	Blue	4	NG & AM Dolphin PORT KENNY 5671	NG Dolphin
<u>F</u>	Blue	1	Petina Pty Ltd, PETINA 5680	Registrar of Brands
<u>B</u>	Purple	2	ED & I Williams, YANINEE 5653	JD Williams

*Northern District*

Brand	Colour	Position	Owner and address	Applicant for cancellation
• •	Purple	2	JW Branch, BLINMAN 5730	Registrar of Brands
RC	Purple	1	WR Clarke, LEIGH CREEK 5731	RD Clarke
∩	Purple	1	LW French t/a Pernatty Pastoral Co PORT AUGUSTA 5710	LW French
⊙	Red	4	LW Gebhardt & Sons, OLARY 5440	WD Gebhardt
<u>W</u>	Blue	3	WI & RS Willson QUORN 5453	WI Willson

*Kangaroo Island*

Brand	Colour	Position	Owner and address	Applicant for cancellation
<u>O</u>	Blue	2	JK Anderson, KINGSCOTE 5223	QJ Anderson
T	Purple	1	GE & EM Telfer, KINGSCOTE 5223	Registrar of Brands

**SHEEP EARMARK OR FIREBRANDS CANCELLED***Central District*

Brand or Mark	Owner and address	Applicant for Cancellation
SA (FIREBRAND)	MK & RL Allen, KADINA 5554	Registrar of Brands
XL.1	GR & MM Liddiard, MINLATON 5575	JA Bennett
XE.3	MT & BP McMahon, PORT PIRIE 5540	MT McMahon

*South East District*

Brand or Mark	Owner and address	Applicant for Cancellation
XM.3	MJ & MA McLean, BORDERTOWN 5268	MA McLean
O.1	Peweena Nominees, MOUNT GAMBIER 5291	Registrar of Brands
C.1.B.1	PW & JA Ridgway, WOLSELEY 5269	JA Ridgway
A.3.D.4	RL & HN Watts	SP Watts

*Western District*

Brand or Mark	Owner and address	Applicant for Cancellation
F.2	Petina Pty Ltd, PETINA 5680	Registrar of Brands

*Northern District*

Brand or Mark	Owner and address	Applicant for Cancellation
W.1.3	JW Branch, BLINMAN 5730	Registrar of Brands
H.2.1.2	LW French t/a Pernatty Pastoral Co PORT AUGUSTA 5710	LW French
R.1	LW Gebhardt & Sons OLARY 5440	WD Gebhardt
LG (FIREBRAND)	LW Gebhardt & Sons OLARY 5440	WD Gebhardt
XW.1	WI & RS Willson, QUORN 5453	WI Willson

*Kangaroo Island*

Brand or Mark	Owner and address	Applicant for Cancellation
A.1.C.3	JK Anderson, KINGSCOTE 5223	QJ Anderson
A.3	GE & EM Telfer, KINGSCOTE 5223	Registrar of Brands

## DEVELOPMENT ACT 1993

*Planning Strategy for South Australia—Alterations*

PURSUANT to Section 22 (5) (c) of the Development Act 1993, I declare that:

1. An alteration has been made to the 'Planning Strategy—Regional South Australia, January 2003' by deleting Chapter 11 titled 'South East Planning and Development Area' including Figure 14 and pages 117-128 inclusive.

2. An alteration has been made to the Planning Strategy for the purposes of Section 22 by creating a new volume of the strategy titled 'Limestone Coast Region Plan, August 2011'.

Copies of the Limestone Coast Region Plan are available for inspection and purchase at the Department of Planning and Local Government, Level 5, Roma Mitchell House, 136 North Terrace, Adelaide.

Copies are also available for inspection on the Internet:

[www.planning.sa.gov.au/go/limestone-coast-plan](http://www.planning.sa.gov.au/go/limestone-coast-plan)

Dated 16 August 2011.

JOHN RAU, Deputy Premier, Minister for Urban Development, Planning and the City of Adelaide

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

*Preamble*

1. The decision by the Governor under Section 48 of the Development Act 1993, to approve the development of an Organics Waste Treatment and Recycling Research Facility at Buckland Park was published in the *Government Gazette* on 5 December 2003.

2. The development was the subject of a Public Environmental Report and an Assessment Report under Sections 46 and 46C of the Development Act 1993.

3. Seven amendments to the development approval were subsequently considered and approved by the Development Assessment Commission as delegate of the Governor, and published in the *Government Gazette* on 29 April 2004, 6 May 2004, 27 May 2004, 13 January 2005, 9 June 2005, 23 June 2005 and 12 October 2006.

4. A further amendment to the development approval has been under consideration by the Presiding Member of the Development Assessment Commission as delegate of the Governor under Division 2 or Part 4 of the Development Act.

5. The amendment to the development is contained in a letter dated 25 May 2011, from Lachlan Jeffries of the Jeffries Group and relates to the temporary increase in tonnage received of green waste at Buckland Park from 150 000 tonnes to 165 000 tonnes.

6. The Presiding Member of the Development Assessment Commission is satisfied that the amendment does not require the preparation of a further or amended Public Environmental Report.

7. The Presiding Member of the Development Assessment Commission has, in considering the matter, had regard to all relevant matters under Section 48 (5) of the Development Act 1993.

*Decision*

PURSUANT to Section 48 of the Development Act 1993, the Development Assessment Commission, as delegate of the Governor granted provisional development authorisation to the amended Organics Waste Treatment and Recycling Research Facility at Buckland Park, subject to the conditions and Notes to the Applicant below:

- (a) reserve a decision on the following pursuant to Section 48 (6):
  - (i) Construction of the bulkfill (subgrade) for future windrow areas using Calsilt.

*Conditions of Approval*

1. The Organics Waste Treatment and Recycling Research Facility, Buckland Park shall be undertaken in accordance with:

- (a) the following documents and drawings as they relate to the Organics Waste Treatment and Recycling Research Facility, Buckland Park:

*Documents*

- (i) the Public Environmental Report prepared by Jeffries Garden Soils dated January 2003;
- (ii) the Response Document prepared by Jeffries Garden Soils dated May 2003;
- (iii) Environmental Management Plan for a Resource Organics Resource Centre at Buckland Park, prepared by Rodenburg Davey & Associates Pty Ltd, dated 6 August 2003, Revision 1 (enclosing final drawings);
- (iv) the letter from Finlaysons Lawyers, titled Jeffries Organics Recycling Facility Proposal—Final Development Application, dated 26 September 2003;
- (v) the Assessment Report prepared by the Minister for Urban Development and Planning dated November 2003;
- (vi) the letter from Jeffries Garden Soils dated 21 March 2004;
- (vii) the letter from Jeffries Garden Soils dated 5 April 2004;
- (viii) the letter from Rodenburg Davey & Associates Pty Ltd dated 14 April 2004;
- (ix) the letter from Rodenburg Davey & Associates Pty Ltd dated 15 April 2004;
- (x) the letter from Rodenburg Davey & Associates dated 28 April 2004;
- (xi) the letter from Lachlan Jeffries of Jeffries Group dated 4 March 2004;
- (xii) the letter from Lachlan Jeffries dated 24 May 2004;
- (xiii) the email from Rob Rodenburg of 1 July 2004 (enclosing revised EMP 27 May 2004, revision 2);
- (xiv) the letter from Lachlan Jeffries of Jeffries Group dated 12 May 2005;
- (xv) the letter from Lachlan Jeffries of Jeffries Group dated 25 February 2005;
- (xvi) the letter from Lachlan Jeffries of Jeffries Group dated 21 June 2006;
- (xvii) the email from Paul Bowden dated 30 August 2006 and attached Figure 13.1 (Surface Drainage Details);
- (xviii) the letter from Lachlan Jeffries of Jeffries Group on 25 May 2011.

*Drawings:*

- (i) Drawing Titled: Jeffries Group Recycled Organics Resource Centre at Buckland Park, SA, Drawing Number: AEV318-C-SK-008 (dated 29 September 2003).
- (ii) Drawing Titled: Jeffries Group Recycled Organics Resource Centre at Buckland Park, Overall Layout Plan, Drawing Number: AEV402-C-DWG-050 (dated 20 May 2004).

2. The quantity of feedstock to be received or processed at the site shall not exceed 150 000 tonnes per annum.

3. For the Financial Year 2011-2012 to quantity of feedstock to be received or processed at the site shall not exceed 165 000 tonnes per annum.

4. The raw materials for composting shall comprise green organics (foliage, grass cuttings, prunings and branches), saw dust, timber (pallets, boxes), and wet organics (processed grease trap residue, street sweepings) unless otherwise prescribed under

the provisions of an Environmental Management Plan prepared and amended (as approved by the EPA) pursuant to this development approval.

5. All incoming feedstock material shall be unloaded, stored and processed (screened and shredded) at Jeffries Wingfield site before being transferred to Buckland Park by covered truck in Stage 1.

6. All incoming feedstock (unprocessed) shall be unloaded, stored and processed in the receival shed at Buckland Park in Stage 2 within 24 hours of being received.

7. The construction of the processing areas (windrowing and final product), wheel wash bay area and surface water storage area shall be to the specifications listed in the 'Environmental Management Plan for a Recycled Organics Resource Centre at Buckland Park, dated 21 August 2003, Revision 2'.

8. The construction of all stages for the windrowing areas and wastewater areas shall be to Level 1 Supervision as set out in Australian Standard 3798-1996. Daily logs and final supervision report shall be forwarded to the Environment Protection Authority.

9. A minimum of 1 m separation distance shall be maintained between the groundwater level and the underside of all liners on the site.

10. The location and decommission status of old wells located on the site shall be confirmed and the operational wells decommissioned in accordance with the requirements of the Water Resources Act 1997.

11. Work constituting building work under the Development Act 1993, shall be certified by a private certifier as complying with the Building Rules, prior to any building work commencing.

12. Design specifications of the receival shed shall be forwarded to the Environment Protection Authority prior to construction and approved by the Development Assessment Commission prior to its construction. The receival shed shall be fully enclosed and have a concrete floor.

13. The design and construction of the road access junction to the site from Port Wakefield Road shall be to the reasonable satisfaction of Department for Transport, Energy and Infrastructure and at the cost of the proponent.

14. Prior to commencing operation at the site McEvoy Road must be sealed to the standard agreed between the proponent and the City of Playford, and at the cost of the proponent.

15. The proponent must install a meteorological monitoring station in accordance with 'Meteorological Monitoring Guidance for Regulatory Modelling Applications, US EPA, February 2000'. And be operational before operations at the site commence. It shall be to such a standard that it produces data suitable for air pollution modelling and complaint resolution. Note: the parameters that should be recorded are wind speed and direction at 10 m height, standard deviation of wind direction, temperature at 2 m and 10 m heights, solar radiation and rainfall.

Unless varied by the following conditions:

16. The mounds constructed up to 15 March 2004 with compost material contaminated with plastics shall be covered with a minimum of 300 mm of topsoil and maintained to ensure no plastic material is exposed.

17. Compost material used for the construction of the mounds or used on site may only contain an incidental amount of plastic fragments or other contaminants after processing, with the exception of mounds constructed up to 15 March 2004.

18. The compost material containing plastics, currently located at the Jeffries Wingfield facility shall be allowed to be stockpiled adjacent to the proposed Primary Processing Building at the Jeffries Buckland Park site to enable future processing to remove the plastic and other contaminants prior to use on the site in future mound construction.

19. A topsoil cover of a minimum of 300 mm shall be maintained over the stockpile to ensure there is no litter.

20. The 'Calgrit 50' and 'Grit' shall be maintained at a moisture content that will minimise the potential for generation of dust at stockpile areas, during stockpiling, construction and operation of the windrows.

21. The water quality in the surface water storage ponds shall be monitored in accordance with the relevant provisions of the Environmental Management Plan.

22. The surface and side slopes of the 'Calgrip 50' and 'Grit' capping layer and the surface water drainage system will be inspected on a monthly basis and after prolonged rain to ensure their integrity, and shall be maintained to ensure effective operation.

23. Unprocessed organic material shall not be received at the Jeffries Organic Waste Treatment and Recycling Research Facility until the primary processing facility proposed at the site is established.

24. All vehicles transporting primary processed material to Buckland Park shall have the following features:

- vehicles will be fully enclosed, i.e. solid floor sides and a canvas or synthetic top cover that is attached to the sides in a manner that does not allow the escape of material.
- vehicles will consist of either semi-trailers or truck and trailer combination.

25. A combined wheel wash and wash bay shall be installed within the Buckland Park facility for vehicles transporting materials and products to and from the facility and for the wash down of mobile plant within the facility.

26. All vehicles used solely for the transportation of primary processed organics to the Buckland Park site shall be required to be washed down externally before leaving the site empty, provided the vehicle body remains fully enclosed. The vehicles shall be washed externally and internally if used to transport compost or other materials from the Buckland Park site.

27. All mobile plant moving from one activity area to another shall be washed down at the wash bay before entering the new activity area.

28. Construction for the variations shall occur as per the specifications supplied in the Jeffries letter dated 24 May 2004 and email from Robert Rodenburg dated 1 July 2004.

29. Raw material and feedstock for composting shall not be placed on the hard stand areas at any time.

30. Maintenance of at least a 200 mm layer over the Calsilt perimeter mounds shall be required to be composed of a minimum layer of 100 mm of sandy loam then followed by a minimum layer of 100 mm of coarse compost.

31. The Equipment Washdown Facility shall be constructed as per the details listed in the letter dated 25 February 2005 from the Jeffries Group.

#### NOTES:

1. The proponent has an obligation under the Aboriginal Heritage Act 1988, whereby any 'clearance' work, which may require permission to disturb, damage or destroy Aboriginal Sites must be undertaken with the full authorisation of the Minister for Aboriginal Affairs.

2. An environmental authorisation granted by the Environment Protection Authority will include conditions requiring compliance with the standards of site preparation, management and maintenance detailed in the Environmental Management Plan, dated 21 August 2003, Revision 2 and the following requirements:

- The monitoring of the separation distance between groundwater and underside of the clay liner. Measures will be required to put in place to ensure corrective actions being activated prior to the separation distance being at, or less than 1 m. It is proposed to set a trigger level at 1.10 m separation distance for more frequent level monitoring (minimum daily) and a second one at 1.05 m separation distance to activate corrective actions. The Environment Protection Authority licence condition will require water levels to be measured weekly and assessed and reported monthly to the Environment Protection Authority for the first year of operation.
- Maintenance of all drains and ponds.

3. The Minister has a specific power to require testing, monitoring and auditing under Section 48 (c) of the Development Act 1993.

Dated 16 August 2011.

T. BYRT, Presiding Member, Development Assessment Commission

#### ENVIRONMENT PROTECTION ACT 1993

##### *Vary Condition 1 of the Approvals of Category B Containers*

I, JEFFREY PAUL TODD, Delegate of the Environment Protection Authority ('the Authority'), pursuant to Section 68 (6) of the Environment Protection Act 1993 (SA), ('the Act') hereby:

##### *Vary Condition 1 of the Approvals of Category B Containers to read:*

1. That containers of the class to which the approval relates must bear the refund marking specified by the Authority for containers of that class.

The Authority specifies the following refund markings for Category B Containers:

- (1) '10c refund at collection depots when sold in SA'; and
- (2) '10c refund at SA/NT collection depots in State/Territory of purchase'.

#### FISHERIES MANAGEMENT ACT 2007: SECTION 79

TAKE note that the notice made under Section 79 of the Fisheries Management Act 2007, dated 21 December 2010, and published in the *South Australian Government Gazette* dated 6 January 2011, on page 3, being the fifth notice on that page, referring to the West Coast Prawn Fishery, is hereby varied such that it will not be unlawful for a person fishing pursuant to a West Coast Prawn Fishery licence to use prawn trawl nets in the waters specified in Schedule 1, under the conditions specified in Schedule 2, during the period specified in Schedule 3.

##### SCHEDULE 1

The waters of the West Coast Prawn Fishery adjacent to Venus Bay and Coffin Bay.

##### SCHEDULE 2

1. Each licence holder must ensure that a representative sample of the catch (a 'bucket count') is taken at least three times per night during the fishing activity.

2. Each 'bucket count' sample must be accurately weighed to 7 kg where possible and the total number of prawns contained in the bucket must be recorded on the daily catch and effort return.

3. Fishing must cease if one or both of the following limits are reached:

- (a) the average catch per vessel, per night (for all three vessels) drops below 300 kg for two consecutive nights;
- (b) the average prawn 'bucket count' for all three vessels exceeds 240 prawns per bucket on any single fishing night.

4. The fleet must nominate a licence holder to provide a daily update by telephone or SMS message to the PIRSA Fisheries Manager, to report the average prawn catch per vessel and the average prawn 'bucket count' information.

5. No fishing activity may be undertaken between 0645 hours and 1830 hours on any day during the period of this notice.

##### SCHEDULE 3

From 1830 hours on 22 August 2011 to 0645 hours on 5 September 2011.

Dated 19 August 2011.

C. NOELL, Prawn Fisheries Manager

## FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to Section 115 of the Fisheries Management Act 2007, David Cunningham, Eyre Peninsula Natural Resources Management Board, 23 Napoleon Street, Port Lincoln, S.A. 5606 (the 'exemption holder'), or a person acting as his agent, is exempt from Sections 70 and 71 of the Fisheries Management Act 2007, but only insofar as the exemption holder may take fish species specified in Schedule 1 using the gear specified in Schedule 2 (the 'exempted activity'), subject to the conditions specified in Schedule 3, from 9 August 2011 until 9 August 2012, unless varied or revoked earlier.

## SCHEDULE 1

The collection of native and non-native fish from the inland waters of South Australia including protected freshwater of the Genus Ambassidae, species of *Mogurnda* and *Nannoperca*, River Blackfish (*Gadopsis marmoratus*), Freshwater Catfish (*Tandanus tandanus*).

## SCHEDULE 2

All gear under this Schedule must be marked with the permit holders' name and Exemption Number 9902461:

- 10 fish traps (maximum dimension 1 m, maximum entrance size 10 cm).
- 10 dab nets.
- 1 seine net (maximum length 25 m, minimum mesh 6 mm).
- 4 fyke nets (maximum width 10 m, minimum mesh size 3 mm).

## SCHEDULE 3

1. All fish of the genus Ambassidae, species of *Mogurnda* and *Nannoperca*, River Blackfish (*Gadopsis marmoratus*) and Freshwater Catfish (*Tandanus tandanus*) collected pursuant to this notice must be returned to the water immediately following scientific evaluation.

2. All other native fish must be either returned alive to the water on completion of scientific evaluation or if they are dead lodged with the South Australian Museum. All non-native fish must be destroyed and disposed of appropriately.

3. Before conducting the exempted activity, the exemption holder must contact PIRSA Fisheries and Aquaculture on 1800 065 522 and answer a series of questions about the exempted activity. You will need to have a copy of your exemption with you at the time of making the call, and be able to provide information about the area and time of the exempted activity, the vehicles and/or boats involved, the number of agents undertaking the exempted activity and other related issues. Exemption Number 9902461.

4. The exemption holder must provide a report in writing detailing the outcomes of the research and the collection of organisms pursuant to this notice to the Director of Fisheries, (G.P.O. Box 1625, Adelaide, S.A. 5001) within three months of the expiry of this notice, giving the following details:

- the date, soak time and location of collection;
- the number of nets used;
- the description of all species collected (fish, invertebrates, turtles);
- the number of each species collected; and
- any other information regarding size, breeding or anything deemed relevant or of interest that is able to be volunteered.

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

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

Dated 10 August 2011.

PROFESSOR M. DOROUDI, Executive Director,  
Fisheries and Aquaculture

## FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to Section 115 of the Fisheries Management Act 2007, the holder of a Northern Zone Rock Lobster Fishery Licence issued pursuant to the Fisheries Management (Rock Lobster Fisheries) Regulations 2006 (the 'exemption holders') are exempted from the provisions of Regulation 5 of the Fisheries Management (Vessel Monitoring Scheme) Regulations 2007, but only insofar as an exemption holder shall not be guilty of an offence when using a registered boat that is endorsed on the licence to undertake fishing activity for the sole purpose of fishing for species other than southern rock lobster (*Jasus edwardsii*) and giant crabs (*Pseudocarinus gigas*) without having a fitted and operational vessel monitoring system (the 'exempted activity'), subject to the conditions specified in Schedule 1, from 1 November 2011 until 31 May 2012, unless this notice is varied or revoked earlier.

## SCHEDULE 1

1. The exemption holder may only conduct the exempted activity from a boat that is registered and endorsed on their Northern Zone Rock Lobster Fishery Licence and that is less than 6 m in length.

2. The exemption holder must ensure that only a master registered on their Northern Zone Rock Lobster Fishery Licence undertakes the exempted activity (Exemption No. 9902497).

3. The exemption holder must notify PIRSA Fisheries by calling 1800 065 522 prior to engaging in the exempted activity and providing the following information:

- the name of the licence holder making the call;
- the fishery licence number of the licence on which the registered boat is endorsed;
- the name of the boat and the commercial boat registration number;
- the time and date the exempted activity will commence; and
- the time and date the exempted activity will cease.

4. An exemption holder must ensure that no rock lobster pots are on board the registered boat at any time during the exempted activity.

5. An exemption holder must not take or have on board the registered boat any rock lobster during the exempted activity.

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

Dated 23 August 2011.

PROFESSOR M. DOROUDI, Executive Director  
Fisheries and Aquaculture

GENETICALLY MODIFIED CROPS  
MANAGEMENT ACT 2004*Exemption Notice*

PURSUANT to the Genetically Modified Crops Management Act 2004, I, Michael O'Brien, Minister for Agriculture and Fisheries, issue an Exemption to the University of Adelaide (hereafter the University) under Section 6 (2) (a) (ii) enabling the University to cultivate four hybrid genotypes of genetically modified corn seed in the University's Plant Accelerator located on the Waite Campus at Urrbrae to determine the effects of single and multiple traits in maize for enhanced plant performance under drought conditions.

This Exemption remains in force until varied or revoked.

The University is required to observe the following conditions in relation to the exempted cultivation of genetically modified crops undertaken in South Australia by its employees or agents, or any person engaged to undertake any activity in relation to the Specified Purpose.



For the purpose of this Notice, I nominate the following person as the Nominated Officer within PIRSA to whom communication should be directed:

Manager, Plant Health Operations  
Biosecurity SA  
Plant and Food Standards  
33 Flemington Street  
Glenside, S.A. 5065  
Phone: (08) 8207 7833  
Fax: (08) 8207 7844

For Definitions of Terms see Section 3.

#### Section 1—General Conditions

The University and persons covered by these conditions must comply with these conditions.

##### 1. Notification of Project Supervisor

- 1.1 The University must inform the Nominated Officer in writing of the contact details of the Project Supervisor before cultivation of the GMO occurs.
- 1.2 The University must immediately notify the Nominated Officer in writing if any of the contact details of the Project Supervisor change.

##### 2. Informing People of Their Obligations

- 2.1 The University must inform each person covered by these conditions of the obligations imposed on them by these conditions.
- 2.2 The University must provide the Nominated Officer, on the Nominated Officer's written request, a signed statement from each person covered by these conditions that the University has informed the person of the conditions of these conditions that apply to that person.

##### 3. Material Changes in Circumstances

- 3.1 The University must immediately, by notice in writing, inform the Nominated Officer of:
  - (a) any relevant conviction of the University or any of its Directors occurring after the commencement of these conditions;
  - (b) any event or circumstances occurring after the commencement of these conditions that would affect the capacity of the University to meet the conditions in this Exemption.

#### Section 2—Specific Conditions

##### 1. Transportation of a GMO

- 1.1 The GMO must be packed in a sealed unbreakable primary container. Selfing bags are considered to be an appropriate primary container for propagative plant material.
- 1.2 Every primary container must be clearly marked GM corn along with the genotype code.
- 1.3 Primary containers must be packed in sealed unbreakable secondary container.
- 1.4 Every secondary container used to transport the GMO must be labelled:
  - (a) to indicate that it contains genetically modified plant material; and
  - (b) with telephone contact numbers for the University and instructions to contact the University in the event that the container is broken or misdirected.
- 1.5 Each secondary container must remain sealed during transit.

##### 2. Contingency Plans

- 2.1 Within seven days of the date of the commencement of these conditions, a written Contingency Plan must be submitted to the Nominated Officer detailing measures to be taken in the event that a secondary container is broken.
- 2.2 The Contingency Plan must include details of procedures to:
  - (a) ensure the Nominated Officer is notified immediately if the University becomes aware of the event;

(b) destroy any of the GMOs; and

(c) Monitor and destroy any Volunteer plants that may exist as a result of the event.

##### 3. Cultivation of the GMO

- 3.1 The GMO may only be cultivated for the Specified Purpose.
- 3.2 Cultivation of the GMO is permitted only in the University's Plant Accelerator on the Waite Campus at Urrbrae, provided that the Plant Accelerator is:
  - (a) registered by the Australian Quarantine and Inspection Service as a Quarantine Approved Premise; and
  - (b) certified by the Office of the Gene Technology Regulator as PC2 Plant Containment Facility.
- 3.3 Before the commencement of planting, the following information should be provided to the Nominated Officer:
  - (a) the contact details of the person responsible for the Plant Accelerator or his representative to enable Authorised Officers to seek consent to entry;
  - (b) identification of the GMO type proposed to be grown in the Plant Accelerator, and the area of each that is to be sown; and
  - (c) estimated date of planting, pollen production and seed set.
- 3.4 All plant material resulting from cultivation of the GMO is to be destroyed before pollen production or seed set.
- 3.5 All plants, plant material, soil, consumables and waste associated with and resulting from the Specified Purpose shall be heat treated (autoclaved) before it is removed from the University's Plant Accelerator, in accordance with the facility's quarantine protocols.

##### 4. Compliance Management Plan

- 4.1 Prior to the GMO entering South Australia, a written Compliance Management Plan must be provided to the Nominated Officer on request. The Compliance Management Plan must describe in detail how the University intends to ensure compliance with these conditions and document that compliance.

#### Section 3—Interpretation and Definitions

Words and phrases used in this Exemption have the same meanings as they do in the Genetically Modified Crops Management Act 2004 (SA), Gene Technology Act 2000 (Commonwealth) and the Gene Technology Regulations 2001.

Words importing a gender include any other gender.

Words in the singular include the plural and words in the plural include the singular.

Words importing persons include a partnership and a body whether corporate or otherwise.

References to any statute or other legislation (whether primary or subordinate) is to a statute or other legislation of the Commonwealth of Australia as amended or replaced from time to time unless the contrary intention appears.

Where any word or phrase is given a defined meaning, any other part of speech or other grammatical form in respect of that word or phrase has a corresponding meaning.

In this Exemption:

'four hybrid genotypes of genetically modified corn seed' means the genotypes listed in Table 1.

'Department' means the Department of Primary Industries and Resources in South Australia.

'Destroy', (or 'Destroyed' or 'Destruction'), as the case requires, means killed by one or more of the following methods:

- (a) stalk pulling;
- (b) light tillage;
- (c) burning;
- (d) treatment with herbicide;
- (e) slashing;

- (f) mowing;
- (g) hand weeding;
- (h) burial under 1 m of soil;
- (i) grazing; or
- (j) a combination of the above.

*Note (1): 'As the case requires' has the effect that, depending on the circumstances, one or more of these techniques may not be appropriate. For example, in the case of killing the remains of harvest of the GMO, treatment of post harvest remains by herbicide would not be a sufficient mechanism.*

'GM' means genetically modified.

'GMO' means genetically modified organism.

'Minister' means the Minister of Agriculture and Fisheries in South Australia.

'Volunteer plants' means progeny of the GMO.

*Table 1*

Glyphosate tolerant corn line GA21 [Monsanto Australia. Food Standards Australia Application No. A362. Approved 2000]
Insect-protected, glufosinate ammonium tolerant corn line Bt-11 [Syngenta Seeds. Food Standards Australia Application No. A386. Approved 2001]
Insect-protected, corn line MIR604 [Syngenta. Food Standards Australia Application No. A564. Approved 2006]
A combination line produced by conventional breeding of the three single events above.

MICHAEL O'BRIEN, Minister for  
Agriculture and Fisheries

GEOGRAPHICAL NAMES ACT 1991

*Notice of Declaration of Names of Places*

CORRIGENDUM

IN the *Government Gazette* of 28 January 1999, page 611, first notice appearing, the plan declaring the suburbs for District Council of Willunga shown as **RACK PLAN 72**, should have been shown as **RACK PLAN 795**.

Dated 23 August 2011.

P. M. KENTISH, Surveyor-General, Department  
for Transport Energy and Infrastructure

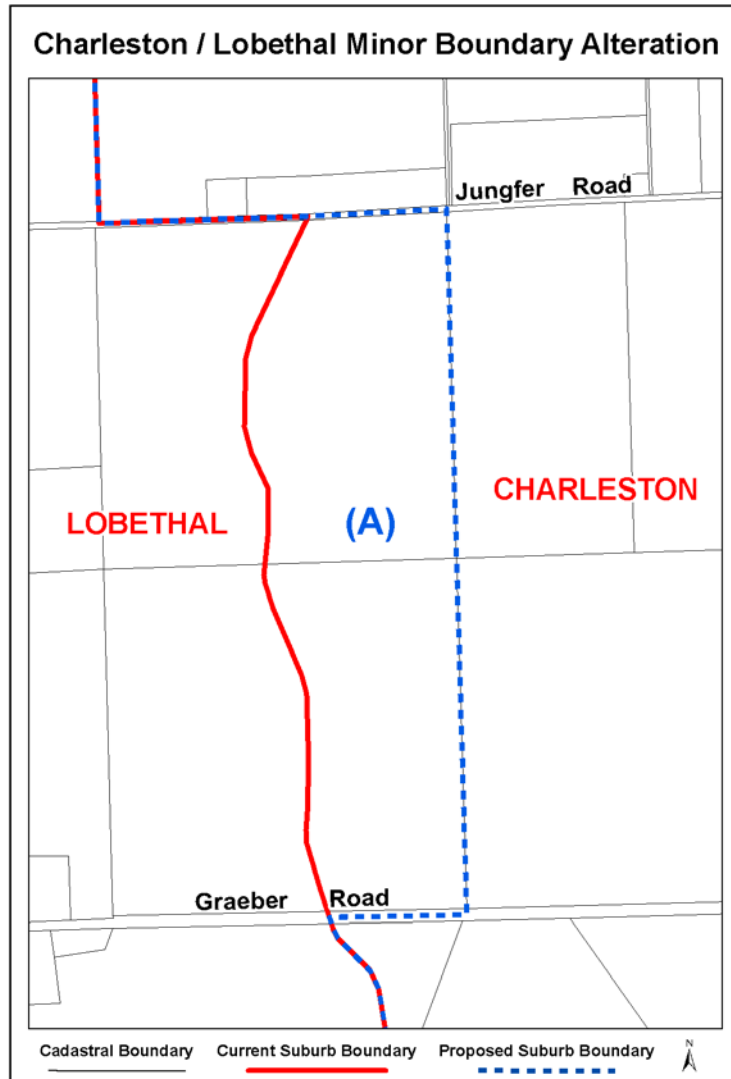
DTEI.2009/29930/01

## GEOGRAPHICAL NAMES ACT 1991

*Notice to Alter the Boundaries of Places*

NOTICE is hereby given pursuant to the provisions of the above Act, that, I, PETER MACLAREN KENTISH, Surveyor-General and Delegate appointed by Patrick Conlon, Minister for Infrastructure, Minister of the Crown to whom the administration of the Geographical Names Act 1991 is committed DO HEREBY exclude from the locality of **CHARLESTON** and include into the locality of **LOBETHAL** that area marked (A) as shown on the plan below.

## THE PLAN



Dated 10 August 2011.

P. M. KENTISH, Surveyor-General, Department for Transport, Energy and Infrastructure

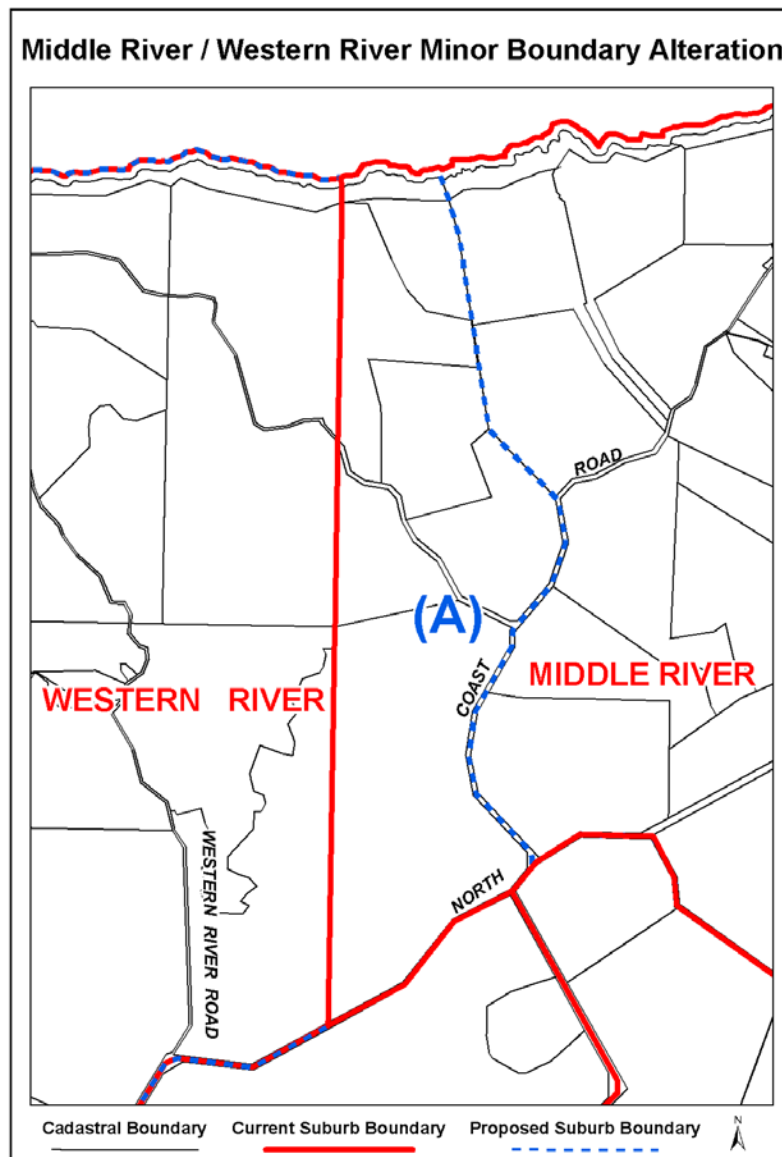
DTEI.2011/10221/01

## GEOGRAPHICAL NAMES ACT 1991

*Notice to Alter the Boundaries of Places*

NOTICE is hereby given pursuant to the provisions of the above Act, that I, PETER MACLAREN KENTISH, Surveyor-General and Delegate appointed by Patrick Conlon, Minister for Infrastructure, Minister of the Crown to whom the administration of the Geographical Names Act 1991 is committed DO HEREBY exclude from the locality of **MIDDLE RIVER** and include into the locality of **WESTERN RIVER** that area marked (A) as shown on the plan below.

## THE PLAN



Dated 10 August 2011.

P. M. KENTISH, Surveyor-General, Department for Transport, Energy and Infrastructure

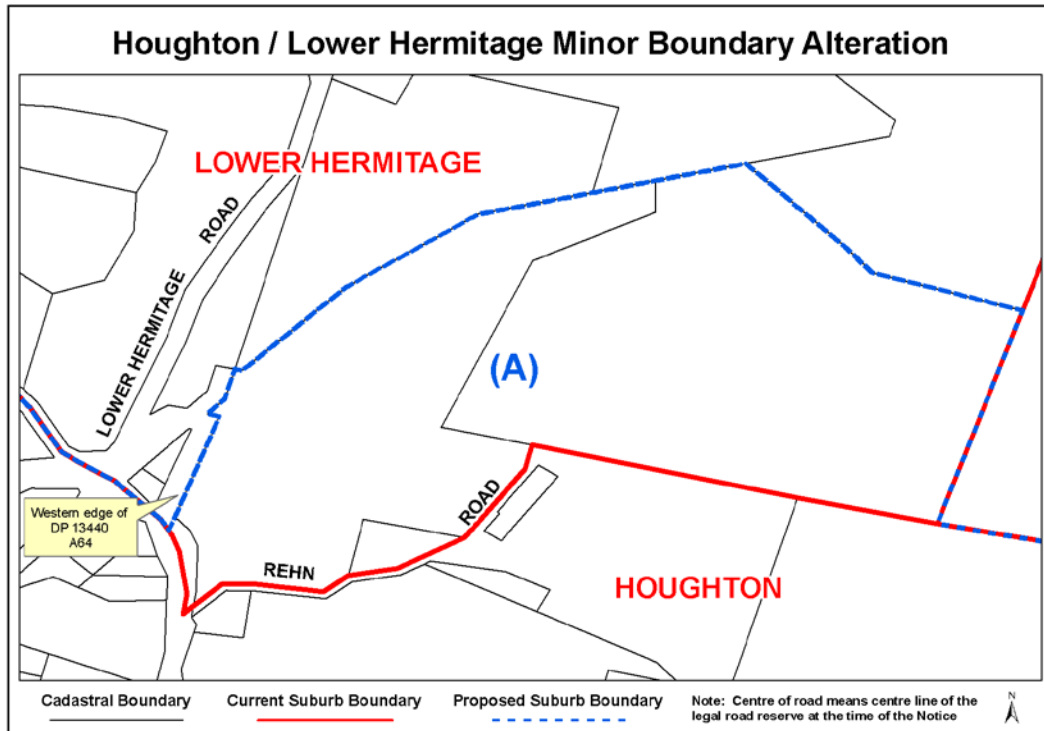
DTEI.2011/10598/01

GEOGRAPHICAL NAMES ACT, 1991

Notice to Alter the Boundaries of Places

NOTICE is hereby given pursuant to the provisions of the above Act, that I, PETER MACLAREN KENTISH, Surveyor-General and Delegate appointed by Patrick Conlon, Minister for Infrastructure, Minister of the Crown to whom the administration of the Geographical Names Act 1991 is committed DO HEREBY exclude from the locality of LOWER HERMITAGE and include into the locality of HOUGHTON that area marked (A) as shown on the plan below.

THE PLAN



Dated 10 August 2011.

P. M. KENTISH, Surveyor-General, Department for Transport, Energy and Infrastructure

DTEI.2011/11261/01

IN *Government Gazette* No. 52 dated 21 July 2011 on page 3106, there has been an amendment to declaration of the property listed below:

HOUSING IMPROVEMENT ACT 1940

ADDENDUM

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

No. of House and Street	Locality	Allotment, Section, etc.	Certificate of Title	
			Volume	Folio
5 Princess Street,	Peterborough	Allotment 426 in Deposited Plan 3873, Hundred of Yongala	5715	637

PLEASE NOTE: The Declaration on this property has been rescinded until further notice.

Dated at Adelaide, 21 July 2011.

D. HUXLEY, Director, Corporate Services, Housing SA

LAND ACQUISITION ACT 1969  
(SECTION 16)

*Notice of Acquisition*

THE COMMISSIONER OF HIGHWAYS (the 'Authority'), 136 North Terrace, Adelaide, S.A. 5000, acquires the following interests in the following land:

*Definition of Land Acquired*

Comprising an unencumbered estate in fee simple in those pieces of land situated at Sturt Highway, Stockwell, being portions of the Allotment comprising Pieces 101 and 102 in Deposited Plan No. 54344, comprised in Certificate of Title Volume 5838, Folio 781 and being the whole of the land numbered 13 and the whole of the land numbered 14 on the plan numbered D84267 that has been lodged in the Lands Titles Office.

This notice is given under Section 16 of the Land Acquisition Act 1969.

*Compensation*

A person who has or had an interest in the land that is divested or diminished by the acquisition or the enjoyment of which is adversely affected by the acquisition who does not receive an offer of compensation from the Authority may apply to the Authority for compensation.

*Inquiries*

Inquiries should be directed to:

Charles Bertram,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001  
Telephone: (08) 8343 2453

Dated 15 August 2011.

The Common Seal of the Commissioner of Highways was hereto affixed by authority of the Commissioner in the presence of:

D. THOMAS, Manager, Transport Property  
(Authorised Officer), Department for  
Transport, Energy and Infrastructure

DTEI 1998/07142/0002

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT)  
REGULATIONS 2011

EXEMPTION FROM THE REQUIREMENT FOR A REGIONAL  
SUBSIDIARY TO ESTABLISH AN AUDIT COMMITTEE—  
SOUTHERN AND HILLS LOCAL GOVERNMENT ASSOCIATION

*Notice of Exemption by the Minister for  
State/Local Government Relations*

PURSUANT to Regulation 18 of the Local Government (Financial Management) Regulations 2011, I, the Hon. Russell Wortley, MLC, Minister for State/Local Government Relations, grant the Southern and Hills Local Government Association an exemption from the requirement to establish an Audit Committee until 31 December 2012.

Dated 3 August 2011.

RUSSELL WORTLEY, Minister for State/Local  
Government Relations

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT)  
REGULATIONS 2011

EXEMPTION FROM THE REQUIREMENT FOR A REGIONAL  
SUBSIDIARY TO ESTABLISH AN AUDIT COMMITTEE—  
PROVINCIAL CITIES ASSOCIATION

*Notice of Exemption by the Minister for  
State/Local Government Relations*

PURSUANT to Regulation 18 of the Local Government (Financial Management) Regulations 2011, I, the Hon. Russell Wortley, MLC, Minister for State/Local Government Relations, grant the Provincial Cities Association an exemption from the requirement to establish an Audit Committee until 31 December 2012.

Dated 3 August 2011.

RUSSELL WORTLEY, Minister for State/Local  
Government Relations

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT)  
REGULATIONS 2011

EXEMPTION FROM THE REQUIREMENT FOR A REGIONAL  
SUBSIDIARY TO ESTABLISH AN AUDIT COMMITTEE—  
FLINDERS MOBILE LIBRARY

*Notice of Exemption by the Minister for  
State/Local Government Relations*

PURSUANT to Regulation 18 of the Local Government (Financial Management) Regulations 2011, I, the Hon. Russell Wortley, MLC, Minister for State/Local Government Relations, grant the Flinders Mobile Library an exemption from the requirement to establish an Audit Committee until 31 December 2012.

Dated 3 August 2011.

RUSSELL WORTLEY, Minister for State/Local  
Government Relations

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT)  
REGULATIONS 2011

EXEMPTION FROM THE REQUIREMENT FOR A REGIONAL  
SUBSIDIARY TO ESTABLISH AN AUDIT COMMITTEE—  
SOUTH EAST LOCAL GOVERNMENT ASSOCIATION

*Notice of Exemption by the Minister for  
State/Local Government Relations*

PURSUANT to Regulation 18 of the Local Government (Financial Management) Regulations 2011, I, the Hon. Russell Wortley, MLC, Minister for State/Local Government Relations, grant the South East Local Government Association an exemption from the requirement to establish an Audit Committee until 31 December 2012.

Dated 3 August 2011.

RUSSELL WORTLEY, Minister for State/Local  
Government Relations

LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to Section 52 (2) (b) of the Liquor Licensing Act 1997, that Millswood Lawn Tennis Club Inc. has applied to the Licensing Authority for a Limited Club Licence in respect of premises situated at 18A Millswood Crescent, Millswood, S.A. 5034 and known as Millswood Lawn Tennis Club Inc.

The application has been set down for hearing on 29 September 2011 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 22 September 2011).

The applicant's address for service is c/o Lois Hill, Unit 21, Pasadena Village, 11A Boorman Avenue, Pasadena, S.A. 5042.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 131 882. Facsimile: 8226 8512. Email: [olgc@agd.sa.gov.au](mailto:olgc@agd.sa.gov.au).

Dated 22 August 2011.

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 David John Stuttard and Julie Ann Stuttard have applied to the Licensing Authority for a Restaurant Licence with Entertainment Consent in respect of premises situated at 65 Norman Road, Willunga, S.A. 5172 and known as Peacock Farm.

The application has been set down for hearing on 27 September 2011 at 9.30 a.m.

*Conditions*

The following licence conditions are sought:

- Entertainment Consent is to apply to the following days and times:

Monday to Thursday: Noon to midnight;

Friday to Saturday: Noon to 1 a.m. the following day;  
and

Sunday: Noon to 5 p.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least seven days before the hearing date (viz: 20 September 2011).

The applicants' address for service is c/o David John Stuttard and Julie Ann Stuttard, P.O. Box 745, Willunga, S.A. 5172.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 131 882. Facsimile: 8226 8512. Email: [olgc@agd.sa.gov.au](mailto:olgc@agd.sa.gov.au).

Dated 19 August 2011.

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 Gulf Brewery Pty Ltd has applied to the Licensing Authority for a Producer's Licence with sampling in respect of premises situated at 1/13-15 Mount Barker Road, Hahndorf, S.A. 5245 and to be known as Gulf Brewery.

The application has been set down for hearing on 26 September 2011 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 19 September 2011).

The applicant's address for service is c/o Peter Fitzsimons, P.O. Box 390, Oaklands Park, S.A. 5046.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 131 882. Facsimile: 8226 8512. Email: [olgc@agd.sa.gov.au](mailto:olgc@agd.sa.gov.au).

Dated 19 August 2011.

Applicant

## NATIONAL GAS LAW

THE Australian Energy Market Commission (AEMC) gives notice under the National Gas Law of the following matter.

Under section 311 and 313, the making of the *National Gas Amendment (Various Hedging Instruments in the Declared Wholesale Gas Market) Rule 2011 No. 4* and related final determination. All provisions commence on **17 April 2012**.

Further details and all documents on the above matter are available on the AEMC's website [www.aemc.gov.au](http://www.aemc.gov.au). The relevant documents are also available for inspection at the offices of the AEMC.

John Pierce  
Chairman  
Australian Energy Market Commission

Level 5, 201 Elizabeth Street  
Sydney, N.S.W. 2000

Telephone: (02) 8296 7800  
Facsimile: (02) 8296 7899

25 August 2011

## PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Grant of Preliminary Survey Licence—PSL 22*

NOTICE is hereby given that the abovementioned Preliminary Survey Licence has been granted with effect from 17 August 2011, under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 1 October 2009.

Licence No.	Licensees	Locality	Date of Expiry	Approx Area in km <sup>2</sup>	Reference
PSL 22	Beach Energy Limited Great Artesian Oil and Gas Limited	Cooper Basin	16.8.2012	20	F2011/000300

*General Description of Preliminary Survey Licence Area*

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

A line joining points of co-ordinates set out in the following table:

MGA Zone 54

372580.25mE, 6915182.86mN  
 373224.10mE, 6913933.39mN  
 374335.45mE, 6912701.01mN  
 375850.85mE, 6911774.04mN  
 378543.16mE, 6910627.89mN  
 378758.67mE, 6910502.48mN  
 378935.12mE, 6910329.42mN  
 379063.48mE, 6910118.57mN  
 379135.87mE, 6909882.82mN  
 379147.86mE, 6909636.61mN  
 379098.74mE, 6909395.01mN  
 378991.48mE, 6909172.80mN  
 378832.69mE, 6908983.58mN  
 378632.05mE, 6908838.93mN  
 378401.85mE, 6908747.70mN  
 378156.18mE, 6908715.47mN  
 377754.99mE, 6908795.81mN  
 374904.79mE, 6910014.60mN  
 373027.21mE, 6911178.24mN  
 371544.98mE, 6912832.05mN  
 370797.53mE, 6914273.80mN  
 370733.83mE, 6914427.97mN  
 370688.93mE, 6914670.38mN  
 370705.24mE, 6914916.35mN  
 370781.73mE, 6915150.80mN  
 370913.75mE, 6915359.40mN  
 371093.20mE, 6915529.39mN  
 371309.11mE, 6915650.34mN  
 371548.27mE, 6915714.87mN  
 371796.02mE, 6915719.02mN  
 372037.23mE, 6915662.54mN  
 372257.11mE, 6915548.89mN  
 372442.21mE, 6915385.02mN  
 372580.25mE, 6915182.86mN

Area: 20 km<sup>2</sup> approximately.

Dated 17 August 2011.

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



## PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Grant of Petroleum Production Licence—PPL 239 and Associated Activities Licence—AAL 162*

PURSUANT to Section 92 (1) of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the undermentioned Petroleum Production Licence and Associated Activities Licence have been granted under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 1 October 2009.

No. of Licence	Licensees	Locality	Area in km <sup>2</sup>	Reference
PPL 239	Beach Energy Limited Great Artesian Oil and Gas Limited	Cooper Basin	21	F2011/278
AAL 162	Beach Energy Limited Great Artesian Oil and Gas Limited	Cooper Basin	0.60	F2011/323

*Description of Area—PPL 239*

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

Commencing at a point being the intersection of latitude 27°57'15"S GDA94 and longitude 139°41'10"E GDA94, thence east to longitude 139°42'20"E GDA94, south to latitude 27°57'40"S GDA94, east to longitude 139°42'40"E GDA94, south to latitude 27°57'50"S GDA94, east to longitude 139°42'55"E GDA94, south to latitude 27°58'05"S GDA94, east to longitude 139°43'15"E GDA94, south to latitude 27°58'50"S GDA94, east to longitude 139°43'20"E GDA94, south to latitude 27°59'20"S GDA94, east to longitude 139°43'35"E GDA94, south to latitude 28°00'35"S GDA94, west to longitude 139°43'15"E GDA94, south to latitude 28°01'00"S AGD66, west to longitude 139°43'00"E AGD66, south to latitude 28°00'55"S GDA94, west to longitude 139°41'25"E GDA94, north to latitude 27°57'55"S GDA94, west to longitude 139°41'10"E GDA94 and north to the point of commencement.

Area: 21 km<sup>2</sup> approximately.

*Description of Area—AAL 162*

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

A corridor 50 metres wide centred on a straight line between co-ordinates:

372328mE, 6905059mN  
372284mE, 6905039mN  
372244mE, 6905019mN  
372355mE, 6903621mN  
372569mE, 6902863mN  
373474mE, 6902642mN  
373592mE, 6902306mN  
374198mE, 6901125mN  
381521mE, 6901125mN  
381564mE, 6901054mN  
381502mE, 6900840mN

All co-ordinates are in MGA Z54, GDA94.

Area: 0.6 km<sup>2</sup> approximately.

Dated 17 August 2011.

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

## PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Surrender of Geothermal Exploration Licences—GELs 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460 and 461*

NOTICE is hereby given that I have accepted surrender of the abovementioned Geothermal Exploration Licences under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 1 October 2009.

No. of Licence	Licensee	Locality	Date of Surrender	Reference
GEL 448	Gradient Energy Limited	Cooper/Eromanga Basin, South Australia	16 August 2011	27/02/545
GEL 449				
GEL 450				
GEL 451				
GEL 452				
GEL 453				
GEL 454				
GEL 455				
GEL 456				
GEL 457				
GEL 458				
GEL 459				
GEL 460				
GEL 461				

Dated 18 August 2011.

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

## PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Grant of Preliminary Survey Licence—PSL 23*

NOTICE is hereby given that the abovementioned Preliminary Survey Licence has been granted with effect from 19 August 2011, under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 1 October 2009.

Licence No.	Licensees	Locality	Date of Expiry	Approx. Area in km <sup>2</sup>	Reference
PSL 23	Santos Ltd	Cooper Basin	18.8.2012	304	F2011/000314

Details of the area the subject of this licence can be viewed on the PIRSA Petroleum website at the following address:

<http://www.pir.sa.gov.au/petroleum/licensing/register>.

Dated 19 August 2011.

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

## PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Suspension of Licence Condition Extension of Licence Term  
Petroleum Exploration Licences—PELS 91 And 92*

*Extension of Licence Term Associated Activities Licence—  
AAL 154*

PURSUANT to Section 76A of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that Condition 1 of the abovementioned Petroleum Exploration Licences has been suspended under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 1 October 2009, for the following periods:

PEL 91 from and including 5 June 2011 to 4 June 2012.

PEL 92 from and including 5 November 2011 to 4 November 2012.

The terms of PELs 91 and 92 have been extended by a period corresponding to the period of suspension, such that the licences will now expire on the following dates:

PEL 91 will now expire 4 June 2015.

PEL 92 will now expire 4 November 2013.

As a consequence of the suspension and extension of PEL 92, the term of the adjunct Associated Activities Licence AAL 154 is extended, such that AAL 154 will now expire on 4 November 2013.

Dated 16 August 2011.

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

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## GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 July 2011

	\$		\$
Agents, Ceasing to Act as.....	45.50	Firms:	
Associations:		Ceasing to Carry on Business (each insertion) .....	30.25
Incorporation .....	23.00	Discontinuance Place of Business .....	30.25
Intention of Incorporation .....	57.00	Land—Real Property Act:	
Transfer of Properties .....	57.00	Intention to Sell, Notice of.....	57.00
Attorney, Appointment of.....	45.50	Lost Certificate of Title Notices .....	57.00
Bailiff's Sale .....	57.00	Cancellation, Notice of (Strata Plan).....	57.00
Cemetery Curator Appointed.....	33.75	Mortgages:	
Companies:		Caveat Lodgement .....	23.00
Alteration to Constitution .....	45.50	Discharge of .....	24.10
Capital, Increase or Decrease of .....	57.00	Foreclosures.....	23.00
Ceasing to Carry on Business .....	33.75	Transfer of .....	23.00
Declaration of Dividend.....	33.75	Sublet.....	11.60
Incorporation .....	45.50	Leases—Application for Transfer (2 insertions) each.....	11.60
Lost Share Certificates:		Lost Treasury Receipts (3 insertions) each.....	33.75
First Name.....	33.75	Licensing.....	67.50
Each Subsequent Name.....	11.60	Municipal or District Councils:	
Meeting Final.....	38.00	Annual Financial Statement—Forms 1 and 2 .....	636.00
Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20.....	452.00
Conduct of Winding Up (equivalent to 'Final		Default in Payment of Rates:	
Meeting')		First Name .....	90.50
First Name.....	45.50	Each Subsequent Name.....	11.60
Each Subsequent Name .....	11.60	Noxious Trade .....	33.75
Notices:		Partnership, Dissolution of.....	33.75
Call.....	57.00	Petitions (small) .....	23.00
Change of Name.....	23.00	Registered Building Societies (from Registrar-General) .....	23.00
Creditors.....	45.50	Register of Unclaimed Moneys—First Name .....	33.75
Creditors Compromise of Arrangement .....	45.50	Each Subsequent Name .....	11.60
Creditors (extraordinary resolution that 'the Com-		Registers of Members—Three pages and over:	
pany be wound up voluntarily and that a liquidator		Rate per page (in 8pt) .....	289.00
be appointed').....	57.00	Rate per page (in 6pt) .....	382.00
Release of Liquidator—Application—Large Ad .....	90.50	Sale of Land by Public Auction.....	57.50
—Release Granted .....	57.00	Advertisements .....	3.20
Receiver and Manager Appointed .....	52.50	¼ page advertisement .....	135.00
Receiver and Manager Ceasing to Act .....	45.50	½ page advertisement .....	270.00
Restored Name.....	42.50	Full page advertisement.....	529.00
Petition to Supreme Court for Winding Up.....	79.00	Advertisements, other than those listed are charged at \$3.20 per	
Summons in Action.....	67.50	column line, tabular one-third extra.	
Order of Supreme Court for Winding Up Action .....	45.50	Notices by Colleges, Universities, Corporations and District	
Register of Interests—Section 84 (1) Exempt.....	102.00	Councils to be charged at \$3.20 per line.	
Removal of Office.....	23.00	Where the notice inserted varies significantly in length from	
Proof of Debts .....	45.50	that which is usually published a charge of \$3.20 per column line	
Sales of Shares and Forfeiture.....	45.50	will be applied in lieu of advertisement rates listed.	
Estates:		South Australian Government publications are sold on the	
Assigned .....	33.75	condition that they will not be reproduced without prior	
Deceased Persons—Notice to Creditors, etc.....	57.00	permission from the Government Printer.	
Each Subsequent Name .....	11.60		
Deceased Persons—Closed Estates .....	33.75		
Each Subsequent Estate.....	1.50		
Probate, Selling of .....	45.50		
Public Trustee, each Estate .....	11.60		

All the above prices include GST

## GOVERNMENT GAZETTE NOTICES

ALL private advertisements forwarded for publication in the *South Australian Government Gazette* must be PAID FOR PRIOR TO INSERTION; and all notices, from whatever source, should be legibly written on one side of the paper only and sent to **Government Publishing SA** so as to be *received no later than 4 p.m. Tuesday preceding the day of publication. Phone 8207 1045 or Fax 8207 1040. E-mail: governmentgazette@dpc.sa.gov.au*. Send as attachments in Word format. Please include date the notice is to be published and to whom the notice will be charged. **The Government Gazette is available online at: [www.governmentgazette.sa.gov.au](http://www.governmentgazette.sa.gov.au)**.

## MISCELLANEOUS LEGISLATION AND GOVERNMENT PUBLICATIONS PRICES AS FROM 1 JULY 2011

## Acts, Bills, Rules, Parliamentary Papers and Regulations

Pages	Main	Amends	Pages	Main	Amends
1-16	2.80	1.30	497-512	38.50	37.50
17-32	3.70	2.30	513-528	39.50	38.25
33-48	4.85	3.45	529-544	41.00	39.50
49-64	6.10	4.70	545-560	42.00	41.00
65-80	7.10	5.90	561-576	43.00	42.00
81-96	8.30	6.85	577-592	44.50	42.50
97-112	9.45	8.10	593-608	45.75	44.00
113-128	10.60	9.30	609-624	46.50	45.50
129-144	11.80	10.50	625-640	47.75	46.00
145-160	13.00	11.60	641-656	49.00	47.75
161-176	14.10	12.80	657-672	49.75	48.25
177-192	15.40	13.90	673-688	51.50	49.75
193-208	16.60	15.30	689-704	52.50	50.50
209-224	17.50	16.20	705-720	53.50	52.00
225-240	18.70	17.30	721-736	55.00	53.00
241-257	20.10	18.30	737-752	55.50	54.00
258-272	21.20	19.40	753-768	57.00	55.00
273-288	22.30	21.00	769-784	58.00	57.00
289-304	23.30	21.90	785-800	59.00	58.00
305-320	24.70	23.20	801-816	60.50	58.50
321-336	25.75	24.30	817-832	61.50	60.50
337-352	27.00	25.50	833-848	63.00	61.50
353-368	27.75	26.75	849-864	64.00	62.50
369-384	29.25	27.75	865-880	65.50	64.00
385-400	30.50	29.00	881-896	66.00	64.50
401-416	31.75	30.00	897-912	67.50	66.00
417-432	33.00	31.50	913-928	68.00	67.50
433-448	34.00	32.75	929-944	69.00	68.00
449-464	34.75	33.50	945-960	70.00	68.50
465-480	35.25	34.50	961-976	73.00	69.50
481-496	37.50	35.25	977-992	74.00	70.00

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## PROOF OF SUNRISE AND SUNSET ACT 1923—ALMANAC FOR OCTOBER, NOVEMBER AND DECEMBER 2011

PURSUANT to the requirements of the Proof of Sunrise and Sunset Act 1923, I, Rodney George Hook, Commissioner of Highways, at the direction of the Honourable the Minister for Transport, publish in the Schedule hereto an almanac setting out the times of sunrise and sunset on every day for the three calendar months of October, November and December 2011.

Dated at Adelaide, 10 August 2011.

R. G. HOOK, Commissioner of Highways

97/03263

## THE SCHEDULE

Times of sunrise and sunset during the months of October, November and December 2011 for Adelaide: Latitude 34°56'S, Longitude 138°36'E, GMT + 9.50 hours (Daylight saving GMT + 10.50 hours).

Month	October		November		December	
Date	Sunrise hr min	Sunset hr min	Sunrise hr min	Sunset hr min	Sunrise hr min	Sunset hr min
1 .....	05 53	18 18	06 14	19 44	05 55	20 14
*2 .....	06 52	19 19	06 13	19 45	05 55	20 14
3 .....	06 50	19 20	06 12	19 46	05 55	20 15
4 .....	06 49	19 20	06 11	19 47	05 55	20 16
5 .....	06 47	19 21	06 10	19 48	05 55	20 17
6 .....	06 46	19 22	06 09	19 49	05 55	20 18
7 .....	06 45	19 23	06 08	19 50	05 55	20 19
8 .....	06 43	19 23	06 07	19 51	05 55	20 20
9 .....	06 42	19 24	06 07	19 52	05 55	20 20
10 .....	06 41	19 25	06 06	19 53	05 55	20 21
11 .....	06 39	19 26	06 05	19 54	05 55	20 22
12 .....	06 38	19 27	06 04	19 55	05 55	20 23
13 .....	06 37	19 28	06 03	19 56	05 55	20 23
14 .....	06 35	19 28	06 03	19 57	05 56	20 24
15 .....	06 34	19 29	06 02	19 58	05 56	20 25
16 .....	06 33	19 30	06 01	19 59	05 56	20 26
17 .....	06 31	19 31	06 01	20 00	05 57	20 26
18 .....	06 30	19 32	06 00	20 01	05 57	20 27
19 .....	06 29	19 33	06 00	20 02	05 57	20 27
20 .....	06 28	19 34	05 59	20 03	05 58	20 28
21 .....	06 26	19 34	05 59	20 04	05 58	20 28
22 .....	06 25	19 35	05 58	20 05	05 59	20 29
23 .....	06 24	19 36	05 58	20 06	05 59	20 29
24 .....	06 23	19 37	05 57	20 07	06 00	20 30
25 .....	06 22	19 38	05 57	20 08	06 00	20 30
26 .....	06 20	19 39	05 56	20 09	06 01	20 31
27 .....	06 19	19 40	05 56	20 10	06 01	20 31
28 .....	06 18	19 41	05 56	20 11	06 02	20 31
29 .....	06 17	19 42	05 56	20 12	06 03	20 32
30 .....	06 16	19 43	05 55	20 13	06 03	20 32
31 .....	06 15	19 44			06 04	20 32

\*Note: Daylight saving time is subject to change.

Sunrise and Sunset times calculated on 23 November 2010.

**ROAD TRAFFIC ACT 1961****SUPPLEMENTARY NOTICE OF APPROVAL AND EXEMPTION***Pursuant to Sections 161A and 163AA of the Road Traffic Act 1961***OPERATION OF ROAD TRAIN VEHICLES IN SOUTH AUSTRALIA  
GREATER THAN 25 METRES AND UP TO 30 METRES IN LENGTH****Information Note**

This Notice allows the use of Road Trains greater than 25 metres and up to 30 metres in length on approved routes in South Australia up until 31 December 2011 and is a supplement to the *Gazette* Notice titled, '*Operation of Road Train Vehicles in South Australia*' dated 18 August 2011.

**1. REVOCATION OF PREVIOUS NOTICE**

- 1.1 I hereby revoke the Notice of Approval and Exemption titled '*Operation of Road Train Vehicles in South Australia Greater Than 25 metres and up to 30 metres in Length*' published in the *South Australian Government Gazette*, dated 16 June 2011.
- 1.2 I hereby vary the conditions of the Notice of Approval and Exemption titled '*Operation of Road Train Vehicles in South Australia*' (the 'Primary Notice') dated 18 August 2011 as detailed below.

**2. DEFINITIONS**

In this Notice:

- 2.1 '*Primary Notice*' means the Notice of Approval and Exemption titled '*Operation of Road Train Vehicles in South Australia*', dated 18 August 2011;
- 2.2 '*Supplementary Notice*' means this Supplementary Notice for the '*Operation of Road Train vehicles in South Australia greater than 25 metres and up to 30 metres in length*'; and
- 2.3 '*Code of Practice*' means the Code of Practice for Road Trains, dated August 2011 as issued by the Department for Transport, Energy and Infrastructure.

**3. VARIATION OF CONDITIONS FOR APPROVED VEHICLES**

- 3.1 The minimum length for a Road Train as prescribed in Clause 15.2 of the Code of Practice is hereby varied such that the overall length must be greater than 25 metres and up to 30 metres.

**4. CONTINUED COMPLIANCE WITH THE PRIMARY NOTICE**

- 4.1 A driver of an Approved Vehicle must continue to comply with all conditions and requirements of the Primary Notice, except as varied by this notice.
- 4.2 From 8 September 2011, when operating under this Notice, you must carry a legible, current and complete copy of this Notice either in hardcopy or in an electronic format so that it can be read from a device having a visual display (e.g. smart phone, tablet or laptop PC, in vehicle unit) that is carried within the vehicle and that is accessible, to a DTEI Authorised Officer appointed under the *Road Traffic Act 1961* or a Police Officer, from outside the vehicle.

**5. COMMENCEMENT OF THIS NOTICE**

- 5.1 This Supplementary Notice is valid from 12.01 a.m. on 26 August 2011, until midnight on 31 December 2011.

**6. AUTHORISATION**

BRIAN E. HEMMING,  
Director, Transport Safety Regulation  
For and on behalf of  
Executive Director, Safety and Regulation Division  
Department for Transport, Energy and Infrastructure  
Authorised Delegate for the Minister for Transport

SOUTH AUSTRALIAN LOCAL GOVERNMENT GRANTS  
COMMISSION ACT 1992*Payment of Grants*

I, RUSSELL WORTLEY, Minister for State/Local Government Relations, being the Minister responsible for the administration of the South Australian Local Government Grants Commission Act 1992, hereby state pursuant to Section 6 of the Act that:

- (a) the total amount available for payment of grants pursuant to this Act for 2011-2012 is \$145 823 485;
- (b) the amount available for payment of general purpose grants within the total amount for 2011-2012 is \$109 472 478;
- (c) the amount available for payment of identified local road grants within the total amount for 2011-2012 is \$36 351 007;
- (d) an amount of \$637 564 relating to the underpayment of grants for 2010-2011 (following adjustment for actual CPI and population, in accordance with Commonwealth legislation), will be added to the funds to be paid to councils during 2011-2012, using the grant relativities applied in 2010-2011; and
- (e) an amount of \$36 365 481 relating to the payment of grants for 2011-2012 brought forward and paid in June 2011, will be deducted from the funds to be paid to councils during 2011-2012.

Dated 5 August 2011.

RUSSELL WORTLEY, Minister for State/Local  
Government Relations

SUPREME COURT OF SOUTH AUSTRALIA  
MOUNT GAMBIER CIRCUIT COURT

Sheriff's Office, Adelaide, 5 September 2011

IN pursuance of a precept from the Supreme Court of South Australia to me directed, I do hereby give notice that the said Court will sit as a Court of Oyer and Terminer and General Gaol Delivery at the Courthouse at Mount Gambier on the day and time undermentioned and all parties bound to prosecute and give evidence and all jurors summoned and all others having business at the said Court are required to attend the sittings thereof and the order of such business will be unless a Judge otherwise orders as follows:

Monday, 5 September 2011 at 10 a.m. on the first day of the sittings the only business taken will be the arraignment of prisoners in gaol and the passing of sentences on prisoners in gaol committed for sentence; the surrender of prisoners on bail committed for sentence; the surrender of persons in response to *ex officio* informations or of persons on bail and committed for trial who have signified their intentions to plead guilty and the passing of sentence.

Juries will be summoned for Monday, 5 September 2011 and persons will be tried on this and subsequent days of the sittings.

*Prisoners in H.M. Gaol and on bail for sentence and for trial at the sittings of the Mount Gambier Courthouse, commencing Monday, 5 September 2011.*

D. Murder On bail

Prisoners on bail must surrender at 10 a.m. of the day appointed for their respective trials. If they do not appear when called upon their recognizances and those of their bail will be estreated and a bench warrant will be issued forthwith.

By order of the Court,

M. A. STOKES, Sheriff

THE DISTRICT COURT OF SOUTH AUSTRALIA  
PORT AUGUSTA CIRCUIT COURT

Sheriff's Office, Adelaide, 6 September 2011

IN pursuance of a precept from the District Court of South Australia to me directed, I do hereby give notice that the said Court will sit as a Court of Oyer and Terminer and General Gaol Delivery at the Courthouse at Port Augusta on the day and time undermentioned and all parties bound to prosecute and give evidence and all jurors summoned and all others having business at the said Court are required to attend the sittings thereof and the order of such business will be unless a Judge otherwise orders as follows:

Tuesday, 6 September 2011 at 10 a.m. on the first day of the sittings the only business taken will be the arraignment of prisoners in gaol and the passing of sentences on prisoners in gaol committed for sentence; the surrender of prisoners on bail committed for sentence; the surrender of persons in response to *ex officio* informations or of persons on bail and committed for trial who have signified their intentions to plead guilty and the passing of sentences.

Juries will be summoned for Tuesday, 6 September 2011 and persons will be tried on this and subsequent days of the sittings.

*Prisoners in H.M. Gaol and on bail for sentence and for trial at the sittings of the Port Augusta Courthouse, commencing Tuesday, 6 September 2011.*

Bingapore, Aaron Hassan	1-2 Application for enforcement of a breached bond, aggravated robbery	On bail
Brady, David Roy	1-3 Serious criminal trespass—residence occupied—aggravated, damage building or motor vehicle (not graffiti or unknown), commit assault—basic offence	On bail
Brady, Dylan	1-4 Serious criminal trespass—residence occupied—aggravated, dishonestly take property without owner's consent (3)	In gaol
Calvert, Thomas Richard	1-7 Persistent sexual exploitation of a child—retrospective law, indecently assault a male, indecently assault a male person (3), rape, unlawful sexual intercourse	On bail
Campbell, Malcolm Walter	1-5 Unlawful sexual intercourse with a person under 12 (2), indecent assault (2)	On bail
Drew, Anthony Kenneth	1 Have sexual intercourse with a person under 14 years	On bail
French, Jason Leigh	1 Traffic in a controlled drug	On bail
Hansen, Keith Peter	1-2 Aggravated communicating for prurient purpose with intent (2)	In gaol
Kobelt, Adam	1 Aggravated causing harm with intent to cause serious	On bail
Lovatt, Brian	1-2 Aggravated possessing child pornography, possessing child pornography	On bail
Milera, Roderick	1 Serious criminal trespass (non-residential) basic offence	In gaol
Peters, Amos	1 Aggravated causing harm with intent to cause harm	In gaol



Riessen, Matthew	1-4 Serious criminal trespass—non-residential—aggravated offence (2), dishonestly take property without owner's consent (2)	In gaol
Round, Nathan James	1-2 Produce child pornography (aggravated offence), produce child pornography (basic offence)	On bail
Thompson, Kevin Bruce	1-3 Serious criminal trespass—residential—basic offence, damage building or motor vehicle (not graffiti or unknown), commit assault—basic offence	On bail

Prisoners on bail must surrender at 10 a.m. of the day appointed for their respective trials. If they do not appear when called upon their recognizances and those of their bail will be estreated and a bench warrant will be issued forthwith.

By order of the Court,

M. A. STOKES, Sheriff

#### WILDERNESS PROTECTION REGULATIONS 2006

##### *Closure of Cape Torrens Wilderness Protection Area and Western River Wilderness Protection Area*

PURSUANT to Regulation 6 (2) (c) of the Wilderness Protection Regulations 2006, I, Edward Gregory Leaman, Director of National Parks and Wildlife close to the public the whole of Cape Torrens Wilderness Protection Area and the whole of Western River Wilderness Protection Area from 6 p.m. on Sunday, 23 October 2011 until 6 a.m. on Saturday, 29 October 2011.

The purpose of the closure is to ensure the safety of the public during a pest control and monitoring program within the wilderness protection areas during the period indicated.

##### *Use of Firearms Within the Wilderness Protection Areas*

Pursuant to Regulations 6 (3), 16 (1) (a) and 34 of the Wilderness Protection Regulations 2006, I, Edward Gregory Leaman, Director of National Parks and Wildlife grant permission to staff employed by the Kangaroo Island Natural Resources Management Board in possession of both a current Hunting Permit and a firearm to enter and remain in the whole of Cape Torrens Wilderness Protection Area and the whole of Western River Wilderness Protection Area from 6 p.m. on Sunday, 23 October 2011 until 6 a.m. on Saturday, 29 October 2011, for the purpose of taking feral animals.

This permission is conditional upon the observance by each of those persons of the requirements of the Wilderness Protection Act 1992, Wilderness Protection Regulations 2006 and the National Parks and Wildlife (Hunting) Regulations 1996, including those requiring compliance with the Director's requests, requirements and orders of a Warden.

Dated 23 August 2011.

E. G. LEAMAN, Director of National Parks  
and Wildlife

## WORKERS REHABILITATION AND COMPENSATION ACT 1986

*Publication of Designated Forms**Preamble*

Section 3 (13) of the Workers Rehabilitation and Compensation Act 1986 (the Act), provides that 'A reference in a provision of this Act to a designated form is a reference to a form designated for the purposes of that provision by the Minister from time to time by notice in the *Gazette*.'

## NOTICE

PURSUANT to Section 39 (1a) of the Act, the Minister for Workers Rehabilitation gives notice that the template letter at Schedule 1 is a 'designated form' for the purposes of that provision, and replaces the template letter published in the *South Australian Government Gazette* on 18 December 2008.

PURSUANT to Section 39 (3) of the Act, the Minister for Workers Rehabilitation gives notice that the template letter at Schedule 2 is a 'designated form' for the purposes of that provision, and replaces the template letter published in the *South Australian Government Gazette* on 10 July 2008.

---

**Claim number:**

**Employer:**

**Schedule 1**

Date

Worker's name

Worker's address

Dear (worker's name)

**Notice of intention to review your weekly payments**

Your weekly payments are due to be reviewed to make sure that you receive an appropriate economic increase to your notional weekly earnings (NWE). This annual review is required under section 39 of the Act\*, which is attached for your information.

The review will take place on (date).

This review will increase your notional weekly earnings. Your new notional weekly earnings amount will be the basis for calculating your weekly payments, which will vary depending on how much income you are earning from employment and the provisions of the Act\*. For further information please see the attached flyer –'What are notional weekly earnings and how will they impact what I receive?'

There are two ways this review can be undertaken.

**1. Workplace's Enterprise Bargaining Agreement (EBA)**

If, at the time of your injury, your wages were set by an award or enterprise agreement, you can choose to have the review based on any changes made to that award or enterprise agreement. If you choose this option any increase of your payments will be backdated to the date the award or enterprise agreement increase took effect.

If you would like your review undertaken this way, please complete and return the attached form to me within **10 business days** of receiving this letter. If you have any extra information such as a letter from your employer informing you of a wage increase please attach it to the completed form before returning it to me.

**2. "Wage Price Index" published by the Australian Bureau of Statistics (ABS) or based on kind of employment**

The other basis for review is changes in the rates of wages payable to workers generally or, if relevant, wages payable to workers engaged in the kind of employment from which your disability arose.

(Option - ABS)

If you **do not** complete the attached form and return it to me within 10 business days your weekly payments will be reviewed using the "Wage Price Index" published by the ABS, publication number 6345.0 - Table 2.

Your current notional weekly earnings are \$**NWE amt.** At the time of writing this letter the Wage Price Index was **wage price index**%. Please note: the Wage Price

\* *Workers Rehabilitation and Compensation Act 1986, as amended*

**Claim number:**  
**Employer:**

Index may change by the date of your review. The percentage published at the end of your year of incapacity is the amount that must be applied.

Your new notional weekly earnings will be calculated like this:

Current Notional Weekly Earnings + (Current Notional Weekly Earnings x Wage Cost Index or award or enterprise agreement percentage increase) = new Notional Weekly Earnings

**EXAMPLE ONLY:**

Current notional weekly earnings	\$800
Wage cost index	2%
Adjustment	\$16 (\$800 x 2%)
New notional weekly earnings	<b>\$816</b> (\$800 + \$16)

**or**

(Option – kind of employment)

If you **do not** complete the attached form and return it to me within 10 business days your weekly payments will be reviewed based on changes in wages payable to workers engaged in the kind of employment from which your disability arose. (Case manager to insert further details on the changes which will be applied).

I will contact you once I have adjusted your weekly payments, to let you know the new amount you will receive. In the meantime, if you have any questions about the review, or would like help completing the form, please contact me on (telephone number) or (email).

I will continue to support you while you recover and will work with you, your employer and treating practitioner to ensure you achieve a safe and sustainable full return to work.

Please include my name and your claim number on any correspondence you send to me so I can respond as quickly as possible.

Yours sincerely

Signature

(Name of person issuing the notice)

(Title of person issuing the notice)

(Name of compensating authority or agent)

**Claim number:****Employer:**

(Option if worker has passed first or second entitlement period and has no current work capacity)

As previously advised, your entitlement to weekly payments was reduced as required under section 35(8) and (35A(1), 35A(2) or 35A(3)) of the Act\*. Attached is a copy of the relevant sections for your information. Therefore your weekly payments will be paid at (80 or 90)% of your new notional weekly earnings rate, which is \$(xx).

**or**

(Option if worker has passed first or second entitlement period and has a current work capacity)

As previously advised, your entitlement to weekly payments was reduced as required under section 35(8) and (35A(1), 35A(2) or 35A(3)) of the Act\*. Attached is a copy of the relevant sections for your information. Therefore your weekly payments will be paid at (80 or 90)% of your new notional weekly earnings rate, which is \$(xx).

As you have some capacity for work and are earning income from work, your new weekly payments will be 80 or 90% of the difference between the new notional weekly earnings and your current weekly earnings from employment.

You will start receiving the new amount from (date).

For more details about the increase to your notional weekly earnings please read the *Economic Adjustment to Weekly Payments notice* attached to this letter.

In the meantime, I will continue to support you while you recover and will work with you, your employer and treating practitioner to ensure you achieve a safe and sustainable full return to work.

If you have any questions, you can contact me on (telephone number) or (email). Alternatively you can speak with one of our Service Delivery Team members on (telephone number).

**Right to have decision reviewed**

If after contacting me or my team leader you still disagree with the above decision, you can apply for a review with the Workers Compensation Tribunal (Tribunal) under section 90 of the Act\*. To apply, you must file a completed *Notice of Dispute* within one month of you receiving the decision (this letter) with the Tribunal and clearly set out the reasons for dispute. I have attached further information about the Dispute Resolution Process.

Please include my name and your claim number on any correspondence you send to me so I can respond as quickly as possible.

Yours sincerely

Signature

(Name of person issuing the notice)

(Title of person issuing the notice)

(Name of compensating authority or agent)

\* *Workers Rehabilitation and Compensation Act 1986, as amended*

# Wilderness Protection (Investigator Group Wilderness Protection Area) Proclamation 2011

under section 22(1) of the *Wilderness Protection Act 1992*

---

## Preamble

- 1 The land described in Schedule 1 clause 1 is a reserve (the Investigator Group Conservation Park) under the *National Parks and Wildlife Act 1972*.
  - 2 The land described in Schedule 1 clause 2 is Crown land that does not form part of a reserve.
  - 3 It is intended that, by this proclamation, the land described in Schedule 1 be constituted as a wilderness protection area under the *Wilderness Protection Act 1992*.
  - 4 On being so constituted, the land described in Schedule 1 clause 1 will cease to be a reserve under the *National Parks and Wildlife Act 1972* (see section 22(7) of the *Wilderness Protection Act 1992*).
- 

## 1—Short title

This proclamation may be cited as the *Wilderness Protection (Investigator Group Wilderness Protection Area) Proclamation 2011*.

## 2—Commencement

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

## 3—Constitution of Investigator Group Wilderness Protection Area

The land described in Schedule 1 is constituted as a wilderness protection area and is assigned the name *Investigator Group Wilderness Protection Area*.

## Schedule 1—Description of land

- 1 Section 886, Out of Hundreds (Elliston) (Pearson Isles);  
Sections 887 and 888, Out of Hundreds (Elliston) (Veteran Isles);  
Section 889, Out of Hundreds (Elliston) (Dorothee Island);  
Sections 890 and 891, Out of Hundreds (Elliston) (Ward Islands);  
Section 892, Out of Hundreds (Elliston) (Top-Gallant Isles);  
Allotments 1 to 7 (inclusive) of DP 31590, Out of Hundreds (Elliston);  
Allotment 2 of DP 19499, Out of Hundreds (Elliston) (Pearson Isles);  
Allotment 522 of FP 55177, (formerly Section 12), Out of Hundreds (Elliston) (Pearson Isles);  
Allotments 524, 526 and 528 of FP 55177, (formerly Section 893), Out of Hundreds (Elliston) (Top-Gallant Isles).
- 2 Allotments 523, 525, 527 and 529 of FP 55177, Out of Hundreds (Elliston).

**Made by the Governor**

on the recommendation of the Minister for Environment and Conservation and with the advice and consent of the Executive Council

on 25 August 2011

MEC11/0053CS

South Australia

## **Wilderness Protection (Nuyts Archipelago Wilderness Protection Area) Proclamation 2011**

under section 22(1) of the *Wilderness Protection Act 1992*

---

### **Preamble**

- 1 The land described in Schedule 1 clause 1 forms part of a reserve (the Nuyts Archipelago Conservation Park) under the *National Parks and Wildlife Act 1972*.
  - 2 The land described in Schedule 1 clause 2 is a reserve (the Isles of St. Francis Conservation Park) under the *National Parks and Wildlife Act 1972*.
  - 3 The land described in Schedule 1 clause 3 is Crown land that does not form part of a reserve.
  - 4 It is intended that, by this proclamation, the land described in Schedule 1 be constituted as a wilderness protection area under the *Wilderness Protection Act 1992*.
  - 5 On being so constituted, the land described in Schedule 1 clause 1 will cease to form part of a reserve, and the land described in Schedule 1 clause 2 will cease to be a reserve, under the *National Parks and Wildlife Act 1972* (see section 22(7) of the *Wilderness Protection Act 1992*).
- 

### **1—Short title**

This proclamation may be cited as the *Wilderness Protection (Nuyts Archipelago Wilderness Protection Area) Proclamation 2011*.

### **2—Commencement**

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

### **3—Constitution of Nuyts Archipelago Wilderness Protection Area**

The land described in Schedule 1 is constituted as a wilderness protection area and is assigned the name *Nuyts Archipelago Wilderness Protection Area*.

### **Schedule 1—Description of land**

- 1 Sections 813 and 814, Out of Hundreds (Streaky Bay) (Franklin Islands);  
Sections 815 and 816, Out of Hundreds (Nuyts) (Lacy Islands);  
Section 817, Out of Hundreds (Nuyts) (Lound Island);  
Sections 818 to 823 (inclusive), Out of Hundreds (Nuyts) (Purdie Islands);  
Section 824, Out of Hundreds (Streaky Bay) (Goat Island);  
Allotment 2 of DP 31599, Out of Hundreds (Streaky Bay);  
Allotments 3 to 11 (inclusive) of DP 31599, Out of Hundreds (Nuyts);  
Allotments 12 and 13 of DP 31599, Out of Hundreds (Streaky Bay).



- 2 Section 800, Out of Hundreds (Nuyts) (Dog Island);  
Section 802, Out of Hundreds (Nuyts) (Freeling Island);  
Section 803, Out of Hundreds (Nuyts) (Smooth Island);  
Section 804, Out of Hundreds (Nuyts) (St Francis Island);  
Section 805, Out of Hundreds (Nuyts) (Egg Island);  
Section 806, Out of Hundreds (Nuyts) (Fenelon Island);  
Section 807, Out of Hundreds (Nuyts) (Masillon Island);  
Section 808, Out of Hundreds (Nuyts) (West Island);  
Allotments 1 to 8 (inclusive) of DP 31591, Out of Hundreds (Nuyts);  
Allotment 500 of FP 55177, (formerly Section 810), Out of Hundreds (Nuyts) (Hart Island);  
Allotment 501 of FP 55177, (formerly Allotment 9 of DP 31591), Out of Hundreds (Nuyts).
- 3 Allotment 2 of DP 19501, Out of Hundreds (Nuyts) (Evans Island);  
Allotment 517 of FP 55177, Out of Hundreds (Streaky Bay) (Lilliput Island);  
Allotment 518 of FP 55177, Out of Hundreds (Streaky Bay);  
Allotment 519 of FP 55177, Out of Hundreds (Streaky Bay) (Blefuscu Island);  
Allotment 520 of FP 55177, Out of Hundreds (Streaky Bay).

**Made by the Governor**

on the recommendation of the Minister for Environment and Conservation and with the advice and consent of the Executive Council  
on 25 August 2011

MEC11/0053CS

South Australia

## **Public Corporations (Playford Centre) Regulations 2011**

under the *Public Corporations Act 1993*

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- 

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Public Corporations (Playford Centre) Regulations 2011*.

### 2—Commencement

These regulations will come into operation on 1 September 2011.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Public Corporations Act 1993*;

*board* means the board of directors that is the governing body of the subsidiary under Part 3;

*CEO* means the Chief Executive Officer of the subsidiary—see section 20;

*director* means a person appointed or holding office as a member of the board under Part 3;

*the subsidiary* means Playford Centre continued in existence under Part 3;

*Treasurer* means the Treasurer for the State of South Australia.

## Part 2—Application of Act to Treasurer

### 4—Application of Act to Treasurer

The following provisions of the Act apply to the Treasurer:

- (a) Part 1 (Preliminary);
- (b) section 24 (Formation of subsidiary by regulation);
- (c) section 25 (Dissolution of subsidiary established by regulation);
- (d) the Schedule (Provisions applicable to subsidiaries).

## Part 3—Playford Centre

### Division 1—Establishment of Playford Centre

#### 5—Establishment of subsidiary (section 24)

- (1) Playford Centre continues as a subsidiary of the Treasurer.

- (2) The subsidiary—
  - (a) is a body corporate; and
  - (b) has perpetual succession and a common seal; and
  - (c) is capable of suing and being sued in its corporate name.

## **6—Establishment of board**

- (1) A board of directors continues as the governing body of the subsidiary.
- (2) Anything done by the board in the administration of the subsidiary's affairs is binding on the subsidiary.

## **7—Composition of board**

- (1) The board is to consist of not more than 7 members appointed by the Treasurer of whom 1 must be a Public Service employee.
- (2) One director will be appointed by the Treasurer to chair meetings of the board.
- (3) The Treasurer may appoint a director to be the deputy of the director appointed to chair meetings of the board and the deputy may perform or exercise the functions and powers of that director in his or her absence.
- (4) The CEO is an ex officio member of the board.
- (5) On the office of a director becoming vacant, a person may be appointed in accordance with this regulation to the vacant office.

## **8—Conditions of membership**

- (1) A director (other than the CEO) will be appointed for a term, not exceeding 2 years, specified in the instrument of appointment and, at the expiration of a term of appointment, will be eligible for reappointment.
- (2) The office of a director (other than the CEO) becomes vacant if the director—
  - (a) dies; or
  - (b) completed a term of office and is not reappointed; or
  - (c) resigns by written notice to the Treasurer; or
  - (d) becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
  - (e) is convicted of an indictable offence; or
  - (f) is removed from office by the Treasurer by written notice on any ground that the Treasurer considers sufficient.

## **9—Vacancies or defects in appointment of directors**

An act of the board is not invalid by reason only of a vacancy in its membership or a defect in the appointment of a director.

## **10—Remuneration**

A director is entitled to be paid from the funds of the subsidiary such remuneration, allowances and expenses as may be determined by the Treasurer.

## 11—Proceedings

- (1) A quorum of the board consists of one half the total number of its members (ignoring any fraction resulting from the division) plus 1.
- (2) The director appointed to chair meetings of the board will preside at meetings of the board at which he or she is present.
- (3) If the director appointed to chair the board is absent from a meeting of the board—
  - (a) if another director has been appointed as that director's deputy and is present at the meeting—the deputy; or
  - (b) in any other case—a director chosen by the directors present at the meeting,will preside.
- (4) A decision carried by a majority of the votes cast by directors at a meeting is a decision of the board.
- (5) Each director present at a meeting of the board has 1 vote on a question arising for decision and, if the votes are equal, the director presiding at the meeting may exercise a casting vote.
- (6) A telephone or video conference between directors will, for the purposes of this regulation, be taken to be a meeting of the board at which the participating directors are present if—
  - (a) notice of the conference is given to all directors in the manner determined by the board for that purpose; and
  - (b) each participating director is capable of communicating with every other participating director during the conference.
- (7) A proposed resolution becomes a decision of the board if—
  - (a) notice of the proposed resolution is given to all directors in accordance with procedures determined by the board; and
  - (b) a majority of the directors express their concurrence in the proposed resolution by letter, fax or other written communication setting out the terms of the resolution.
- (8) The board must cause accurate minutes to be kept of its proceedings.
- (9) A person authorised in writing by the Treasurer may attend (but not participate in) a meeting of the board and may have access to papers provided to directors for the purpose of the meeting.
- (10) If the board considers that a matter dealt with at a meeting attended by a representative of the Treasurer should be treated as confidential, the board may advise the Treasurer of that opinion giving the reason for the opinion and the Treasurer may, subject to subregulation (11), act on that advice as the Treasurer thinks fit.
- (11) If the Treasurer is satisfied on the basis of the board's advice under subregulation (10) that the subsidiary owes a duty of confidence in respect of a matter, the Treasurer must ensure the observance of that duty in respect of the matter, but this subregulation does not prevent a disclosure as required in the proper performance of ministerial functions or duties.
- (12) Subject to these regulations, the board may determine its own procedures.

## 12—Confidentiality

- (1) Subject to this regulation, a director who, as a member of the Board, acquires information—
  - (a) that the director knows to be of a commercially sensitive nature, or to be provided on a confidential basis; or
  - (b) that the Board classifies as confidential information,must not divulge the information without the approval of the Board.
- (2) A director of the subsidiary does not commit any breach of duty by reporting a matter relating to the affairs of the subsidiary to the Treasurer.

## 13—Notification of disclosure

If the subsidiary discloses to the Treasurer in pursuance of the Act or these regulations a matter in respect of which the subsidiary owes a duty of confidence, the subsidiary must give notice in writing of the disclosure to the person to whom the duty is owed.

## Division 2—Functions and powers of Playford Centre

### 14—Functions of Playford Centre

- (1) The subsidiary's functions are limited to the following:
  - (a) to contribute to South Australia's economic development by facilitating the formation and development of innovative technology ventures and, in particular—
    - (i) to provide seed capital and business guidance to such ventures; and
    - (ii) to manage prudently any investment by the Crown in such ventures so as to minimise any commercial risk or financial exposure while maximising any financial return; and
    - (iii) to assist in locating and attracting investment by others in such ventures;
  - (b) to carry out other functions conferred on the subsidiary by the Treasurer.
- (2) The subsidiary must obtain the approval of the Treasurer before it makes a material change to its policy direction or budget.

### 15—Charter

- (1) The subsidiary must have a charter prepared by the Treasurer.
- (2) The charter must address—
  - (a) the nature and scope of the subsidiary's operations;
  - (b) the subsidiary's obligations to report on its operations;
  - (c) the form and contents of the subsidiary's accounts and financial statements;
  - (d) any accounting, internal auditing or financial systems or practices to be established or observed by the subsidiary;
  - (e) the acquisition or disposal of capital or assets.
- (3) The charter may—
  - (a) limit the powers of the subsidiary;
  - (b) deal with any other matter not specifically referred to in subregulation (2).

- (4) The Treasurer must, after consultation with the subsidiary, review the charter at the end of each financial year.
- (5) The Treasurer may, after consultation with the subsidiary, amend the charter at any time.
- (6) The charter, or an amendment to the charter, comes into force and is binding on the subsidiary on a day specified in the charter or amendment (but without affecting any contractual obligations previously incurred by the subsidiary).
- (7) On the charter or an amendment to the charter coming into force, the Treasurer must, within 12 sitting days, have copies of the charter, or the charter in its amended form, laid before both Houses of Parliament.

## **16—Performance statement**

- (1) The Treasurer must, when preparing the charter for the subsidiary, also prepare, after consultation with the subsidiary, a performance statement setting the various performance targets that the subsidiary is to pursue in the coming financial year or other period specified in the statement and dealing with such other matters as the Treasurer considers appropriate.
- (2) The Treasurer must, after consultation with the subsidiary, review the performance statement when reviewing the subsidiary's charter.
- (3) The Treasurer may, after consultation with the subsidiary, amend the performance statement at any time.

## **17—Subsidiary companies**

- (1) The subsidiary must not, without the approval of the Treasurer—
  - (a) form a subsidiary company; or
  - (b) acquire, or enter into any arrangement under which it will at a future time or would on the happening of some contingency hold, relevant interests in shares in a company such that the company becomes a subsidiary of the subsidiary.
- (2) The Treasurer may, as a condition of approval under this section, or by direction, require the subsidiary to take steps to include in a subsidiary company's constitution such provisions as the Treasurer considers appropriate—
  - (a) imposing limitations on the nature or scope of the company's operations; or
  - (b) imposing other controls or practices,consistent with those applicable to the subsidiary.

## **18—Guarantee or indemnity for other subsidiary company subject to Treasurer's approval**

The subsidiary must not, without the approval of the Treasurer, give a guarantee or provide an indemnity in respect of liabilities of a company that is a subsidiary of the subsidiary.

## **19—Indirect or joint operations by subsidiary**

The subsidiary must not, without the approval of the Treasurer, establish a trust scheme or a partnership or other scheme or arrangement for sharing of profits or joint venture with another person or undertake any operations or transactions pursuant to such a scheme or arrangement.

## **Division 3—Chief Executive Officer**

### **20—Chief Executive Officer**

- (1) There will be a Chief Executive Officer (*CEO*) of the subsidiary.
- (2) Subject to subregulation (3), each CEO will be appointed by the board on terms and conditions determined by the board.
- (3) The board must obtain the approval of the Treasurer before—
  - (a) making an appointment under subregulation (2); or
  - (b) determining or varying the terms and conditions of appointment of a CEO; or
  - (c) removing a person from the position of CEO.

## **Division 4—Financial and related matters**

### **21—Internal audit**

- (1) The subsidiary must establish and maintain effective internal auditing of its operations.
- (2) The subsidiary must, unless exempted by the Treasurer, have an audit committee.
- (3) The audit committee will comprise—
  - (a) a member of the board of the subsidiary, or such members of the board as the board may from time to time determine; and
  - (b) such other person or persons as the board may from time to time appoint, but may not include the CEO.
- (4) The functions of the audit committee include—
  - (a) reviewing annual financial statements to ensure that they provide a true and fair view of the state of affairs of the subsidiary; and
  - (b) liaising with external auditors; and
  - (c) reviewing the adequacy of the accounting, internal auditing, reporting and other financial management systems and practices of the subsidiary on a regular basis.

### **22—Quarterly reports**

The subsidiary must report to the Treasurer on the subsidiary's financial position on a quarterly basis.

### **23—Loans etc require approval**

- (1) The subsidiary must not lend or advance to, or deposit with, any person any money, securities or property without the prior written approval of the Treasurer.
- (2) The subsidiary must not undertake commercial borrowings without the prior written approval of the Treasurer.

### **24—Provision of information**

- (1) The subsidiary must, at the request in writing of the Treasurer, furnish the Treasurer with such information or records in the possession or control of the subsidiary as the Treasurer may require in such manner and form as the Treasurer may require.



- (2) If a record in the possession or control of the subsidiary is furnished to the Treasurer under this regulation, the Treasurer may make, retain and deal with copies of the record as the Treasurer thinks fit.
- (3) If the board considers that information or a record furnished under this regulation contains matters that should be treated as confidential, the board may advise the Treasurer of that opinion giving the reason for the opinion and the Treasurer may, subject to subregulation (4), act on that advice as the Treasurer thinks fit.
- (4) If the Treasurer is satisfied on the basis of the board's advice under subregulation (3) that the subsidiary owes a duty of confidence in respect of a matter, the Treasurer must ensure the observance of that duty in respect of the matter, but this subregulation does not prevent a disclosure as required in the proper performance of ministerial functions or duties.

## **25—Dividends**

- (1) The subsidiary must, before the end of each financial year, recommend by writing to the Treasurer that the subsidiary pay a specified dividend, or not pay any dividend, for that financial year, as the subsidiary considers appropriate.
- (2) The Treasurer may, after consultation with the subsidiary, by notice in writing to the subsidiary—
  - (a) approve a recommendation of the subsidiary under subregulation (1); or
  - (b) determine that a dividend specified by the Treasurer be paid, or that no dividend be paid,as the Treasurer considers appropriate.
- (3) The subsidiary must, if so required by the Treasurer by notice in writing to the subsidiary at any time during a financial year, recommend by writing to the Treasurer that a specified interim dividend or specified interim dividends be paid by the subsidiary for that financial year, or that no such dividend or dividends be paid by the subsidiary as the subsidiary considers appropriate.
- (4) The Treasurer may, after consultation with the subsidiary, by notice in writing to the subsidiary—
  - (a) approve a recommendation of the subsidiary under subregulation (3); or
  - (b) determine that an interim dividend or interim dividends specified by the Treasurer be paid, or that no interim dividend be paid,as the Treasurer considers appropriate.
- (5) If the Treasurer approves a recommendation or determines under this regulation that a dividend or interim dividend or dividends be paid by the subsidiary, the dividend or interim dividend or dividends must be paid at the direction of the Treasurer, in the manner and at the time or times determined by the Treasurer, after consultation with the subsidiary.
- (6) A recommendation under this regulation must be made by the board and may not be made by any person or committee pursuant to a delegation.

## **26—Common seal and execution of documents**

- (1) The common seal of the subsidiary must not be affixed to a document except in pursuance of a decision of the board, and the affixing of the seal must be attested by the signatures of 2 directors.

- (2) The board may, by instrument under the common seal of the subsidiary, authorise a director, an employee of the subsidiary (whether nominated by name or by office or title) or any other person to execute documents on behalf of the subsidiary subject to limitations (if any) specified in the instrument of authority.
- (3) Without limiting subregulation (2), an authority may be given so as to authorise 2 or more persons to execute documents jointly on behalf of the subsidiary.
- (4) A document is duly executed by the subsidiary if—
  - (a) the common seal of the subsidiary is affixed to the document in accordance with this regulation; or
  - (b) the document is signed on behalf of the subsidiary by a person or persons in accordance with authority conferred under this regulation.

## **Schedule 1—Revocation and transitional provisions**

### **Part 1—Revocation**

#### **1—Revocation of *Public Corporations (Playford Centre) Regulations 1996***

The *Public Corporations (Playford Centre) Regulations 1996* are revoked.

### **Part 2—Transitional provisions**

#### **2—Interpretation**

In this Part—

*revoked regulations* means *Public Corporations (Playford Centre) Regulations 1996* revoked under clause 1 of this Schedule.

#### **3—Continuation of Playford Centre**

- (1) The Playford Centre (continued as a subsidiary of the Treasurer under these regulations) is the same body corporate as the Playford Centre that continued in existence as a subsidiary of the Minister for Science and Information Technology under the revoked regulations.
- (2) A reference in any instrument to the *Information Industries Development Centre* or *IIDC* will continue to be taken to be a reference to the Playford Centre.

**Note—**

The subsidiary was established under the name *Information Industries Development Centre* before being continued as a subsidiary of the Minister under the revoked regulations under the name *Playford Centre*.

#### **4—Composition of board**

A person holding office as a member of the board of the subsidiary under regulation 7 of the revoked regulations immediately before the commencement of this clause will, on that commencement, continue in that office for the balance of that term of office.

#### **5—Charter**

The charter prepared by the Minister and the Treasurer under regulation 15 of the revoked regulations and in force immediately before the commencement of this clause will, on that commencement, be taken to be the charter prepared by the Treasurer under regulation 15 of these regulations.

**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 25 August 2011

No 201 of 2011

T&F11/033CS

South Australia

# Community Titles Regulations 2011

under the *Community Titles Act 1996*

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# Part 1—Preliminary

## 1—Short title

These regulations may be cited as the *Community Titles Regulations 2011*.

## 2—Commencement

These regulations will come into operation on 1 September 2011.

## 3—Interpretation

In these regulations, unless the contrary intention appears—

*the Act* means the *Community Titles Act 1996*.

# Part 2—Requirements relating to plans

## 4—Plans and maps to comply with guidelines

A plan or map lodged with the Registrar-General for the purposes of the Act must comply with any requirements specified in guidelines issued, from time to time, by the Registrar-General.

## 5—Lot entitlements (section 20(3) of Act)

The aggregate of the lot entitlements of all community lots defined on a plan of community divisions may be any whole number between 2 and 100 000 but must not be a number that exceeds 100 000.

## 6—Encroachments

For the purposes of section 27(1)(b)(ii) of the Act—

- (a) associated structures are all structures (including a roof) that are supported by footings that protrude beyond the boundaries of the community parcel and include all things attached to those structures;
- (b) the prescribed distance for the protrusion of footings and associated structures is 200 millimetres or such other distance as the Registrar-General may determine in a particular case.

## **7—Minor amendment of plan**

The minor amendment of the delineation of lots or common property referred to in section 54(3) of the Act is a change in the position of the boundary of a lot or the common property by 200 millimetres or less.

## **8—Submission of outer boundary survey plan**

- (1) Subject to subregulation (2), a person who intends making an application for the division of an allotment or allotments by a primary plan of community division must, before making the application, submit to the Registrar-General—
  - (a) an outer boundary survey plan of the land to be divided in a form approved by the Registrar-General; and
  - (b) the appropriate fee prescribed by Schedule 2.
- (2) Subregulation (1) does not apply in relation to an application for the division of land in respect of which the Registrar-General has determined that subregulation (1) should not apply.
- (3) The Registrar-General must examine the outer boundary survey plan and must, if satisfied that the requirements of these regulations have been met and the information on the plan appears to be adequate and accurate, send a copy of the plan to:
  - (a) the applicant or the applicant's agent; and
  - (b) the council (if any) for the area in which the land is situated.

## **9—Examination of plans**

The Registrar-General must not deposit a plan under the Act unless he or she has examined the plan and is satisfied with it.

## **10—Additional information as to applications**

The Registrar-General may require a person who has made an application to him or her under the Act to provide him or her with any information that the Registrar-General requires to consider the application.

## **11—Certification of irregular boundaries**

Where a plan shows land bounded by a watercourse, lake, the sea or some other irregular boundary, the Registrar-General may require the accuracy of the boundary as shown on the plan to be certified by a licensed surveyor.

## **12—Notification on deposit of plan**

- (1) After the Registrar-General deposits a plan in the Lands Titles Registration Office under the Act he or she must—
  - (a) notify the applicant or the applicant's agent in writing of the deposit; and
  - (b) notify the council (if any) for the area in which the land is situated in writing of the deposit and send a copy of the deposited plan to the council.
- (2) A notification or other document required to be given under this regulation may be sent by electronic means.

### **13—Issue of certificates of title on deposit of plan**

On depositing a plan of community division in the Lands Titles Registration Office the Registrar-General must issue a separate certificate of title for each lot and the common property created by the plan.

## **Part 3—Administration of community schemes**

### **Division 1—General**

#### **14—Delegation (section 75(5) of Act)**

- (1) A community corporation may delegate any of its functions and powers (except this power of delegation) to a member or employee of the corporation or to a member of a secondary or tertiary corporation within the same community scheme.
- (2) A corporation may delegate the following functions and powers to any person:
  - (a) the receipt and holding of money and other personal property on behalf of the corporation;
  - (b) payment of money on behalf of the corporation;
  - (c) the preparation of statements of expenditure and statements of accounts;
  - (d) the collection of money due to the corporation;
  - (e) entering into contracts of insurance with insurers on behalf of the corporation;
  - (f) maintaining and keeping records on behalf of the corporation;
  - (g) issuing and signing notices on behalf of the corporation;
  - (h) preparing minutes of meetings of the corporation;
  - (i) providing information as required by the Act on behalf of the corporation;
  - (j) investing money on behalf of the corporation;
  - (k) arranging for the maintenance and repair of the common property on behalf of the corporation.
- (3) A corporation cannot delegate a function or power under subregulation (1) or (2) if the function or power is of a kind that can only be performed or exercised by the corporation by passing a special or unanimous resolution.
- (4) A delegation by a corporation—
  - (a) may be absolute or conditional;
  - (b) does not derogate from the power of the corporation to act in any matter.

#### **15—Matters to be addressed at first general meeting**

The following are prescribed under section 80(2)(e) of the Act as matters that must be addressed at the first general meeting of a corporation:

- (a) whether the policies of insurance taken out by the developer are adequate;
- (b) whether the corporation should establish a management committee;
- (c) the delegation of functions and powers by the corporation;
- (d) whether the by-laws of the scheme need amendment.

**16—Agenda for annual general meeting (section 81(5)(d) of Act)**

The agenda for each annual general meeting must include consideration of the policies of insurance required by the Act to be held by the corporation.

**17—Proof of insurance**

A person who is required by section 106(1) of the Act to insure a building must provide the community corporation with a photocopy of the current certificate of the insurance that he or she has taken out to satisfy that requirement.

**18—Unanimous or special resolution for acquisition of property**

- (1) A community corporation's acquisition of a freehold or leasehold interest in a lot must be authorised by a unanimous resolution of the corporation (see section 112(3)(a) of the Act).
- (2) If the cost of the acquisition by a community corporation of property (other than property referred to in subregulation (1))—
  - (a) is \$5 000 or more the acquisition must be authorised by a unanimous resolution of the corporation; or
  - (b) is less than \$5 000 the acquisition must be authorised by a special resolution of the corporation.

**19—Interest on arrears of contributions by lot owners (section 114(4)(b) of Act)**

A community corporation, when fixing interest payable by the owner of a community lot in respect of a contribution, or an instalment of a contribution, that is in arrears must not—

- (a) exceed a rate of 15% per annum; and
- (b) must not demand payment of interest on unpaid interest.

**20—Notice for payment of contribution or instalment (section 114(6)(a) of Act)**

A notice of a contribution or instalment of a contribution served by a community corporation on the owner of a lot must include the following information:

- (a) identification of the lot in relation to which the contribution or instalment is payable; and
- (b) the amount of the contribution or instalment; and
- (c) in the case of a contribution that is payable in instalments—the amount of each instalment and the day on which each instalment is payable; and
- (d) the day on or before which the contribution or instalment must be paid (being a day not less than 14 days after the notice is served); and
- (e) the total amount that the corporation has decided to raise by way of contributions by the owners of community lots; and
- (f) the purpose or purposes for which the money raised will be used; and
- (g) the rate of interest payable in respect of a contribution or instalment that is in arrears; and
- (h) the name of the person to whom the contribution or instalment should be sent or delivered.



**21—Resolutions authorising expenditure (section 119 of Act)**

Expenditure by a community corporation—

- (a) of less than an amount that is equivalent to \$2 000 multiplied by the number of community lots in the scheme must be authorised by an ordinary resolution of the corporation;
- (b) of the amount referred to in paragraph (a) or more but less than an amount that is equivalent to \$5 000 multiplied by the number of community lots in the scheme must be authorised by a special resolution;
- (c) of the larger of the two amounts referred to in paragraph (b) or more must be authorised by a unanimous resolution.

**22—Register of owners of community lots (section 135(2) of Act)**

A community corporation must keep a record of information used to compile its register of the names and addresses of the owners of the community lots for a period of at least 7 years.

**23—Records (sections 136 and 137 of Act)**

- (1) Documents of the following kinds must be kept by community corporations:
  - (a) receipts for the expenditure of money;
  - (b) passbooks, deposit books and all other documents providing evidence of the deposit or investment of money;
  - (c) ADI statements and all other documents providing evidence of dealing with money invested or on deposit.
- (2) All documents and records kept by a corporation must be kept in an orderly manner to enable them to be found easily for the purposes of inspection or copying.
- (3) The following periods are prescribed under sections 136 and 137(2) of the Act as the period for which a corporation must keep its records and documents:
  - (a) minutes of meetings—30 years;
  - (b) accounting records—7 years;
  - (c) any statements of account—7 years;
  - (d) notices or orders served on the corporation—7 years;
  - (e) correspondence—7 years;
  - (f) notices of meetings—7 years.

**24—Audit (section 138(1) and (4) of Act)**

A community corporation is exempted from the requirement to have the annual statement of accounts audited if—

- (a) all of the community lots of the community scheme are owned by the same person; or
- (b) all money payable to the corporation is received and held by an agent on behalf of the corporation in accordance with the Act and these regulations; or
- (c) the number of community lots in the community scheme is 6 or less and during the financial year to which the exemption will relate, the corporation has passed a unanimous resolution exempting the corporation from that requirement; or

- (d) the aggregate of the contributions made, or to be made, by members of the corporation in respect of the year to which the statement relates does not exceed \$3 000 and the balance standing to the credit of the administrative fund and the sinking fund at the commencement of that year does not exceed \$3 000 for each fund.

## 25—Fee for provision of information

- (1) Subject to subregulation (2), the following fees are prescribed for the purposes of section 139(2) of the Act:
  - (a) in the case of an application for all or any of the information referred to in section 139(1)(a)—
    - (i) where the applicant is the owner of a community lot—no fee;
    - (ii) in any other case—\$25 per application;
  - (b) in the case of an application for copies of all or any of the documentary material referred to in section 139(1)(b)—
    - (i) where the applicant is the owner of a community lot—\$5 per application;
    - (ii) in any other case—\$25 per application, plus an additional fee of \$10 where the application is for, or includes a request for, a copy of current policies of insurance taken out by the corporation;
  - (c) where an application is made to inspect all or any of the documentary material referred to in section 139(1)(c)—
    - (i) where the applicant is the owner of a community lot—no fee;
    - (ii) in any other case—\$5 per application.
- (2) Where GST is payable in relation to goods, services or other things supplied in response to an application referred to in subregulation (1), the fee prescribed by that subregulation is increased so that, after deduction of the GST, the amount of the fee remaining is equal to the fee prescribed by subregulation (1).
- (3) A community corporation may reduce or waive any fees under subregulation (1).
- (4) In this regulation—

*GST* means the tax payable under the GST law;

*GST law* means—

- (a) *A New Tax System (Goods and Services Tax) Act 1999* (Commonwealth); and
- (b) the related legislation of the Commonwealth dealing with the imposition of a tax on the supply of goods, services and other things.

## 26—Services provided by corporations

- (1) A community corporation may, pursuant to section 143 of the Act, provide to the owner or occupier of a lot any kind of service that relates to the ownership or occupation of the lot.
- (2) The provision of a service under subregulation (1) is subject to the following restrictions:
  - (a) a service must not be provided to a person who has not agreed with the corporation to accept the service;
  - (b) the cost of the service must be paid for by the persons who have agreed to accept it and must not be subsidised by the corporation.

## **Division 2—Agent's trust accounts**

### **27—Authorisation of fees, costs and disbursements (section 123(b) of Act)**

- (1) An agent may withdraw money from a trust account held on behalf of a community corporation in satisfaction of a claim that the agent has against the corporation for fees, costs or disbursements if the corporation has agreed in writing to pay to the agent those fees, costs or disbursements.
- (2) An agent who becomes entitled to money held in the agent's trust account in or towards satisfaction of the agent's fees, costs or disbursements must, as soon as practicable (and in any event within 3 months), transfer the money to an account maintained by the agent for receipts other than trust money.

Maximum penalty: \$500.

### **28—Authorised trust accounts (section 124 of Act)**

Accounts for the time being approved by the Commissioner for Consumer Affairs in relation to the holding of trust money under the *Land Agents Act 1994* and the *Conveyancers Act 1994* are prescribed for the purposes of section 124 of the Act.

### **29—General duty with respect to electronic records**

If an agent uses a computer program to keep records under this Division, the agent must ensure that—

- (a) an electronic copy of all the records is made within 24 hours of any alteration of the records; and
- (b) at least once in each week, an electronic copy of all the records is made and kept in a safe place at a location other than the premises where the computer program is operating; and
- (c) before any information is deleted from the computer records, a hard copy of the information is made and kept by the agent as part of the agent's records; and
- (d) an up-to-date electronic copy of the computer program is made and kept in a safe place at a location other than the premises where the computer program is operating.

### **30—Cash books**

- (1) For the purposes of section 126(1)(c) of the Act, the detailed accounts of receipts and disbursements of trust money to be compiled by an agent must comply with the following requirements:
  - (a) a cash receipts book must be kept in which the agent records the following information in respect of each receipt of trust money:
    - (i) the date and reference number of the receipt;
    - (ii) the name of the person from whom the money is received;
    - (iii) the name of the community corporation or reference to which the transaction relates;
    - (iv) brief particulars of the purpose of the receipt;
    - (v) the amount of the receipt;

- (b) a cash payments book must be kept in which the agent records the following information in respect of each payment of trust money:
  - (i) the date and reference number of the cheque or electronic transfer of funds by which the payment was made;
  - (ii) the name of the payee;
  - (iii) the community corporation's name or reference to which the transaction relates;
  - (iv) brief particulars of the purpose of the payment;
  - (v) the amount of the cheque or electronic transfer of funds.
- (2) However, an agent need not keep a cash receipts book or a cash payments book as required by subregulation (1) if the agent uses a computer program to record the information referred to in that subregulation in respect of each receipt or payment of trust money and the program—
  - (a) requires input in each field of a data entry screen intended to receive information in respect of a receipt or payment so that all of the information referred to in subregulation (1) is recorded in respect of each receipt and payment; and
  - (b) is capable, at any time, of producing—
    - (i) a report of the information in respect of receipts of trust money in the order in which they were received; and
    - (ii) a report of the information in respect of payments of trust money in the order in which they were made.
- (3) An agent who uses a computer program as referred to in subregulation (2) must ensure that—
  - (a) at the end of each month, hard copies of each of the following reports are produced:
    - (i) a report of the information in respect of receipts of trust money received during that month in the order in which they were received;
    - (ii) a report of the information in respect of payments of trust money made during that month in the order in which they were made; and
  - (b) those hard copies are kept as part of the agent's records.
- (4) The records of receipts and payments must be made by the agent in accordance with this regulation in the order in which they are received or made, each such record being made within 2 working days after the receipt or payment in question.
- (5) Subregulation (4) does not apply in relation to receipts or payments by way of electronic transfer of funds, a record of which must be made within 2 working days after the agent receives official confirmation that the transfer has occurred.

### **31—Separate trust ledger accounts**

- (1) An agent must ensure that the agent's trust ledger accounts are kept separately—
  - (a) in respect of each of the agent's clients; and
  - (b) if the agent performs services for a corporation in respect of a number of transactions between different parties—in respect of each such transaction.

- (2) The agent must record in each of the separate accounts the following details:
  - (a) the name and address of the corporation to whom the accounts relate;
  - (b) a brief description of the service provided and the transaction to which the accounts relate;
  - (c) in respect of each receipt or disbursement of trust money—
    - (i) the date and reference number of the receipt or disbursement;
    - (ii) the name of the person from whom the money is received or to whom the money is disbursed;
    - (iii) brief particulars of the purpose of the receipt or disbursement;
    - (iv) the amount received or disbursed.
- (3) The agent must ensure that any changes in the details referred to in subregulation (2)(a) or (b) are recorded in a manner that enables the changes and the order in which they occurred to be identified.
- (4) If the agent transfers money between any of the separate accounts, the agent must clearly record the transfer—
  - (a) in both accounts; and
  - (b) in a transfer journal,in sufficient detail that the transfer may be clearly understood.
- (5) The records of receipts, disbursements and transfers must be made by the agent in accordance with this regulation in the order in which the receipts, disbursements or transfers are received or made, each such record being made within 2 working days after the receipt, disbursement or transfer in question.
- (6) Subregulation (5) does not apply in relation to receipts or payments by way of electronic transfer of funds, a record of which must be made within 2 working days after the agent receives official confirmation that the transfer has occurred.
- (7) If an agent uses a computer program to keep trust ledger accounts or a transfer journal, the agent must ensure that—
  - (a) the program is incapable of—
    - (i) recording a transaction that would result in a debit balance in a trust ledger account unless a separate contemporaneous record of the transaction is also made so that, at any time, a hard copy may be produced of all such transactions in chronological order; and
    - (ii) deleting from its records the information relating to a trust ledger account unless—
      - (A) the balance of the account is zero; and
      - (B) a hard copy of all of the information required under this Division relating to the account has been produced; and
    - (iii) changing existing information relating to a transaction otherwise than by making a further entry showing a separate transaction to effect the change; and
  - (b) the program automatically inserts consecutive page numbers into any hard copy report produced by use of the program; and

- (c) the program requires input in each field of a data entry screen intended to receive information for the purposes of a trust ledger account or transfer journal so that the entry contains all of the information required by this regulation; and
- (d) hard copies of the trust ledger accounts and transfer journal are produced within 2 days of a request from the Minister or the agent's auditor.

### **32—Reconciliation statements**

At the end of each month, reconciliation statements must be prepared—

- (a) reconciling the balance of the agent's cash books, or equivalent computer records, kept under regulation 30 with the balance of the agent's trust account; and
- (b) reconciling the balances of the ledgers comprised in the agent's trust ledger accounts with the balance of the agent's trust account,

(but the agent is not required to set out in a statement a list of individual balances, or the names of the corporations on whose behalf money is held).

### **33—Receipt of trust money**

- (1) For the purposes of section 126(2)(a) of the Act, the receipt that an agent must make available to a person making a payment of trust money must—
  - (a) be legibly written on a form comprised in a series of consecutively pre-numbered duplicate receipt forms marked with the name of the agent and the words "Trust Account"; and
  - (b) contain the following information:
    - (i) —
      - (A) in the case of a payment made by electronic transfer of funds into an agent's trust account—the date on which the agent makes out the receipt;
      - (B) in any other case—the date of the payment;
    - (ii) the name of the person making the payment;
    - (iii) whether the payment is by cash, cheque, bank cheque or electronic transfer of funds into the agent's trust account and, if the payment is by cheque or bank cheque, the name of the drawer of the cheque;
    - (iv) the name of the corporation for whom the money is received;
    - (v) brief particulars of the purpose of the payment;
    - (vi) the amount of the payment.
- (2) An agent need not comply with subregulation (1)(a) if the agent uses a computer program to make out the receipt and the program—
  - (a) automatically produces in chronological sequence consecutively numbered receipts marked with the name of the agent and the words "Trust Account"; and
  - (b) automatically makes a separate contemporaneous record of the receipt so that, at any time, a hard copy of the receipt may be produced; and
  - (c) requires input in each field of a data entry screen intended to receive information for the purposes of producing the receipt so that each receipt contains all of the information required by subregulation (1)(b).

- (3) An agent must make out a receipt in accordance with this regulation—
- (a) in the case of a payment made by electronic transfer of funds into an agent's trust account—immediately the agent receives official confirmation that the payment has been made (whether that is by way of receipt by the agent of a statement from a financial institution or some other way, whichever occurs sooner); or
  - (b) in any other case—immediately on receipt of payment.

### **34—Payment of trust money**

- (1) An agent must not make a payment of trust money in cash.  
Maximum penalty: \$500.
- (2) When an agent makes a payment of trust money by cheque, the agent—
- (a) must ensure that the cheque is marked with the name of the agent and the words "Trust Account"; and
  - (b) must—
    - (i) cause the cheque to be crossed and endorsed "Not negotiable"; or
    - (ii) obtain from the person receiving the cheque a receipt that complies with subregulation (4) and keep the receipt as part of the agent's records.
- Maximum penalty: \$500.
- (3) When an agent makes a payment of trust money by cheque, the agent must prepare and keep as part of the agent's records a cheque stub or voucher containing the following information:
- (a) the date and reference number of the cheque;
  - (b) the name of the payee;
  - (c) the client name or reference and brief particulars of the purpose of the payment;
  - (d) the amount of the cheque.
- (4) The receipt must be legible and contain the following information:
- (a) the date and reference number of the cheque; and
  - (b) particulars identifying the trust account against which the cheque is drawn; and
  - (c) the name of the payee; and
  - (d) brief particulars of the purpose of the payment; and
  - (e) the amount of the cheque.
- (5) When an agent authorises the payment of trust money by electronic transfer of funds, the agent—
- (a) must prepare and keep as part of the agent's records the following information:
    - (i) the date and reference number of the payment;
    - (ii) the name of the payee;
    - (iii) the corporation name or reference and brief particulars of the purpose of the payment;
    - (iv) the name or style of the ADI account to which the payment is made, its number and the identifying numbers of the receiving ADI and its branch;

- (v) the amount of the payment; and
- (b) must, on receiving official written confirmation that the payment has been made, keep that confirmation as part of the agent's records.

### **35—Audit of trust accounts**

- (1) For the purposes of section 127(1)(a) of the Act, the audit period in respect of which an agent must have the accounts and records audited is each financial year.
- (2) In carrying out an audit, the auditor must—
  - (a) make checks that will enable the auditor to give an opinion as to whether the agent has, during the period covered by the audit, complied with the Act and these regulations relating to the agent's accounts and records; and
  - (b) ascertain what trust accounts were kept by the agent during that period; and
  - (c) make a general test examination of any trust account kept by the agent and of the pass books and statements relating to any such account during that period; and
  - (d) make a comparison as to no fewer than 2 dates (1 to be the last day of the period of the audit and 1 other to be a date within that period selected by the auditor) between—
    - (i) the liabilities of the agent to the agent's clients as shown by the agent's trust ledger accounts and the records kept under these regulations; and
    - (ii) the aggregate of the balances standing to the credit of the agent's trust account; and
  - (e) ask for such information and explanations as the auditor may require for the purposes of this regulation.
- (3) For the purposes of section 127(1)(b) of the Act, the statement relating to the audit must be prepared by the auditor and must include all matters relating to the agent's accounts and records that should, in the auditor's opinion, be communicated to the community corporation and, in particular, deal with each of the following matters:
  - (a) whether the accounts and records appear to have been kept regularly and properly written up at all times;
  - (b) whether the accounts and records have been ready for examination at the periods appointed by the auditor;
  - (c) whether the agent has complied with the auditor's requirements;
  - (d) whether, at any time during the period of the audit, the agent's trust account was overdrawn and, if so, the full explanation for that given by the agent;
  - (e) whether the agent has, or has had, any debit balances in his or her trust account and the explanation or reason for such a debit given by the agent;
  - (f) whether the auditor has received and examined the notice given to the auditor under regulation 36 and the result of that examination;
  - (g) if the agent uses a computer program to keep the agent's accounts and records, whether the program allows for the accounts and records to be conveniently and properly audited.
- (4) The auditor must attach to the auditor's statement a copy of the agent's notice delivered to the auditor under regulation 36(1).



- (5) The auditor must verify the statement by statutory declaration and give a signed copy of the statement to the agent.
- (6) If the auditor in the course of auditing the agent's accounts and records discovers—
- (a) that they are not kept in a manner that enables them to be properly audited; or
  - (b) a matter that appears to the auditor to involve dishonesty or a breach of the law by the agent; or
  - (c) a loss or deficiency of trust money or a failure to pay or account for trust money; or
  - (d) a failure to comply with the Act or these regulations,
- the auditor must, as soon as possible, give a report in respect of the discovery to the Minister and the agent concerned.
- Maximum penalty: \$500.
- (7) However, the auditor is not required to give a report to the Minister in respect of the discovery of a loss, deficiency or failure if the auditor is satisfied that—
- (a) bringing the discovery to the attention of the agent or community corporation will adequately deal with the matter; and
  - (b) the loss, deficiency or failure does not involve dishonesty or a breach of the law.
- (8) For the purposes of section 127(2)(b) of the Act, an agent must lodge an audit statement or declaration within 2 months after the end of each audit period.

### **36—Agent's statement**

- (1) An agent who is required to have accounts and records audited must, before the completion of the audit, certify—
- (a) under his or her hand; or
  - (b) in the case of a firm of agents—under the hands of not less than 2 partners of the firm; or
  - (c) in the case of a body corporate agent—under the hands of not less than 2 directors of the body,
- and deliver to the auditor a notice setting out in detail, as of the last day of the period to which the audit relates, particulars of—
- (d) the names of all corporations on whose behalf the agent is holding trust money and the amount of the credit of each such corporation; and
  - (e) all negotiable or bearer securities or deposit receipts in the name of the agent which represent money drawn from the agent's trust account and which were held by the agent on that day; and
  - (f) —
    - (i) the names of the trust accounts in which the balance of the agent's trust money is lodged and the balances on that date of those accounts; and
    - (ii) if the trust account balances are not in agreement with the balances of the agent's ledger accounts—a statement reconciling those balances.

Maximum penalty: \$500.

- (2) The notice must be verified by statutory declaration—
  - (a) of the agent; or
  - (b) in the case of a firm of agents—of not less than 2 partners of the firm; or
  - (c) in the case of a body corporate agent—of not less than 2 directors of the body.
- (3) The agent must give the auditor making the next succeeding audit of the agent's accounts and records—
  - (a) at the request of the auditor, a copy of the notice, together with a signed copy of the auditor's statement of the last preceding audit of the agent's accounts and records; or
  - (b) if the agent's accounts and records are being audited for the first time or, if for any other reason a copy of the notice cannot be produced for the purpose of the audit—before completion of the audit, a notice containing the same particulars as to money, negotiable or bearer securities and deposit receipts held on the first day of the period to which the audit relates.

Maximum penalty: \$500.

### **37—Certain persons may not audit accounts and records of agent**

A person must not audit the accounts and records of an agent if the person—

- (a) is, or has been within 2 years, an employee or partner of the agent; or
- (b) is an employee of another agent actually carrying on business as an agent; or
- (c) is, himself or herself, an agent carrying on business as an agent.

Maximum penalty: \$500.

## **Schedule 1—Forms**

### **Form 1**

sections 14(4)(h), 52(4)(f)(ii), 58(3)(e) and 60(3)(f) of Act

#### **Certificate of licensed surveyor**

I, *[insert name and address]*, a licensed surveyor under the *Survey Act 1992* certify that—

- (a) I am uncertain about the location of that part of the service infrastructure shown between the points marked > and < on the plan; and
- (b) this community plan has been correctly prepared in accordance with the *Community Titles Act 1996*.

Date:

Signed:

### **Form 2**

sections 14(4)(i), 21(2)(b), 52(4)(g), 58(3)(f), 60(3)(g), 65(d)(ii) and 67(2)(f)(ii) of Act

#### **Certificate of land valuer**

I, *[insert name and address]*, being a land valuer within the meaning of the *Land Valuers Act 1994* certify that this Schedule is correct for the purposes of the *Community Titles Act 1996*.

Date:

Signed:

Note—

The certificate must be endorsed on the Schedule of lot entitlements.

### Form 3

section 52(4)(h) of Act

#### Certificate of land valuer

I, *[insert name and address]*, being a land valuer within the meaning of the *Land Valuers Act 1994* certify that the application *[insert details identifying the application]* for the amendment of deposited community plan No *[insert number of community plan]* does not affect the relative value of the lots into which the plan as amended divides the community parcel.

Date:

Signed:

### Form 4

section 31(2) of Act

#### Certification of scheme description as amended

I, *[insert name and address]*, being an officer of Community Corporation No *[insert number of corporation]* Incorporated certify that—

- (a) in accordance with section 31 of the *Community Titles Act 1996*, Community Corporation No *[insert number of corporation]* has by unanimous resolution at a duly convened meeting of the corporation held at *[insert address of location of meeting]* on *[insert date of meeting]* amended Scheme Description No *[insert number of scheme description]* and a true copy of the scheme description as amended is attached to this certificate; and
- (b) the persons whose consents are required by section 32 of the *Community Titles Act 1996* have consented to the amendment.

Date:

Signed:

Note—

The copy of the scheme description attached to the certificate must be endorsed "*This is the copy of the scheme description referred to in the attached certificate.*" and signed by the officer certifying the copy.

### Form 5

section 39(5) of Act

#### Certification of copy of by-laws as varied and resolution

I, *[insert name and address]*, being an officer of Community Corporation No *[insert number of corporation]* Incorporated certify that—

- (a) the copy of the by-laws attached to this certificate is a true copy of the by-laws as varied by special/unanimous *[strike out whichever is not applicable]* resolution of the corporation on *[insert date of resolution]*; and
- (b) the copy of the resolution attached to this certificate is a true copy of the resolution referred to in paragraph (a).

Date:

Signed:

**Note—**

The copy of the by-laws attached to a certificate must be endorsed "*This is the copy of the by-laws referred to in the attached certificate.*" and signed by the officer certifying the copy.

The copy of the resolution attached to the certificate must be endorsed "*This is the copy of the resolution of the corporation referred to in the attached certificate.*" and signed by the officer certifying the copy.

## **Form 6**

section 50(10) of Act

### **Certification of copy of development contract as varied**

I, *[insert name and address]*, being an officer of Community Corporation No *[insert number of corporation]* Incorporated certify that the copy of the development contract attached to this certificate is a true copy of the contract as varied pursuant to section 50 of the *Community Titles Act 1996* by agreement made on *[insert date of resolution]* between the developer and the corporation.

Date:

Signed:

**Note—**

The copy of the contract attached to the certificate must be endorsed "*This is the copy of the development contract referred to in the attached certificate.*" and signed by the officer certifying the copy.

## **Form 7**

section 50(10) of Act

### **Certification of copy of agreement to terminate development contract**

I, *[insert name and address]*, being an officer of Community Corporation No *[insert number of corporation]* Incorporated certify that the copy of the agreement to terminate a development contract attached to this certificate is a true copy of the agreement entered into pursuant to section 50 of the *Community Titles Act 1996* on *[insert date of resolution]* between the developer and the corporation.

Date:

Signed:

**Note—**

The copy of the agreement attached to the certificate must be endorsed "*This is the copy of the agreement to terminate a development contract referred to in the attached certificate.*" and signed by the officer certifying the copy.

## **Form 8**

clause 2(2) of Schedule of Act

**Certification of copy of resolution of strata corporation that the *Community Titles Act 1996* will apply to, and in relation to, the strata scheme**

I, *[insert name and address]*, being an officer of Community Corporation No *[insert number of corporation]* Incorporated certify that the copy of the resolution attached to this certificate is a true copy of the resolution by which the corporation decided that the *Community Titles Act 1996* and not the *Strata Titles Act 1988* will apply to, and in relation to, the corporation and the strata scheme.

Date:

Signed:

**Note—**

The copy of the resolution attached to the certificate must be endorsed "*This is the copy of the resolution of the corporation referred to in the attached certificate.*" and signed by the officer certifying the copy.

**Form 9**

section 154(2) of Act

**Notice if whereabouts of certain persons unknown**

To *[insert name and last address known to the Registrar-General of each person to whom notice is given]*

I/We, *[insert name and address of each person giving notice]*, give you notice that I/we intend to make/have made *[strike out whichever is not applicable]* an application to the Registrar-General under *[insert reference to provision of Act]* of the *Community Titles Act 1996* *[insert description of subject matter of application]* in respect of the land comprised in Certificate of Title Register Book Volume *[insert Volume number]* Folio *[insert Folio number]*.

If you do not consent to the Registrar-General granting the application, you must lodge a written objection with the Registrar-General.

I/We are required by section 154(2) of the *Community Titles Act 1996* to—

- (a) post this notice to you; and
- (b) publish a copy of this notice in a newspaper circulating generally throughout the State; and
- (c) if the subject matter of the application relates to or involves an encroachment—leave a copy of this notice in a conspicuous place on or near the land over which the encroachment has occurred.

If 28 days have passed since I/we complied with paragraphs (a), (b) and (c) and you have not lodged an objection to the application with the Registrar-General before he or she grants the application, the Registrar-General may grant the application without your consent. After consent has been granted it will be too late for you to lodge an objection.

Date:

Signed: *[signature of each person giving notice]*

**Form 10**

sections 30(1)(ia), 31(3)(ab), 34(2)(e), 39(5a), 47(2)(ka), 50(7)(a) of Act

## Certificate as to preparation of scheme description, by-laws or development contracts

Certified correctly prepared in accordance with the requirements of the *Community Titles Act 1996* by the person who prepared the document/an officer of the community corporation [*strike out whichever is not applicable*].

Date:

Name:

Address:

Signed:

**Note—**

The certificate must be endorsed on the relevant document.

## Schedule 2—Fees

1	Examination of plan to be lodged with application under Act before application is lodged (section 144 of Act)—	
	(a) for application for division of land by plan of community division (section 14 of Act)—	
	(i) if there are 5 lots or less	\$404.00
	(ii) if there are more than 5 lots	\$812.00
	(b) for any other application	\$404.00
2	Application for division of land by plan of community division (section 14 of Act)—	
	(a) for examination of application	\$341.00
	(b) for examination of plan of community division not subject to prior approval under section 144 of Act—	
	(i) if there are 5 lots or less	\$404.00
	(ii) if there are more than 5 lots	\$812.00
	(c) for deposit of plan of community division	\$125.00
	(d) for each lot requiring issue of certificate of title	\$73.00
	(e) for filing of scheme description	\$140.00
	(f) for filing of by-laws	\$140.00
	(g) for filing of development contract	\$140.00
3	Application to amend schedule of lot entitlements (section 21 of Act)	\$140.00
4	Filing of copy of certified scheme description as amended (section 31 of Act)	\$140.00
5	Filing of certified copy of by-laws as varied (section 39 of Act)	\$140.00
6	Maximum fee for purchase from corporation of copy of by-laws (section 44 of Act)	\$41.50
7	Fee for purchase from Registrar-General of copy of by-laws filed with plan of community division (section 44 of Act)	\$8.30
8	Filing of certified copy of development contract as varied or agreement to terminate development contract (section 50 of Act)	\$140.00
9	Maximum fee for purchase from corporation of copy of development contract (section 51 of Act)	\$41.50

10	Fee for purchase from Registrar-General of copy of development contract filed with plan of community division (section 51 of Act)	\$8.30
11	Application for amendment of deposited community plan (section 52 of Act)—	
	(a) for examination of application	\$260.00
	(b) for examination of plan to be substituted or sheets of plan to be substituted or added if plan not subject to prior approval under section 144 of Act	\$404.00
	(c) for each lot requiring issue of certificate of title	\$73.00
	(d) for filing of amended scheme description	\$140.00
12	Application for division of development lot in pursuance of development contract and consequential amendment of community plan (section 58 of Act)—	
	(a) for examination of application	\$260.00
	(b) for examination of plan to be substituted or sheets of plan to be substituted or added if plan not subject to prior approval under section 144 of Act	\$404.00
	(c) for each lot requiring issue of certificate of title	\$73.00
13	Application for amalgamation of deposited community plans (section 60 of Act)—	
	(a) for examination of application	\$260.00
	(b) for examination of plan of community division not subject to prior approval under section 144	\$404.00
	(c) for deposit of plan of community division	\$125.00
	(d) for each lot requiring issue of certificate of title	\$73.00
	(e) for filing of scheme description	\$140.00
	(f) for filing of by-laws	\$140.00
14	Application for cancellation of deposited community plan (sections 64 and 65 of Act)—	
	(a) for examination of application	\$260.00
	(b) if application is for cancellation of primary plan—	
	(i) for examination of plan that delineates outer boundaries of primary parcel	\$404.00
	(ii) for filing of plan	\$125.00
	(c) for each certificate of title to be issued	\$73.00
15	Application to note Court order for cancellation of community plan (sections 64 and 67 of Act)—	
	(a) for noting the order	\$260.00
	(b) if application is for cancellation of primary plan—	
	(i) for examination of plan that delineates outer boundaries of primary parcel	\$404.00
	(ii) for filing of plan	\$125.00
	(c) for each certificate of title to be issued	\$73.00
16	Filing of notice of appointment, removal or replacement of administrator (section 100 of Act)	\$140.00

17	Filing of resolution to elect to use Act (Schedule clause 2)	\$140.00
18	Submission of outer boundary plan (regulation 8)	
	(a) for examination of plan	\$812.00
	(b) for filing of plan	\$125.00
19	Fee for re-examination of plan when amended after approval for deposit is given	\$125.00
20	Lodgement of any other document required by Act	\$140.00

## **Schedule 2—Revocation**

### **1—Revocation of *Community Titles Regulations 1996***

The *Community Titles 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 25 August 2011

No 202 of 2011

AGO0224/11CS



South Australia

# Security and Investigation Agents Regulations 2011

under the *Security and Investigation Agents Act 1995*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Security and Investigation Agents Regulations 2011*.

## 2—Commencement

These regulations will come into operation on 1 September 2011.

## 3—Interpretation

In these regulations—

*Act* means the *Security and Investigation Agents Act 1995*;

*approved form* means a form approved by the Commissioner;

*auditor* means a registered company auditor within the meaning of the *Corporations Act 2001* of the Commonwealth;

*blood test information sheet* means an information sheet in the approved form that sets out, for the benefit of sample collectors, the procedures prescribed under regulation 21;

*collection agent* means an investigation agent who is authorised by a licence to perform 1 or more of the following functions:

- (a) ascertaining the whereabouts of or repossessing goods that are subject to a security interest;
- (b) collecting or requesting the payment of debts;
- (c) executing legal process for the enforcement of a judgment or order of a court;
- (d) executing distress for the recovery of rates, taxes or money;

*former collection agent* includes an agent who held a licence with the endorsement 1 or commercial agent under the *Commercial and Private Agents Act 1986*;

*medical practitioner* means a person registered under the *Health Practitioner Regulation National Law* to practise in the medical profession (other than as a student);

*record* includes information kept by computer, microfilm or other process;

*registered nurse* means a person registered under the *Health Practitioner Regulation National Law*—

- (a) to practise in the nursing and midwifery profession as a nurse (other than as a student); and
- (b) in the registered nurses division of that profession;

*sample collector* means—

- (a) in the case of a blood sample—a medical practitioner or a registered nurse; and
- (b) in the case of a urine sample—a medical practitioner or a registered nurse, or a police officer authorised by the Commissioner of Police to take samples of urine for the purposes of section 23J(1) of the Act;

*trust account* means an account in which trust money is required to be deposited by an agent;

*trust money*, in relation to a collection agent, means money—

- (a) that is received by the agent when acting as an agent; and
- (b) to which the agent is not wholly entitled in law and in equity,

but does not include money received on behalf of—

- (c) a person by whom the agent is employed under a contract of service; or

- (d) a person who is also a collection agent;

*urine screening test* means a test of a kind approved by the Commissioner for the conduct of urine screening tests.

## Part 2—Application of Act

### 4—Exemption for loss adjusters and accountants—prescribed qualifications

- (1) For the purposes of section 4(e) of the Act, the prescribed qualification in loss adjusting is membership of the Australasian Institute of Chartered Loss Adjusters.
- (2) For the purposes of section 4(f)(ii) of the Act, the prescribed qualification in accountancy is a current practising certificate issued by either The Institute of Chartered Accountants in Australia or the CPA Australia Ltd.

### 5—Other exemptions

- (1) A person is exempt from the requirement to hold a licence authorising the performance of the function of providing advice on security alarm or surveillance systems if—
  - (a) the person is registered as an architect under the *Architectural Practice Act 2009*; or
  - (b) the person holds the qualifications necessary for membership of Engineers Australia; or
  - (c) the person is employed under a contract of service and provides advice on security alarm or surveillance systems only to his or her employer in relation to premises owned or occupied by the employer.
- (2) A person employed in connection with the casino licensed under the *Casino Act 1997* is exempt, while acting in the ordinary course of that employment, from the requirement to hold a licence authorising the performance of 1 or more of the following functions:
  - (a) protecting or guarding a person or property or keeping a person or property under surveillance;
  - (b) preventing, detecting or investigating the commission of an offence in relation to a person or property;
  - (c) controlling crowds.
- (3) A person who is not employed or engaged to deal with persons who behave in a disorderly manner or create a nuisance is exempt from the requirement to hold a licence authorising the performance of the function of controlling crowds unless the person is employed or engaged to control crowds on licensed premises (within the meaning of the *Liquor Licensing Act 1997*).

## Part 3—General provisions supporting Act

### 6—Offences preventing persons being licensed agents or process servers

For the purposes of section 9 and section 23 of the Act, the classes of offences set out in Schedule 1 are specified.

## **7—Offences for purposes of suspension and cancellation of security agents licence**

For the purposes of section 23A(1), 23B(1) and 23G(1) of the Act, the classes of offences set out in Schedule 2 are specified.

## **8—Annual fee and return**

- (1) For the purposes of section 12(2) of the Act, a licensed agent must pay the fee and lodge the return on or before—
  - (a) in the case of a collection agent who held a licence immediately before the commencement of this paragraph—
    - (i) the last day of the month in each year nominated in writing to the agent by the Commissioner; or
    - (ii) if the Commissioner does not nominate a month—31 October in each year;
  - (b) in the case of a collection agent who is granted a licence after the commencement of this paragraph or of any other licensed agent—
    - (i) the last day of the month in each year nominated in writing to the agent by the Commissioner; or
    - (ii) if the Commissioner does not nominate a month—the last day of the month in each year that is the same month as the month in which the agent's licence was granted.
- (2) For the purposes of section 12(3) of the Act, the penalty for default in paying the fee or lodging the return is as set out in Schedule 4.

## **9—Objection to application for licence**

For the purposes of section 8A(3) of the Act, the prescribed period is 90 days.

## **10—Review of licence**

For the purposes of section 23H of the Act, the prescribed number of occasions is 2 and the prescribed period is 36 months.

# **Part 4—Crowd controllers**

## **Division 1—Identification**

### **11—Duty of person who carries on business or promotes event to provide crowd controllers with identification card and keep register**

- (1) A person who carries on a business or promotes an event at a place and employs (whether under contract of service or otherwise) 1 or more licensed security agents to perform the function of controlling crowds at the place must—
  - (a) ensure that each agent who personally performs the function of controlling crowds at the place is issued with an identification card in accordance with this regulation; and
  - (b) ensure that a register is kept for the place in accordance with this regulation.

Maximum penalty: \$2 500.

Expiation fee: \$160.

- (2) The identification card—
- (a) must legibly display in black characters on a white background—
    - (i) a number of up to 3 digits not less than 4 cm in height and comprised of lines not less than 5 mm in thickness; and
    - (ii) the word "security" in letters not less than 5 mm in height; and
    - (iii) the name of the place or the event in respect of which the card is issued in letters not less than 5 mm in height;
  - (b) may be issued to the agent on a permanent basis or periodically, before the agent commences each period of duty.
- (3) If more than 1 agent is to perform the function of controlling crowds at the same place at the same time, the identification card issued to each agent must display a different number.
- (4) The register must—
- (a) contain the following information:
    - (i) the full name and address of the person who carries on the business or promotes the event;
    - (ii) the name and address of the place in respect of which the register is kept;
    - (iii) the licence number and full name and address of each agent who personally performs the function of controlling crowds at the place;
    - (iv) in relation to each period of duty performed by each agent—
      - (A) the time at which the agent starts and finishes the period of duty; and
      - (B) the number displayed on the identification card worn by the agent during the period of duty; and
  - (b) be kept—
    - (i) while the person carrying on the business or promoting the event continues to use the place in respect of which the register is kept—at that place;
    - (ii) in any other case—at some other place of business or residence of the person who carries on the business or promotes the event;
  - (c) be retained for at least 6 months, or for such longer period as a police officer, the Commissioner or an authorised officer under the *Fair Trading Act 1987* requests by notice in writing.
- (5) The person who carries on the business or promotes the event must ensure that the register is readily available for inspection (and copying) at the request of a police officer, an authorised officer under the *Fair Trading Act 1987* or a person authorised by the Commissioner.

Maximum penalty: \$2 500.

- (6) In this regulation—

***period of duty***, in relation to an agent, means any period during which the agent is to or may perform the function of controlling crowds, and includes meal or rest breaks.

## 12—Duty of crowd controller to wear identification

For the purposes of section 20(2) of the Act, a licensed security agent who is issued with an identification card under regulation 11 must, while performing the function of controlling crowds at the place in respect of which the card is issued, wear the identification card on his or her chest securely attached to the outside of his or her clothing so that at all times the numbers on the card are clearly visible to other persons.

## Division 2—Drug testing

### 13—Prescribed drugs and non-complying sample

For the purposes of Part 3A Division 2 of the Act—

- (a) a *prescribed drug* is—
  - (i) a controlled drug (other than a drug of dependence) within the meaning of the *Controlled Substances Act 1984*; or
  - (ii) a drug referred to in Schedule 8 of the current Poisons Standard within the meaning of the *Therapeutic Goods Act 1989* of the Commonwealth; and
- (b) a *non-complying sample* is a sample of blood or urine containing any trace of a prescribed drug.

### 14—Who may take samples

- (1) The following persons may take a blood or urine sample from a licensee for the purposes of a drug testing procedure the licensee has been directed to undertake under section 23J(1) of the Act:
  - (a) in the case of a blood sample—a medical practitioner or a registered nurse;
  - (b) in the case of a urine sample—a medical practitioner or a registered nurse, or a police officer authorised by the Commissioner of Police to take such a sample.
- (2) A police officer may not be authorised to take a urine sample unless the officer has completed to a satisfactory level a course of training approved by the Commissioner of Police.

### 15—Taking of blood samples

The following are the prescribed procedures in accordance with which a sample of a licensee's blood must be taken and dealt with for the purposes of section 23J of the Act:

- (a) the sample must be taken by the sample collector in the presence of a police officer;
- (b) the sample collector must place the sample, in approximately equal proportions, in 2 containers suitable for the purpose;
- (c) each container must contain a sufficient quantity of blood to enable an accurate evaluation to be made of any concentration of any prescribed drug present in the blood and the sample of blood taken by the sample collector must be such as to furnish 2 such quantities of blood;
- (d) the sample collector must seal each container by application of an adhesive seal bearing an identifying number;

- (e) it is the duty of the sample collector to take such measures as are reasonably practicable in the circumstances to ensure that the blood is not adulterated and does not deteriorate so as to prevent a proper assessment of the concentration of any prescribed drug present in the blood of the licensee;
- (f) the sample collector must then complete a certificate in the approved form by inserting the particulars required by the form, which must then be signed by the sample collector, the police officer in whose presence the sample has been taken and the licensee;
- (g) the original of the signed certificate must then be delivered to the licensee together with 1 of the sealed containers containing part of the blood sample;
- (h) a copy of the signed certificate must be delivered by the sample collector together with the other sealed container containing part of the blood sample to the police officer;
- (i) the blood sample container and copy of the certificate referred to in paragraph (h) must not be delivered into the possession of the licensee;
- (j) the licensee must comply with all reasonable directions of the sample collector or police officer in connection with the taking of the sample and the signing of the certificate.

## 16—Taking of urine samples

The following are the prescribed procedures in accordance with which a sample of a licensee's urine must be taken and dealt with for the purposes of section 23J of the Act:

- (a) if the sample collector is not a police officer, the sample collector must carry out the functions under this regulation in the presence of a police officer;
- (b) the sample collector must provide the licensee with a urine collection container and allow the licensee to provide the sample in private;
- (c) the licensee must provide a sample of his or her urine in the container and then deliver the container to the sample collector immediately;
- (d) the sample collector—
  - (i) must, within 4 minutes of receiving the sample, test the temperature, and conduct a visual examination, of the sample; and
  - (ii) may conduct any other test designed to determine whether or not the sample is a sample of the licensee's urine and is otherwise suitable for analysis;
- (e) if the sample collector has reasonable cause to suspect that the sample—
  - (i) is not a sample of the licensee's urine or has been diluted or tampered with in any way; or
  - (ii) is not suitable for analysis for some other reason,the sample collector, or the police officer accompanying the sample collector—
  - (iii) must require another sample to be provided in accordance with this regulation; and
  - (iv) may require the licensee to submit to a search before the additional sample is provided;



- (f) if the sample collector or police officer requires the licensee to submit to a search, the search—
  - (i) may only be conducted by, and in the presence of, a person of the same sex as the licensee; and
  - (ii) must be carried out in private; and
  - (iii) must not be witnessed by any more persons than is reasonably necessary;
- (g) if the licensee provides 2 samples that, in the opinion of the sample collector, are not samples of the licensee's urine or are otherwise unsuitable for analysis, the licensee will be taken to have failed to comply with a direction under section 23J;
- (h) when the sample collector is satisfied that the licensee has provided a satisfactory sample of the licensee's urine, the sample collector may subject the sample to a urine screening test to determine whether the sample should be submitted for analysis;
- (i) if the sample collector does not subject the sample to a urine screening test, or a urine screening test indicates that the sample may be a non-complying sample, the sample collector must, in the presence of the licensee, place such amount of the sample in a container (suitable for the purpose) as is necessary to enable an accurate evaluation to be made of any concentration of any prescribed drug present in the urine;
- (j) the sample collector must then seal the container by application of an adhesive seal bearing an identifying number;
- (k) it is the duty of the sample collector to take such measures as are reasonably practicable in the circumstances to ensure that the urine is not adulterated and does not deteriorate so as to prevent a proper assessment of the concentration of any prescribed drug present in the urine of the licensee;
- (l) the sample collector must then complete a certificate in the approved form by inserting the particulars required by the form, which must then be signed by the sample collector, the licensee and, if the sample collector is not a police officer, the police officer in whose presence the sample has been taken;
- (m) the original of the signed certificate must then be delivered to the licensee;
- (n) if the sample collector is not a police officer, a copy of the signed certificate must be delivered by the sample collector to the police officer in whose presence the sample has been taken together with the sealed container containing the urine sample;
- (o) the urine sample container and copy of the certificate referred to in paragraph (n) must not be delivered into the possession of the licensee;
- (p) the licensee must comply with all reasonable directions of the sample collector or police officer in connection with the taking of the sample and the signing of the certificate.

### **17—Analysis of sample**

- (1) A police officer who takes or is given a sample of blood or urine, or a certificate, under regulation 15 or 16 must cause the sample and certificate to be delivered to Forensic Science SA as soon as reasonably practicable.

- (2) The Director of Forensic Science SA must, as soon as possible following the delivery of a sample under subregulation (1), ensure that the sample is analysed by or under the supervision of an analyst to determine the level of any prescribed drug in the sample.
- (3) The analyst must then complete and sign a certificate certifying as to the following matters:
  - (a) the date of receipt at Forensic Science SA of the sample container and the certificate accompanying the sample container;
  - (b) the identifying number appearing on the adhesive seal used to seal the sample container;
  - (c) the name and professional qualifications of the analyst;
  - (d) the presence of any prescribed drug found to be present in the sample;
  - (e) any factors relating to the sample or the analysis that might, in the opinion of the analyst, adversely affect the accuracy or validity of the analysis;
  - (f) any other information relating to the sample or analysis (or both) that the analyst thinks fit to include.
- (4) The analyst's certificate must be sent by post to the licensee at the address shown as the licensee's address on the certificate accompanying the sample container.
- (5) A copy of the analyst's certificate must be sent to the Commissioner and the Commissioner of Police.
- (6) A urine sample delivered to Forensic Science SA under this regulation must be held by Forensic Science SA for a period of not less than 6 months following the delivery.
- (7) A licensee from whom a urine sample was taken may arrange, at the expense of the licensee, for further testing of the sample while the sample is held by Forensic Science SA.
- (8) A licensee from whom a blood sample was taken may cause the sample of blood as contained in the blood sample container delivered to that licensee to be analysed to determine the presence of any prescribed drug present in the blood.

## 18—Certificate evidence

In any proceeding under the Act, and in the absence of proof to the contrary, any of the following certificates is evidence of the matters certified in the certificate:

- (a) a certificate purporting to be signed by a sample collector certifying that an identified urine sample was taken or collected—
  - (i) from a named person; and
  - (ii) at a specified date and time; and
  - (iii) in accordance with the regulations;
- (b) a certificate purporting to be signed by a medical practitioner or registered nurse certifying that an identified blood sample was taken or collected—
  - (i) from a named person; and
  - (ii) at a specified date and time; and
  - (iii) in accordance with the regulations;
- (c) a certificate purporting to be signed by an analyst certifying—

- (i) that an identified blood or urine sample taken from a named person was analysed for drugs in accordance with these regulations; and
- (ii) the results obtained from that analysis.

### **19—Prescribed form of identification**

- (1) Pursuant to section 23J(5)(c) of the Act, a licensee must produce 1 of the following forms of identification at the time a blood or urine sample is taken:
  - (a) a current photographic driver's licence issued under the *Motor Vehicles Act 1959* or under a corresponding law of another State or a Territory;
  - (b) a current photographic Proof of Age card issued by the Registrar of Motor Vehicles or by a corresponding public authority of the Commonwealth or another State or a Territory;
  - (c) a current passport issued by the Commonwealth or under the law of another country, bearing a photograph of the person and enabling the age of the person to be determined;
  - (d) a current photographic licence issued by the Commissioner under the Act.
- (2) Failure by a licensee to produce identification as required by subregulation (1) will be taken to be a failure by the licensee to comply with a direction under section 23J of the Act.

## **Division 3—Alcohol testing**

### **20—Conduct of alcotest and breath analysis**

- (1) A licensee required under the Act to submit to an alcotest or breath analysis must not refuse or fail to comply with all reasonable directions of a police officer in relation to the requirement and, in particular, must not refuse or fail to exhale into the apparatus by which the alcotest or breath analysis is conducted in accordance with the directions of a police officer.
- (2) Pursuant to section 23K(4) of the Act, if a licensee submits to a breath analysis, the breath analysis must be conducted in the following manner:
  - (a) the licensee must provide 2 separate samples of breath for analysis;
  - (b) each sample must be provided in accordance with the directions of the operator of the breath analysing instrument and must consist of not less than 1 litre of breath;
  - (c) there must be an interval of not less than 2 minutes and not more than 10 minutes between the provision of the samples.
- (3) Despite subregulation (2)—
  - (a) if, on analysing a sample of breath, the breath analysing instrument indicates an error in the analysis of the sample—
    - (i) that sample, or, if that sample was the second sample provided, both samples, must be disregarded; and
    - (ii) the licensee may be required to provide 2 further samples of breath for analysis using a different instrument (and such samples must be provided in accordance with subregulation (2)(b) and (c)); or
  - (b) if, on analysing a sample of breath, the breath analysing instrument indicates the presence of alcohol in the mouth of the licensee—

- (i) that sample, or, if that sample was the second sample provided, both samples, must be disregarded; and
    - (ii) the licensee may be required to provide 2 further samples of breath for analysis (and such samples must be provided in accordance with subregulation (2)(b) and (c)); or
  - (c) if, on analysing 2 samples of breath, the breath analysing instrument indicates that the reading obtained on analysis of the second sample was more than 15% higher or lower than the reading obtained on analysis of the first sample—
    - (i) those samples must be disregarded; and
    - (ii) the licensee may be required to provide 2 further samples of breath for analysis (and such samples must be provided in accordance with subregulation (2)(b) and (c)); or
  - (d) if, for any reason, a second sample of breath is not provided within 10 minutes of the provision of the first sample—
    - (i) the first sample is to be disregarded; and
    - (ii) the licensee may be required to provide 2 further samples of breath for analysis (and such samples must be provided in accordance with subregulation (2)(b) and (c)).
- (4) If a licensee submits to a breath analysis, the result of the breath analysis will, for the purposes of the Act, be taken to be the reading produced by the breath analysing instrument, on analysis of the samples of breath provided by the licensee in accordance with this regulation, that indicates the lower concentration of alcohol in the licensee's breath (not taking into account any samples that, in accordance with this regulation, are to be disregarded).

## 21—Procedures for voluntary blood test

The following are the prescribed procedures in accordance with which a sample of a licensee's blood must be taken and dealt with for the purposes of section 23M(2)(a) of the Act:

- (a) the licensee must cause the sample to be taken by a sample collector of the licensee's choice and must deliver to the sample collector—
  - (i) the blood test kit supplied to the licensee under section 23M(5)(b) of the Act for use for that purpose; and
  - (ii) the blood test information sheet supplied to the licensee under regulation 23;
- (b) the sample must be taken by the sample collector as soon as reasonably practicable but, in any event, within 4 hours of the licensee having submitted to the breath analysis indicating, for the purposes of the Act, the presence of the prescribed concentration of alcohol in the licensee's blood;
- (c) the sample collector must place the sample, in approximately equal proportions, in 2 containers (being the containers provided as part of the blood test kit);
- (d) each container must contain a sufficient quantity of blood to enable an accurate evaluation to be made of any concentration of alcohol present in the blood and the sample of blood taken by the sample collector must be such as to furnish 2 such quantities of blood;

- (e) the sample collector must seal each container by application of the adhesive seal bearing an identifying number provided as part of the blood test kit;
- (f) it is the duty of the sample collector to take such measures as are reasonably practicable in the circumstances to ensure that the blood is not adulterated and does not deteriorate so as to prevent a proper assessment of the concentration of alcohol present in the blood of the licensee;
- (g) the sample collector must then complete a certificate in the approved form by inserting the particulars required by the form;
- (h) the certificate must be signed by the sample collector certifying as to the matters set out in the form;
- (i) the certificate must also bear the signature of the licensee, attested to by the signature of the sample collector;
- (j) the original of the signed certificate must then be delivered to the licensee together with 1 of the sealed containers containing part of the blood sample;
- (k) a copy of the signed certificate must be delivered by the sample collector together with the other sealed container containing part of the blood sample to a police officer who must, in turn, deliver that copy of the certificate and the blood sample container to Forensic Science SA;
- (l) the blood sample container and copy of the certificate referred to in paragraph (k) must not be delivered into the possession of the licensee;
- (m) on receipt of the blood sample container and certificate at Forensic Science SA, the blood in the container must be analysed as soon as reasonably practicable by or under the supervision of an analyst to determine the concentration of alcohol present in the blood expressed in grams in 100 millilitres of blood;
- (n) the analyst must then complete and sign a certificate certifying as to the following matters:
  - (i) the date of receipt at Forensic Science SA of the blood sample container and the certificate accompanying the blood sample container;
  - (ii) the identifying number appearing on the adhesive seal used to seal the blood sample container;
  - (iii) the name and professional qualifications of the analyst;
  - (iv) the concentration of alcohol found to be present in the blood expressed in grams in 100 millilitres of blood;
  - (v) any factors relating to the blood sample or the analysis that might, in the opinion of the analyst, adversely affect the accuracy or validity of the analysis;
  - (vi) any other information relating to the blood sample or analysis or both that the analyst thinks fit to include;
- (o) the analyst's certificate must be sent by post to the licensee at the address shown as the licensee's address on the certificate accompanying the blood sample container;
- (p) a copy of the analyst's certificate must be sent to or retained on behalf of the Minister;

- (q) a copy of the analyst's certificate must also be sent to the Commissioner and the Commissioner of Police;
- (r) the licensee from whom the blood sample was taken may cause the sample of blood as contained in the blood sample container delivered to that licensee to be analysed to determine the concentration of alcohol present in the blood.

## **22—Oral advice and written notice on recording of positive breath analysis reading**

- (1) The oral advice required to be given for the purposes of section 23M(5)(a) of the Act must be as set out in Part A of Schedule 3.
- (2) The written notice required to be delivered for the purposes of section 23M(5)(a) of the Act must be as set out in Part B of Schedule 3.

## **23—Request for approved blood test kit**

- (1) For the purposes of section 23M(5)(b) of the Act, a request for an approved blood test kit must be made in accordance with the following provisions:
  - (a) the request may, in the first instance, be made orally to the person operating the breath analysing instrument (the *operator*);
  - (b) on such a request having been made by the licensee, the operator or any other police officer present at the scene must complete a written request form in the approved form by inserting the particulars required by the form;
  - (c) the licensee making the request must then sign the request form in the presence of the operator or other police officer and the licensee's signature must be attested to by the signature of the operator or other officer;
  - (d) the original of the signed request form may be retained by the licensee making the request;
  - (e) a copy of the signed request form must be delivered to the operator or other police officer.
- (2) The copy of the request form delivered to the operator or other police officer must be delivered to the Commissioner or retained on the Commissioner's behalf for 12 months from the day on which the request form was signed by the licensee making the request.
- (3) If a licensee requests an approved blood test kit, the operator or any other police officer must provide the licensee with a blood test information sheet.

## **Part 5—Collection agents**

### **24—Requirement to keep trust account**

- (1) A collection agent must, as soon as practicable after receiving trust money, deposit the money in an account (in the name of the agent) at an ADI.  
Maximum penalty: \$2 500.
- (2) A collection agent must not pay any other money into the agent's trust account.  
Maximum penalty: \$2 500.
- (3) A collection agent must, when applying to open a trust account, inform the ADI that the account is to be a trust account for the purposes of this Part.  
Maximum penalty: \$2 500.

## 25—General duty with respect to records

If a collection agent uses a computer program to keep records under section 14 of the Act and these regulations, the agent must ensure that—

- (a) an electronic copy of all the records is made within 24 hours of any alteration of the records; and
- (b) at least once in each week, an electronic copy of all the records is made and kept in a safe place at a location other than the premises where the computer program is operating; and
- (c) before any information is deleted from the computer records, a hard copy of the information is made and kept by the agent as part of the agent's records; and
- (d) an up-to-date electronic copy of the computer program is made and kept in a safe place at a location other than the premises where the computer program is operating.

Maximum penalty: \$2 500.

## 26—Keeping of records

A collection agent must keep detailed records of all trust money received by the agent and of any disbursement of, or other dealing with, that money and must compile detailed accounts of those receipts and disbursements that—

- (a) accurately disclose the state of the trust account maintained by the agent; and
- (b) enable the receipt and disposition of trust money to be conveniently and properly audited; and
- (c) comply with the requirements set out in regulations 29, 30 and 31.

Maximum penalty: \$2 500.

## 27—Receipt of trust money

(1) A collection agent must, in respect of the receipt of trust money—

- (a) make available to the person making payment a receipt that complies with this regulation; and
- (b) make and retain a copy of the receipt as part of the agent's records.

Maximum penalty: \$2 500.

(2) The receipt—

- (a) must be legibly written on a form comprised in a series of consecutively pre-numbered duplicate receipt forms marked with the name of the agent and the words "Trust Account"; and
- (b) must contain the following information:
  - (i) —
    - (A) in the case of a payment made by electronic transfer of funds into an agent's trust account—the date on which the agent makes out the receipt; or
    - (B) in any other case—the date of the payment; and
  - (ii) the name of the person making the payment; and

- (iii) whether the payment is by cash, cheque, bank cheque or electronic transfer of funds into the agent's trust account and, if the payment is by cheque or bank cheque, the name of the drawer of the cheque; and
  - (iv) the name of the person for whom the money is received; and
  - (v) brief particulars of the purpose of the payment; and
  - (vi) the amount of the payment.
- (3) A collection agent must make out a receipt in accordance with subregulation (2)—
- (a) in the case of a payment made by electronic transfer of funds into an agent's trust account—immediately the agent receives official confirmation that the payment has been made (whether that is by way of receipt by the agent of an ADI statement or some other way, whichever occurs sooner); or
  - (b) in any other case—immediately on receipt of the payment.

Maximum penalty: \$2 500.

## 28—Withdrawal of trust money

- (1) A collection agent must not withdraw, or permit another person to withdraw, money from a trust account except—
- (a) for payment to the person entitled to the money or in accordance with the directions of that person; or
  - (b) in satisfaction of a claim for commission, fees, costs or disbursements that the agent has against the person on behalf of whom the money is held; or
  - (c) to satisfy an order of a court against the person on behalf of whom the agent is holding the money; or
  - (d) for payment into a court before which proceedings have been instituted in relation to the money; or
  - (e) for the purpose of dealing with the money in accordance with the *Unclaimed Moneys Act 1891*; or
  - (f) for making any other payment authorised by law.

Maximum penalty: \$2 500.

- (2) A collection agent must not make a payment of trust money in cash.

Maximum penalty: \$2 500.

- (3) When a collection agent makes a payment of trust money by cheque, the agent—
- (a) must ensure that the cheque is marked with the name of the agent and the words "Trust Account"; and
  - (b) must—
    - (i) cause the cheque to be crossed and endorsed "Not negotiable"; or
    - (ii) obtain from the person receiving the cheque a receipt that complies with subregulation (5) and keep the receipt as part of the agent's records.

Maximum penalty: \$2 500.



- (4) When a collection agent makes a payment of trust money by cheque, the agent must prepare and keep as part of the agent's records a cheque stub or voucher containing the following information:
- (a) the date and reference number of the cheque;
  - (b) the name of the payee;
  - (c) the client name or reference and brief particulars of the purpose of the payment;
  - (d) the amount of the cheque.
- (5) The receipt must be legible and contain the following information:
- (a) the date and reference number of the cheque; and
  - (b) particulars identifying the trust account against which the cheque is drawn; and
  - (c) the name of the payee; and
  - (d) brief particulars of the purpose of the payment; and
  - (e) the amount of the cheque.
- (6) When a collection agent authorises the payment of trust money by electronic transfer of funds, the agent—
- (a) must prepare and keep as part of the agent's records the following information:
    - (i) the date and reference number of the payment;
    - (ii) the name of the payee;
    - (iii) the client name or reference and brief particulars of the purpose of the payment;
    - (iv) the name or style of the ADI account to which the payment is made, its number and the identifying numbers of the receiving ADI and its branch;
    - (v) the amount of the payment; and
  - (b) must, on receiving official written confirmation that the payment has been made, keep that confirmation as part of the agent's records.

## **29—Cash books**

- (1) A collection agent must keep as part of the agent's records—
- (a) a cash receipts book in which the agent records the following information in respect of each receipt of trust money:
    - (i) the date and reference number of the receipt;
    - (ii) the name of the person from whom the money is received;
    - (iii) the client name or reference to which the transaction relates;
    - (iv) brief particulars of the purpose of the receipt;
    - (v) the amount of the receipt; and
  - (b) a cash payments book in which the agent records the following information in respect of each payment of trust money:
    - (i) the date and reference number of the cheque or electronic transfer of funds by which the payment was made;

- (ii) the name of the payee;
  - (iii) the client name or reference to which the transaction relates;
  - (iv) brief particulars of the purpose of the payment;
  - (v) the amount of the cheque or electronic transfer of funds.
- (2) A collection agent need not keep a cash receipts book or a cash payments book as required by subregulation (1) if the agent uses a computer program to record the information referred to in that subregulation in respect of each receipt or payment of trust money and the program—
- (a) requires input in each field of a data entry screen intended to receive information in respect of a receipt or payment so that all of the information referred to in subregulation (1) is recorded in respect of each receipt and payment; and
  - (b) is capable, at any time, of producing—
    - (i) a report of the information in respect of receipts of trust money in the order in which they were received; and
    - (ii) a report of the information in respect of payments of trust money in the order in which they were made.
- (3) A collection agent who uses a computer program as referred to in subregulation (2) must ensure that—
- (a) at the end of each month, hard copies of each of the following reports are produced:
    - (i) a report of the information in respect of receipts of trust money received during that month in the order in which they were received;
    - (ii) a report of the information in respect of payments of trust money made during that month in the order in which they were made; and
  - (b) those hard copies are kept as part of the agent's records.
- (4) The records of receipts and payments must be made by the agent in accordance with this regulation in the order in which they are received or made, each such record being made within 2 working days after the receipt or payment in question.
- (5) Subregulation (4) does not apply in relation to receipts or payments by way of electronic transfer of funds, a record of which must be made within 2 working days after the agent receives official confirmation that the transfer has occurred.

### **30—Separate trust ledger accounts**

- (1) A collection agent must ensure that the agent's trust ledger accounts are kept separately in respect of each of the agent's clients.
- (2) The agent must record in each of the separate accounts the following details:
  - (a) the name and address of the client to whom the accounts relate;
  - (b) a brief description of the service provided and the transaction to which the accounts relate;
  - (c) in respect of each receipt or disbursement of trust money—
    - (i) the date and reference number of the receipt or disbursement;
    - (ii) the name of the person from whom the money is received or to whom the money is disbursed;

- (iii) brief particulars of the purpose of the receipt or disbursement;
  - (iv) the amount received or disbursed.
- (3) The agent must ensure that any changes in the details referred to in subregulation (2)(a) or (b) are recorded in a manner that enables the changes and the order in which they occurred to be identified.
- (4) If the agent transfers money between any of the separate accounts, the transfer must be clearly recorded—
  - (a) in both accounts; and
  - (b) in a transfer journal,in sufficient detail that the transfer may be clearly understood.
- (5) The records of receipts, disbursements and transfers must be made by the agent in accordance with this regulation in the order in which the receipts, disbursements or transfers are received or made, each such record being made within 2 working days after the receipt, disbursement or transfer in question.
- (6) Subregulation (5) does not apply in relation to receipts or payments by way of electronic transfer of funds, a record of which must be made within 2 working days after the agent receives official confirmation that the transfer has occurred.
- (7) If a collection agent uses a computer program to keep trust ledger accounts or a transfer journal, the agent must ensure that—
  - (a) the program is incapable of—
    - (i) recording a transaction that would result in a debit balance in a trust ledger account unless a separate contemporaneous record of the transaction is also made so that, at any time, a hard copy may be produced of all such transactions in chronological order; and
    - (ii) deleting from its records the information relating to a trust ledger account unless—
      - (A) the balance of the account is zero; and
      - (B) a hard copy of all of the information required under these regulations relating to the account has been produced; and
    - (iii) changing existing information relating to a transaction otherwise than by making a further entry showing a separate transaction to effect the change; and
  - (b) the program automatically inserts consecutive page numbers into any hard copy report produced by use of the program; and
  - (c) the program requires input in each field of a data entry screen intended to receive information for the purposes of a trust ledger account or transfer journal so that the entry contains all of the information required by this regulation.

Maximum penalty: \$2 500.

- (8) If a collection agent uses a computer program to keep trust ledger accounts or a transfer journal, the agent must, within 2 working days of a request from the Commissioner or the agent's auditor, produce hard copies of the trust ledger accounts or transfer journal.

Maximum penalty: \$2 500.

### **31—Reconciliation statements**

- (1) A collection agent must, at the end of each month, prepare and keep as part of the agent's records—
  - (a) a statement reconciling the balance of the agent's cash books, or equivalent computer records, kept under regulation 29 with the balance of the agent's trust account; and
  - (b) a statement reconciling the balances of the ledgers comprised in the agent's trust ledger accounts with the balance of the agent's trust account.
- (2) The agent is not required to set out a list of individual balances, or the names of the clients on whose behalf money is held, when preparing the statement referred to in subregulation (1)(b).

### **32—Transfer of money from trust account to office account**

A collection agent who becomes entitled to money held in the agent's trust account in or towards satisfaction of the agent's commission, fees, costs or disbursements must, as soon as practicable and in any event within 3 months, transfer the money to an account maintained by the agent for receipts other than trust money.

Maximum penalty: \$2 500.

### **33—Statement of dealings to be provided to interested person**

A collection agent must, at the request of a person who has an interest in trust money, provide that person with a statement setting out details of dealings by the agent with the money.

Maximum penalty: \$2 500.

### **34—Retention of accounts and records**

A collection agent must keep the accounts and records referred to in this Part in a legible written form, or so as to be readily convertible into such a form, for at least 5 years.

Maximum penalty: \$2 500.

### **35—Audit of trust accounts**

A collection agent who maintains a trust account must have the accounts and records kept under this Part audited by an auditor in each year in respect of the period from—

- (a) the end of the agent's last audit period ; or
- (b) in the case of an agent being granted a licence—the date of the grant of the licence,

until—

- (c) 2 months before the date next occurring on which the agent must lodge an annual return; or
- (d) if the Commissioner fixes some other date at the request of the agent—the date next occurring fixed by the Commissioner.

Maximum penalty: \$2 500.

**36—Requirement to submit audit statement or declaration if no trust account kept**

- (1) A collection agent who maintains a trust account must, within 2 months after the end of each audit period, lodge with the Commissioner a statement relating to the audit prepared by the auditor in accordance with these regulations.  
Maximum penalty: \$2 500.
- (2) A collection agent who did not maintain a trust account during a particular audit period, must make and lodge with the Commissioner a declaration in accordance with this regulation setting out the reasons for not maintaining a trust account during that period.  
Maximum penalty: \$2 500.
- (3) The declaration—
  - (a) must be in the form approved by the Commissioner; and
  - (b) must be lodged within 2 months after the end of the audit period.
- (4) If a collection agent fails to lodge the audit statement or declaration within the time allowed, the Commissioner may, by notice in writing, require the agent to make good the default and, in addition, to pay to the Commissioner the amount fixed by Schedule 4 as a civil penalty for the default.
- (5) If the agent fails to comply with the notice within 28 days after service of the notice, the agent's licence is cancelled.
- (6) The Commissioner must notify the agent of the cancellation of the agent's licence.
- (7) A collection agent is not liable to both a civil penalty and a criminal penalty in respect of the same default under this regulation and, consequently, payment of the civil penalty exonerates the agent from liability to a criminal penalty and payment of a criminal penalty exonerates the agent from liability to the civil penalty.

**37—Agent's statement to auditor**

- (1) A collection agent who is required to have accounts and records audited must, before the completion of the audit, certify—
  - (a) under his or her hand; or
  - (b) in the case of a firm of agents—under the hands of not less than 2 partners of the firm; or
  - (c) in the case of a body corporate agent—under the hands of not less than 2 directors of the body,and deliver to the auditor a notice verified in accordance with this regulation setting out in detail, as of the last day of the period to which the audit relates, particulars of—
  - (d) the names of all persons on whose behalf the agent is holding trust money and the amount of the credit of each such person; and
  - (e) all negotiable or bearer securities or deposit receipts in the name of the agent which represent money drawn from the agent's trust account and which were held by the agent on that day; and
  - (f) —
    - (i) the names of the trust accounts in which the balance of the agent's trust money is lodged and the balances on that date of those accounts; and

- (ii) if the trust account balances are not in agreement with the balances of the agent's ledger accounts—a statement reconciling those balances.

Maximum penalty: \$2 500.

- (2) The notice must be verified by statutory declaration—
  - (a) of the agent; or
  - (b) in the case of a firm of agents—of not less than 2 of the partners of the firm; or
  - (c) in the case of a body corporate agent—of not less than 2 directors of the body.
- (3) The agent must give the auditor making the next succeeding audit of the agent's accounts and records—
  - (a) at the request of the auditor, a copy of the notice, together with a signed copy of the auditor's statement of the last preceding audit of the agent's accounts and records; or
  - (b) if the agent's accounts and records are being audited for the first time or, if for any other reason a copy of the notice cannot be produced for the purpose of the audit—before completion of the audit, a notice containing the same particulars as to money, negotiable or bearer securities and deposit receipts held on the first day of the period to which the audit relates.

Maximum penalty: \$2 500.

### **38—Requirements of audit**

- (1) In carrying out an audit, the auditor must—
  - (a) make checks that will enable the auditor to give an opinion as to whether the agent has, during the period covered by the audit, complied with these regulations relating to the agent's accounts and records; and
  - (b) ascertain whether a trust account under these regulations was kept by the agent during that period; and
  - (c) make a general test examination of any trust account kept by the agent and of the pass books and statements relating to any such account during that period; and
  - (d) make a comparison as to no fewer than 2 dates (1 to be the last day of the period of the audit and 1 other to be a date within that period selected by the auditor) between—
    - (i) the liabilities of the agent to the agent's clients as shown by the agent's trust ledger accounts and the records kept under these regulations; and
    - (ii) the aggregate of the balances standing to the credit of the agent's trust account; and
  - (e) ask for such information and explanations as the auditor may require for the purposes of this regulation.
- (2) The statement prepared by the auditor for lodging with the Commissioner must set out all matters relating to the agent's accounts and records that should, in the auditor's opinion, be communicated to the Commissioner and, in particular, deal with each of the following matters:
  - (a) whether the accounts and records appear to have been kept regularly and properly written up at all times;

- (b) whether the accounts and records have been ready for examination at the periods appointed by the auditor;
  - (c) whether the agent has complied with the auditor's requirements;
  - (d) whether, at any time during the period of the audit, the agent's trust account was overdrawn and, if so, the full explanation for that given by the agent;
  - (e) whether the agent has, or has had, any debit balances in his or her trust account and the explanation or reason for such a debit given by the agent;
  - (f) whether the auditor has received and examined the notice given to the auditor under regulation 37 and the result of that examination;
  - (g) if the agent uses a computer program to keep the agent's accounts and records—whether the program allows for the accounts and records to be conveniently and properly audited.
- (3) The auditor must attach to the auditor's statement a copy of the agent's notice delivered to the auditor under regulation 37(1).
- (4) The auditor must verify the statement by statutory declaration and give a signed copy of the statement to the agent.
- (5) If the auditor in the course of auditing the agent's accounts and records discovers—
- (a) that they are not kept in a manner that enables them to be properly audited; or
  - (b) a matter that appears to the auditor to involve dishonesty or a breach of the law by the agent; or
  - (c) a loss or deficiency of trust money or a failure to pay or account for trust money; or
  - (d) a failure to comply with this Part,

the auditor must, as soon as possible, give a report in respect of the discovery to the Commissioner and the agent concerned.

Maximum penalty: \$2 500.

### **39—Audit when agent ceases to carry on business**

- (1) If a collection agent ceases to carry on business as a collection agent, the agent, or, if the agent has died, the agent's personal representative, must—
- (a) cause the agent's accounts and records kept under these regulations to be audited and reported on by an auditor for the period from the previous audit up to the date on which the agent's affairs are wound up; and
  - (b) submit a copy of the auditor's statement to the Commissioner within 4 months of the winding up of the agent's affairs or within such further period as the Commissioner may allow.

Maximum penalty: \$2 500.

- (2) The relevant provisions of this Part apply (subject to such modifications as may be necessary) to the audit and statement required by this regulation.
- (3) The collection agent, or his or her personal representative, must continue to comply with these regulations as if the agent had not ceased to carry on business until the agent's affairs (so far as they relate to trust money and other matters required to be recorded under these regulations) are properly and finally wound up.

Maximum penalty: \$2 500.

- (4) The preceding provisions of this regulation do not apply to a collection agent who, before ceasing to carry on business, was a member of a firm if all continuing members of the firm and (unless the agent is dead) the agent certify to the Commissioner that the trust money and other matters in respect of which records are required to be kept under these regulations are under the proper administration and control of the continuing partners or some of them.
- (5) In this regulation—  
*agent* or *collection agent* includes a former collection agent.

#### **40—Audit and report etc for firm operates for each partner**

An audit of accounts and records kept by a firm of collection agents and the auditor's statement and attached notice relating to the firm's accounts and records will be taken to operate as an audit, statement and notice in respect of each agent who is a member of the firm.

#### **41—Certain persons may not audit accounts and records of agent**

A person must not audit the accounts and records of a collection agent if the person—

- (a) is, or has been within 2 years, an employee or partner of the agent; or
- (b) is an employee of another collection agent actually carrying on business as a collection agent; or
- (c) is, himself or herself, a collection agent carrying on business as a collection agent.

Maximum penalty: \$2 500.

#### **42—Obtaining information for purposes of audit**

- (1) An auditor employed by a collection agent to make an audit of the trust accounts of the agent may require the agent or any other person in a position to do so—
  - (a) to produce all the accounts (including accounts that are not trust accounts) relating to the business of the agent and all documents and records relating to those accounts, including written records that reproduce in a readily understandable form information kept by computer, microfilm or other process; and
  - (b) to provide any relevant information relating to the operation of the accounts.
- (2) The manager or other principal officer of an ADI or other financial institution with which a collection agent has deposited money, whether in his or her own account or in a general or separate trust account, must, on being required to do so by an auditor employed or appointed to make an audit under this Part, disclose every such account (including all deposit slips, cancelled cheques and other documents relating to the operation of the account) to the auditor.  
Maximum penalty: \$2 500.
- (3) A person who is required by this regulation to produce documents to an auditor must permit the auditor to make a copy of the whole, or any part, of those documents.  
Maximum penalty: \$2 500.
- (4) In this regulation—

*account* includes a record required to be kept under this Part in relation to the receipt and disposition of trust money;

*agent* or *collection agent* includes a former collection agent.



### **43—ADIs etc to report deficiencies in trust accounts**

An ADI with which a trust account has been established must, as soon as practicable, and in any event within 14 days, after becoming aware of a deficiency in that account, report the deficiency to the Commissioner.

Maximum penalty: \$2 500.

### **44—Confidentiality**

- (1) An auditor must not divulge information that has come to his or her knowledge in the course of performing functions under these regulations or the repealed *Commercial and Private Agents Act 1986* except—

- (a) to the collection agent; or
- (b) to the Commissioner; or
- (c) as otherwise required by law.

Maximum penalty: \$2 500.

- (2) A person engaged in the administration of the Act or these regulations, must not divulge information disclosed in a report provided under this Part or the repealed *Commercial and Private Agents Act 1986* except—

- (a) for the purpose of confidential consideration of the report by the Minister or the Commissioner; or
- (b) as is otherwise necessary for the proper administration of the Act or these regulations; or
- (c) as is otherwise permitted or required by law.

Maximum penalty: \$2 500.

### **45—ADIs etc not affected by notice of trust**

- (1) Subject to subregulation (2), an ADI is not affected by notice of a specific trust to which money deposited in a trust account is subject, and is not bound to satisfy itself of the due application of that money.
- (2) This regulation does not relieve an ADI of liability for negligence.

### **46—Failing to comply with requirement of auditor**

A person must not—

- (a) refuse or fail to comply with a requirement of an auditor under this Part; or
- (b) hinder, delay or obstruct an auditor in the performance of functions under this Part by altering or destroying relevant documents or by any other means.

Maximum penalty: \$2 500.

## Part 6—Miscellaneous

### 47—Notification of change in circumstances

- (1) If there is any change in the residential address or the address for service of a licensed agent, the agent must, within 14 days after that change, give written notice to the Commissioner of the new address.

Maximum penalty: \$2 500.

Expiation fee: \$160.

- (2) If a licensed agent carries on business as an agent, the agent must notify the Commissioner of changes as follows:

- (a) if there is any change in—

- (i) the business or trading name under which the licensed agent carries on business; or
- (ii) the address at which the licensed agent carries on business; or
- (iii) the address of the registered corporate office of a licensed agent that is a body corporate,

the agent must, within 14 days after that change, give written notice to the Commissioner of the new name or address;

- (b) within 14 days after ceasing to carry on business as an agent, the agent must give written notice to the Commissioner of that fact;
- (c) within 14 days after entering into partnership to carry on business as an agent or ceasing to be in such a partnership, the agent must give written notice to the Commissioner of that fact, together with the names of the members of the new or former partnership.

Maximum penalty: \$2 500.

Expiation fee: \$160.

- (3) If a person is appointed as a director of a body corporate that is a licensed agent, the agent must, within 14 days after the appointment—

- (a) notify the Commissioner in the manner and form approved by the Commissioner of the appointment of the new director; and
- (b) provide the Commissioner with any information required by the Commissioner for the purposes of determining whether the new director meets the requirements for directors under section 9(2) of the Act.

Maximum penalty: \$2 500.

Expiation fee: \$160.

### 48—Return etc of licence

- (1) If a licensed agent surrenders his or her licence, the agent must, at the direction of the Commissioner, return the licence to the Commissioner.

Maximum penalty: \$2 500.

Expiation fee: \$160.

- (2) The Commissioner may issue to a licensed agent a licence in replacement of a current licence if satisfied that—
  - (a) the current licence has been lost, destroyed or damaged; or
  - (b) any photograph of the agent on the current licence should be replaced with a more recent photograph of the agent; or
  - (c) any particulars appearing on the current licence are incorrect.
- (3) If the Commissioner issues to a licensed agent a replacement licence, the agent must, at the direction of the Commissioner, return the original (or previous duplicate) licence to the Commissioner.

Maximum penalty: \$2 500.

Expiation fee: \$160.

#### **49—Fees**

- (1) The fees fixed by Schedule 4 are payable to the Commissioner for the purposes set out in that Schedule.
- (2) The Commissioner may waive, reduce or refund a fee (or part of a fee) payable under these regulations if satisfied that it is appropriate to do so in a particular case.

### **Schedule 1—Offences preventing persons being licensed agents or process servers**

#### **1—Licences—section 9(1)(b) and 9(2)(b)(i)**

- (1) An offence to which this subclause applies is prescribed for the purposes of section 9(1)(b) and 9(2)(b)(i) of the Act in relation to any function to be authorised by a licence other than the function of controlling crowds if—
  - (a) a sentence of detention or imprisonment of more than 30 months was imposed in respect of the offence; or
  - (b) the offence was committed by a minor and—
    - (i) in the case of a minor dealt with in relation to the offence as an adult—the conviction was within the previous 10 years; or
    - (ii) in any other case—the conviction was within the previous 5 years; or
  - (c) the offence was committed by an adult and the conviction was within the previous 10 years.
- (2) Subclause (1) applies to the following offences:
  - (a) an indictable offence;
  - (b) common assault or an offence of violence;
  - (c) an offence against the *Controlled Substances Act 1984* involving a controlled drug, other than a simple cannabis offence within the meaning of section 45A of that Act;
  - (d) an offence against the *Firearms Act 1977*, other than an offence against section 15C, 18, 21A, 21AB or 26 of that Act;
  - (e) an offence against section 15 or 15A of the *Summary Offences Act 1953*;
  - (f) an offence against the *Police Act 1998*;

- (g) an offence against the *Listening and Surveillance Devices Act 1972*;
  - (h) an offence against the *Telecommunications (Interception) Act 1979* of the Commonwealth;
  - (i) an offence against the Act or regulations made under the Act or the repealed *Commercial and Private Agents Act 1986* or regulations made under that Act;
  - (j) an offence substantially similar to any of the above offences against the law of the Commonwealth, another State or a Territory, or a place outside Australia.
- (3) An offence to which this subclause applies is prescribed for the purposes of section 9(1)(b) and 9(2)(b)(i) of the Act in relation to the function of controlling crowds to be authorised by a licence if—
- (a) a sentence of detention or imprisonment of more than 30 months was imposed in respect of the offence; or
  - (b) the offence was committed by a minor and—
    - (i) in the case of a minor dealt with in relation to the offence as an adult—the conviction was within the previous 10 years; or
    - (ii) in any other case—the conviction was within the previous 5 years; or
  - (c) the offence was committed by an adult and the conviction was within the previous 10 years.
- (4) Subclause (3) applies to the following offences:
- (a) an indictable offence;
  - (b) common assault or an offence of violence;
  - (c) an offence against the *Controlled Substances Act 1984* involving a controlled drug;
  - (d) an offence against the *Firearms Act 1977*, other than an offence against section 15C, 18, 21A, 21AB or 26 of that Act;
  - (e) an offence against section 15 or 15A of the *Summary Offences Act 1953*;
  - (f) an offence against the *Police Act 1998*;
  - (g) an offence against the Act or regulations made under the Act or the repealed *Commercial and Private Agents Act 1986* or regulations made under that Act;
  - (h) an offence substantially similar to any of the above offences against the law of the Commonwealth, another State or a Territory, or a place outside Australia.
- (5) The following offences are prescribed for the purposes of section 9(1)(b) and 9(2)(b)(i) of the Act in relation to any function to be authorised by a licence if the conviction was within the previous 5 years:
- (a) a summary offence against Part 5 of the *Criminal Law Consolidation Act 1935*;
  - (b) an offence substantially similar to the above offence against the law of the Commonwealth, another State or a Territory, or a place outside Australia.

## **2—Process servers—section 23(1)(d)**

For the purposes of section 23(1)(d) of the Act, the offences prescribed by clause 1(1) and (5) are prescribed in relation to a process server.

### 3—Application of section 25(1)(e)(ii)

- (1) For the purposes of the application of section 25(1)(e)(ii) of the Act to a person licensed as an agent immediately before 10 June 2005—
  - (a) a conviction of an offence committed by the person before 10 June 2005 is to be disregarded if the conviction would not have prevented the person from being entitled to be granted the licence before that day; and
  - (b) a conviction of an offence committed by the person after 10 June 2005 is to be taken into account if the conviction would prevent the person from being entitled to be granted the licence if he or she were to apply for it following the conviction.
- (2) For the purposes of the application of section 25(1)(e)(ii) of the Act to a person who, immediately before 10 June 2005, holds a licence that authorises the person to perform the function of controlling crowds, a conviction of a simple cannabis offence (within the meaning of section 45A of the *Controlled Substances Act 1984*) committed by the person before that day is to be disregarded.

## Schedule 2—Classes of offences—Suspension or cancellation of security agents licence (Regulation 7)

### 1—Offences for the purposes of section 23A

- (1) For the purposes of section 23A(1)(a) of the Act, an offence to which this subclause applies is prescribed in relation to the following functions authorised by a licence:
  - (a) controlling crowds;
  - (b) protecting or guarding a person or property;
  - (c) installing or maintaining security alarm or surveillance systems.
- (2) Subclause (1) applies to the following offences:
  - (a) an indictable offence;
  - (b) common assault or an offence of violence;
  - (c) a summary offence against Part 5 of the *Criminal Law Consolidation Act 1935*;
  - (d) an offence against the *Controlled Substances Act 1984* involving a controlled drug, other than a simple cannabis offence within the meaning of section 45A of that Act;
  - (e) an offence against the *Firearms Act 1977*, other than an offence against section 15C, 18, 21A, 21AB or 26 of that Act;
  - (f) an offence against section 15 or 15A of the *Summary Offences Act 1953*;
  - (g) an offence against the *Police Act 1998*;
  - (h) an offence against the *Listening and Surveillance Devices Act 1972*;
  - (i) an offence against the *Telecommunications (Interception) Act 1979* of the Commonwealth;
  - (j) an offence against the Act or regulations made under the Act;
  - (k) an offence substantially similar to any of the above offences against the law of the Commonwealth, another State or a Territory, or a place outside Australia.

## 2—Offences for the purposes of section 23B

For the purposes of section 23B(1) of the Act, the following offences are prescribed in relation to the function of controlling crowds authorised by a licence:

- (a) common assault or an offence of violence;
- (b) an offence against the *Controlled Substances Act 1984* involving a controlled drug;
- (c) an offence against the *Firearms Act 1977*, or any offence involving the use of a firearm;
- (d) an offence substantially similar to any of the above offences against the law of the Commonwealth, another State or a Territory, or a place outside Australia.

## 3—Offences for the purposes of section 23G

For the purposes of section 23G(1) of the Act, the following offences are prescribed:

- (a) in relation to the function of controlling crowds authorised by a licence—the offences prescribed by clause 2;
- (b) in relation to the function of protecting or guarding a person or property authorised by a licence—
  - (i) an offence of violence;
  - (ii) an offence against the *Controlled Substances Act 1984* involving a controlled drug, other than a simple cannabis offence within the meaning of section 45A of that Act;
  - (iii) an offence against the *Firearms Act 1977*, or any offence involving the use of a firearm;
  - (iv) an offence against section 134 (Theft) or 137 (Robbery) of the *Criminal Law Consolidation Act 1935*;
  - (v) an offence substantially similar to any of the above offences against the Commonwealth, another State or a Territory, or a place outside Australia;
- (c) in relation to the function of installing or maintaining security alarm or surveillance systems authorised by a licence—an offence against section 134 (Theft) or 137 (Robbery) of the *Criminal Law Consolidation Act 1935* or an offence substantially similar to either of those offences against the law of the Commonwealth, another State or a Territory, or a place outside Australia.

## Schedule 3—Prescribed oral advice and written notice

### Part A—Oral advice for the purposes of section 23M(5)(a) of *Security and Investigation Agents Act 1995*

The breathalyser reading just taken shows that you had a prohibited level of alcohol in your blood.

Therefore, it appears that your security agents licence may be cancelled by the Commissioner for Consumer Affairs under the *Security and Investigation Agents Act 1995*.

It will be presumed by the Commissioner that the breathalyser accurately indicated your blood alcohol level at the time of the reading and for the preceding two hours. However, the *Security and Investigation Agents Act 1995* allows for contrary evidence based on the results of a blood test.

If you want to have such a blood test you will have to make your own arrangements and follow certain procedures, using a special blood test kit. This blood test kit will be supplied to you on your signing a written request. You will also be supplied with an information sheet that sets out the relevant procedures. You must give the information sheet to the medical practitioner or registered nurse who takes your blood sample.

If you obtain a blood test kit and want to have your blood tested, you should take the kit promptly to a hospital or medical practitioner in order to have a sample of your blood taken.

Alternatively, you may have the sample taken by a registered nurse.

The blood sample must be taken by the medical practitioner or registered nurse within four hours of the breath analysis that indicated the presence of alcohol in your blood.

You must not consume any more alcohol before having a sample of your blood taken and must not open the blood test kit before delivering it to a medical practitioner or registered nurse.

Under the blood test procedure, the sample of blood is divided and sealed in two containers. You will have to sign a form that will be given to you by the medical practitioner or registered nurse.

One of the sealed containers will be given to you and you may make your own arrangements to have the blood in that container analysed.

In any event, the blood in the other container will be analysed by Forensic Science SA and you will be given written notice of the results of the analysis.

Further information as to these matters is contained in the written notice which will be delivered to you shortly.

## **Part B—Written notice for the purposes of section 23M(5)(a) of the *Security and Investigation Agents Act 1995***

### **Operation of Security and Investigation Agents Act in relation to results of breath analysis**

#### **1 Cancellation of licence**

A security agents licence may be cancelled by the Commissioner for Consumer Affairs if the results of a breath analysis demonstrate that the prescribed concentration of alcohol (as defined in section 23I of the *Security and Investigation Agents Act 1995*) was present in the licensee's blood when the licensee was performing the function of controlling crowds.

#### **2 Breath analysis**

Your breath has just been analysed by means of a breath analysing instrument which indicated that the prescribed concentration of alcohol was present in your blood.

Accordingly, it appears that your security agents licence may be cancelled as described above.

#### **3 Legal effect of breath analysis result**

The result of the breath analysis will be presumed to accurately record the concentration of alcohol in your blood at the time of the analysis and throughout the preceding 2 hours (section 23M(1), (3)).

You will be able to challenge the accuracy of the breath analysis reading—

- if you have a sample of your blood taken and analysed as described below  
AND
- if the result of analysis of the blood sample shows that the breath analysing instrument gave a false reading of the concentration of alcohol present in your blood (section 23M(2)).

#### **Procedures for optional blood test**

- 1 You may have a sample of your blood taken and analysed if you wish.
- 2 For that purpose, you must request the breath analysis operator to supply you with an approved blood test kit (you must sign a written request form for the kit and should retain a copy of the signed request form).
- 3 You should then proceed promptly to a hospital or a medical practitioner or registered nurse of your choice and request that a sample of your blood be taken (using the blood test kit). You must give the medical practitioner or registered nurse the blood test information sheet that was supplied to you with the blood test kit.
- 4 The sample of your blood must be taken within four hours of the breath analysis that indicated the presence of alcohol in your blood.
- 5 Do not consume any further alcohol before the sample is taken.
- 6 Do not open the blood test kit.
- 7 The medical practitioner or registered nurse taking the sample of your blood will divide it and place it into two containers and seal the containers. One container will be delivered to you—do not break the seal on this container.
- 8 Sign the form presented to you by the medical practitioner or registered nurse—the original of the form will be given to you which you should retain.
- 9 You may, if you wish, have the blood sample (in the container delivered to you) analysed at a laboratory to determine the concentration of alcohol present in the blood.
- 10 The other blood sample container will, in any event, be sent to Forensic Science SA where the blood will be analysed. The results of this analysis will be sent to you at your address (as indicated on the form presented to you by the medical practitioner or registered nurse who took the blood sample).

### **Schedule 4—Fees**

1	Application fee for licence (section 8(1)(b) of the Act)—	
	(a) for natural person	\$401.00
	(b) for body corporate	\$651.00
2	Licence fee—payable before the granting of a licence under Part 2 of the Act—	
	(a) for natural person—	
	(i) if licence subject to employee condition or employee (supervision condition)	\$260.00
	(ii) in any other case	\$546.00
	(b) for body corporate	\$713.00



If the period between the grant of the licence and the next date for payment of a fee under section 12 of the Act is less than or more than 12 months, a pro rata adjustment is to be made to the amount of the additional fee by applying the proportion that the length of that period bears to 12 months.

3	Annual fee (section 12(2)(a) of the Act)—	
	(a) for a natural person—	
	(i) if licence subject to employee condition or employee (supervision condition)	\$260.00
	(ii) in any other case	\$546.00
	(b) for a body corporate	\$713.00
	If the period between a date for payment of a fee under section 12 of the Act and the next date for payment of the fee under that section (as nominated by the Commissioner) is less than or more than 12 months, a pro rata adjustment is to be made to the amount of the fee by applying the proportion that the length of that period bears to 12 months.	
4	Default penalty fee (section 12(3) of the Act)	\$149.00
5	Application fee for alteration to conditions of licence (section 10 of the Act)	\$244.00
6	Fee for replacement of licence	\$22.90
7	Civil penalty for default in lodging audit statement or declaration (regulation 36(4))	\$311.00

## Schedule 5—Revocation and transitional provisions

### 1—Revocation

The *Security and Investigation Agents Regulations 1996* are revoked.

### 2—Transitional provisions

- (1) A form approved by the Commissioner as an approved form for the purposes of the revoked regulations will, if the approval was in force immediately before the commencement of this clause, be taken to have been approved by the Commissioner as an approved form for the purposes of these regulations.
- (2) A urine screening test of a kind approved by the Commissioner for the conduct of urine screening tests under the revoked regulations will, if the approval was in force immediately before the commencement of this clause, be taken to be a test of a kind approved by the Commissioner for the conduct of urine screening tests for the purposes of these regulations.
- (3) A police officer authorised by the Commissioner of Police to take a urine sample for the purposes of the revoked regulations will, if the authorisation was in force immediately before the commencement of this clause, be taken to be authorised by the Commissioner of Police to take a urine sample for the purposes of these regulations.
- (4) In this provision—

*revoked regulations* means the *Security and Investigation Agents Regulations 1996*.

#### 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 25 August 2011

No 203 of 2011

AGO0241/11CS

South Australia

## **Subordinate Legislation (Postponement of Expiry) Regulations 2011**

under the *Subordinate Legislation Act 1978*

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### **Contents**

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Postponement of expiry for 1 year—Regulations made before 1 January 2001
- 5 Expiry of obsolete regulations

Schedule 1—Postponement of expiry

Schedule 2—Expiry of obsolete regulations

Schedule 3—Revocation of *Subordinate Legislation (Postponement of Expiry) Regulations 2010*

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#### **1—Short title**

These regulations may be cited as the *Subordinate Legislation (Postponement of Expiry) Regulations 2011*.

#### **2—Commencement**

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

#### **3—Interpretation**

In these regulations—

*Act* means the *Subordinate Legislation Act 1978*.

#### **4—Postponement of expiry for 1 year—Regulations made before 1 January 2001**

The expiry under Part 3A of the Act of the regulations listed in Schedule 1 is postponed for a period of 1 year commencing on 1 September 2011.

#### **5—Expiry of obsolete regulations**

The regulations listed in Schedule 2 will expire under the Act on 1 September 2011.

### **Schedule 1—Postponement of expiry**

*Animal Welfare Regulations 2000* made under the *Animal Welfare Act 1985*

*ASER (Restructure) Regulations 1998* made under the *ASER (Restructure) Act 1997*

*Australian Road Rules* made under the *Road Traffic Act 1961*

*Bail Regulations 2000* made under the *Bail Act 1985*

- Bank Mergers (South Australia) (St. George/Advance) Regulations 1998* made under the *Bank Mergers (South Australia) Act 1997*
- Carrick Hill Trust Regulations 1999* made under the *Carrick Hill Trust Act 1985*
- Children's Services (Child Care Centre) Regulations 1998* made under the *Children's Services Act 1985*
- Coast Protection (Eyre) Regulations 2000* made under the *Coast Protection Act 1972*
- Coast Protection (Fleurieu) Regulations 2000* made under the *Coast Protection Act 1972*
- Coast Protection (Kangaroo Island) Regulations 2000* made under the *Coast Protection Act 1972*
- Coast Protection (Metropolitan) Regulations 2000* made under the *Coast Protection Act 1972*
- Coast Protection (South East) Regulations 2000* made under the *Coast Protection Act 1972*
- Coast Protection (Spencer) Regulations 2000* made under the *Coast Protection Act 1972*
- Coast Protection (Yorke) Regulations 2000* made under the *Coast Protection Act 1972*
- Commonwealth Places (Mirror Taxes Administration) (Modification of State Taxing Laws) Regulations 2000* made under the *Commonwealth Places (Mirror Taxes Administration) Act 1999*
- Controlled Substances (Controlled Drugs, Precursors and Plants) Regulations 2000* made under the *Controlled Substances Act 1984*
- Co-operatives Regulations 1997* made under the *Co-operatives Act 1997*
- Criminal Law (Sentencing) Regulations 2000* made under the *Criminal Law (Sentencing) Act 1988*
- Dog Fence Regulations 1997* made under the *Dog Fence Act 1946*
- Education (Registration of Non-Government Schools) Regulations 1998* made under the *Education Act 1972*
- Education Regulations 1997* made under the *Education Act 1972*
- Electricity (General) Regulations 1997* made under the *Electricity Act 1996*
- Electricity Corporations (Restructuring and Disposal) Regulations 1999* made under the *Electricity Corporations (Restructuring and Disposal) Act 1999*
- Emergency Services Funding (Remissions—Land) Regulations 2000* made under the *Emergency Services Funding Act 1998*
- Emergency Services Funding (Remissions—Motor Vehicles and Vessels) Regulations 2000* made under the *Emergency Services Funding Act 1998*
- Fees Regulation (Assessment of Requirements—Water and Sewerage) Regulations 1997* made under the *Fees Regulation Act 1927*
- Financial Institutions Duty Regulations 1998* made under the *Financial Institutions Duty Act 1983*
- First Home Owner Grant Regulations 2000* made under the *First Home Owner Grant Act 2000*
- Fisheries Management (Blue Crab Fishery) Regulations 1998* made under the *Fisheries Management Act 2007*

*Fisheries Management (Miscellaneous Fishery) Regulations 2000* made under the *Fisheries Management Act 2007*

*Gas Regulations 1997* made under the *Gas Act 1997*

*Goods Securities Regulations 1999* made under the *Goods Securities Act 1986*

*Ground Water (Qualco-Sunlands) Control Regulations 2000* made under the *Ground Water (Qualco-Sunlands) Control Act 2000*

*Historic Shipwrecks Regulations 1999* made under the *Historic Shipwrecks Act 1981*

*Juries (General) Regulations 1998* made under the *Juries Act 1927*

*Libraries Regulations 1998* made under the *Libraries Act 1982*

*Liquor Licensing (Dry Areas—Long Term) Regulations 1997* made under the *Liquor Licensing Act 1997*

*Liquor Licensing (Dry Areas—Short Term) Regulations 1997* made under the *Liquor Licensing Act 1997*

*Liquor Licensing (General) Regulations 1997* made under the *Liquor Licensing Act 1997*

*Livestock Regulations 1998* made under the *Livestock Act 1997*

*Local Government (General) Regulations 1999* made under the *Local Government Act 1999*

*Local Government (Procedures at Meetings) Regulations 2000* made under the *Local Government Act 1999*

*Mines and Works Inspection Regulations 1998* made under the *Mines and Works Inspection Act 1920*

*Motor Vehicles (Accident Towing Roster Scheme) Regulations 2000* made under the *Motor Vehicles Act 1959*

*Mutual Recognition (South Australia) (Temporary Exemptions) Regulations 1999* made under the *Mutual Recognition (South Australia) Act 1993*

*National Parks and Wildlife (Parking) Regulations 1997* made under the *National Parks and Wildlife Act 1972*

*Opal Mining Regulations 1997* made under the *Opal Mining Act 1995*

*Petroleum and Geothermal Energy Regulations 2000* made under the *Petroleum and Geothermal Energy Act 2000*

*Police Regulations 1999* made under the *Police Act 1998*

*Primary Industry Funding Schemes (Cattle Industry Fund) Regulations 2000* made under the *Primary Industry Funding Schemes Act 1998*

*Primary Industry Funding Schemes (Sheep Industry Fund) Regulations 1999* made under the *Primary Industry Funding Schemes Act 1998*

*Public Corporations (Adelaide Convention Centre Corporation) Regulations 2000* made under the *Public Corporations Act 1993*

*Public Corporations (Adelaide Entertainments Corporation) Regulations 1999* made under the *Public Corporations Act 1993*

*Public Corporations (Adelaide Festival Centre Trust) Regulations 1998* made under the *Public Corporations Act 1993*

*Public Corporations (Land Management Corporation) Regulations 1997* made under the *Public Corporations Act 1993*

*Public Corporations (Lotteries Commission—Tax and Other Liabilities) Regulations 1997* made under the *Public Corporations Act 1993*

*Radiation Protection and Control (Ionising Radiation) Regulations 2000* made under the *Radiation Protection and Control Act 1982*

*Residential Tenancies (Rooming Houses) Regulations 1999* made under the *Residential Tenancies Act 1995*

*Road Traffic (Mass and Loading Requirements) Regulations 1999* made under the *Road Traffic Act 1961*

*Road Traffic (Miscellaneous) Regulations 1999* made under the *Road Traffic Act 1961*

*Road Traffic (Oversize or Overmass Vehicle Exemptions) Regulations 1999* made under the *Road Traffic Act 1961*

*Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999* made under the *Road Traffic Act 1961*

*Road Traffic (Vehicle Standards) Rules 1999* made under the *Road Traffic Act 1961*

*Roxby Downs (Local Government Arrangement) Regulations 1997* made under the *Roxby Downs (Indenture Ratification) Act 1982*

*Second-hand Dealers and Pawnbrokers Regulations 1998* made under the *Second-hand Dealers and Pawnbrokers Act 1996*

*Sexual Reassignment Regulations 2000* made under the *Sexual Reassignment Act 1988*

*South Australian Motor Sport Regulations 1999* made under the *South Australian Motor Sport Act 1984*

*State Records Regulations 1998* made under the *State Records Act 1997*

*Summary Offences (Dangerous Articles and Prohibited Weapons) Regulations 2000* made under the *Summary Offences Act 1953*

*Technical and Further Education Regulations 1999* made under the *Technical and Further Education Act 1975*

*Technical and Further Education (Vehicles) Regulations 1998* made under the *Technical and Further Education Act 1975*

*Trans-Tasman Mutual Recognition (South Australia) Regulations 1999* made under the *Trans-Tasman Mutual Recognition (South Australia) Act 1999*

*Unclaimed Goods Regulations 1998* made under the *Unclaimed Goods Act 1987*

*Water Resources Regulations 1997* made under the *Water Resources Act 1997*

*Wheat Marketing Regulations 1998* made under the *Wheat Marketing Act 1989*

*Witness Protection Regulations 1997* made under the *Witness Protection Act 1996*

*Worker's Liens Regulations 1999* made under the *Worker's Liens Act 1893*

## **Schedule 2—Expiry of obsolete regulations**

*Bank Merger (BankSA and Advance Bank) Regulations 1996* made under the *Bank Merger (BankSA and Advance Bank) Act 1996*

*Local Government (Implementation) Regulations 1999* made under the *Local Government (Implementation) Act 1999*

*Public Corporations (TransAdelaide—Tax and Other Liabilities) Regulations 1997* made under the *Public Corporations Act 1993*

*Water Resources (Penrice Exemption) Regulations 1997* made under the *Water Resources Act 1997*

## **Schedule 3—Revocation of Subordinate Legislation (Postponement of Expiry) Regulations 2010**

The *Subordinate Legislation (Postponement of Expiry) Regulations 2010* 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 25 August 2011

No 204 of 2011

AGO0141/11CS

South Australia

# **Births, Deaths and Marriages Registration Regulations 2011**

under the *Births, Deaths and Marriages Registration Act 1996*

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- 8 Particulars required in notification by doctor
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- 11 Registrar's signature and seal
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### **Schedule 1—Fees**

### **Schedule 2—Revocation of *Births, Deaths and Marriages Registration Regulations 1996***

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## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Births, Deaths and Marriages Registration Regulations 2011*.

### **2—Commencement**

These regulations will come into operation on 1 September 2011.



### 3—Interpretation

In these regulations—

*Act* means the *Births, Deaths and Marriages Registration Act 1996*;

*place* of a birth, marriage or death means—

- (a) where the birth, marriage or death (as the case may be) occurs at a place that has an address—that address;
- (b) where the birth, marriage or death (as the case may be) occurs at a place that does not have an address—a statement identifying the general location in which the birth, marriage or death occurred.

## Part 2—Registration of births

### 4—Particulars required in notification of birth

A notice of the birth of a child to be given under section 12(1) of the Act must include the following particulars:

- (a) whether the child was born alive;
- (b) the date and place of the birth;
- (c) the child's sex;
- (d) the name and usual residential address of the child's mother;
- (e) the name and business address of the doctor or midwife responsible for the professional care of the mother at the birth.

### 5—Information to be included in birth registration statement

A birth registration statement required to be lodged under section 14 of the Act in relation to the birth of a child must include the following information:

- (a) the period of gestation of the child (in weeks) and whether the child was born alive;
- (b) the date and place of the birth;
- (c) the child's sex;
- (d) the child's weight at birth (in grams);
- (e) if the child was born alive—the child's name<sup>1</sup>;
- (f) if the child was the product of a multiple birth—the total number of children born as a result of the multiple birth and the place in the order of birth occupied by the child;
- (g) the name of the child's mother and, if it is different to her current name, the mother's name at birth (or on adoption);
- (h) the date of birth (or age in years if the date of birth is not available), place of birth, occupation and usual residential address of the child's mother;
- (i) the name of the child's father and, if it is different to his current name, the father's name at birth (or on adoption);
- (j) the date of birth (or age in years if the date of birth is not available), place of birth, occupation and usual residential address of the child's father;

- (k) if the father or mother of the child was born overseas—his or her period of residence in Australia or, if he or she has had more than 1 period of residence in Australia, the aggregate of those periods;
- (l) if the child's mother and father are married—the date and place of the marriage;
- (m) the name, sex and date of birth of each previous child of the child's mother and father;
- (n) the sex and date of birth of each previous child of the child's mother and a person other than the child's father;
- (o) whether the child's mother is of Aboriginal or Torres Strait Islander descent (or both);
- (p) whether the child's father is of Aboriginal or Torres Strait Islander descent (or both);
- (q) the name and business address of the doctor or midwife responsible for the professional care of the mother at the birth.

**Note—**

- 1 In the case of a still-born child the birth registration statement may, but need not, state the name of the child—see section 21 of the Act.

## **6—Particulars of birth to be included in the Register**

An entry to be made in the Register under section 17(1) of the Act about the birth of a child must include the following particulars:

- (a) whether the child was born alive;
- (b) the date and place of the birth;
- (c) the child's sex;
- (d) if the child was born alive—the child's name<sup>1</sup>;
- (e) the name of the child's mother and, if it is different to her current name, the mother's name at birth (or on adoption);
- (f) the date of birth (or age in years if the date of birth is not available), place of birth, occupation and usual residential address of the child's mother;
- (g) the name of the child's father and, if it is different to his current name, the father's name at birth (or on adoption);
- (h) the date of birth (or age in years if the date of birth is not available), place of birth, occupation and usual residential address of the child's father;
- (i) if the child's mother and father are married—the date and place of the marriage;
- (j) the name, sex and date of birth of each previous child of the child's mother and father;
- (k) the name, usual residential address and relationship to the child of each person who signed the birth registration statement;
- (l) whether the child's mother is of Aboriginal or Torres Strait Islander descent (or both);
- (m) whether the child's father is of Aboriginal or Torres Strait Islander descent (or both).

**Note—**

- 1 In the case of a still-born child the birth registration statement may, but need not, state the name of the child—see section 21 of the Act.

**Part 3—Registration of change of name****7—Particulars of change of name to be included in the Register**

An entry to be made in the Register under section 28(1) of the Act about a person's change of name must include the following particulars:

- (a) the person's name immediately before registration of the change and any other name previously registered to the person;
- (b) the person's name following registration of the change;
- (c) the person's date and place of birth;
- (d) the person's sex;
- (e) the date on which the entry was made.

**Part 4—Registration of deaths****8—Particulars required in notification by doctor**

A notice of the death of a person to be given under section 36(1) of the Act must include the following particulars:

- (a) the deceased's name;
- (b) the deceased's date of birth;
- (c) the deceased's age at his or her last birthday;
- (d) the deceased's sex;
- (e) the date and place of death;
- (f) whether the deceased was of Aboriginal or Torres Strait Islander descent (or both).

**9—Information to be included in notification by funeral director etc**

A statement to be given under section 38(1) or (3) of the Act, relating to the disposal of human remains, must include the following information:

- (a) the deceased's date and place of birth;
- (b) the deceased's age at his or her last birthday;
- (c) the deceased's sex;
- (d) the date and place of death;
- (e) whether the deceased was of Aboriginal or Torres Strait Islander descent (or both);
- (f) if the deceased was of or over the age of 16 years—his or her marital status at the time of death;
- (g) in relation to each marriage of the deceased—his or her age at the date of the marriage and the name of the person that he or she married;

- (h) if the deceased was of or over the age of 15 years—his or her occupation and whether the deceased was retired at the date of death;
- (i) if the deceased was born overseas—his or her period of residence in Australia or, if he or she had more than 1 period of residence in Australia, the aggregate of those periods;
- (j) the name, sex and date of birth of each child of the deceased born prior to the death of the deceased;
- (k) the names of the deceased's father and mother and, if it is different to his or her current name, the father's or mother's name at birth (or on adoption);
- (l) if the deceased was under the age of 15 years—his or her parents' occupations;
- (m) —
  - (i) if a doctor's certificate as to the cause of death was given under section 36(3) of the Act—the name and business address of the doctor;
  - (ii) if an authorisation for the disposal of human remains was issued under the *Coroners Act 2003*—the date of issue and the name of the person who issued it;
- (n) the name and address of the person who gives the Registrar the statement;
- (o) the name and address of any person who provides information used in the preparation of the statement and the relationship of any such person to the deceased.

## 10—Particulars of death to be included in the Register

An entry to be made in the Register under section 39(1) of the Act about the death of a person must include the following particulars:

- (a) the deceased's name and last residential address;
- (b) the deceased's place of birth;
- (c) the deceased's date of birth;
- (d) the deceased's age at his or her last birthday;
- (e) the deceased's sex;
- (f) the date and place of death;
- (g) whether the deceased was of Aboriginal or Torres Strait Islander descent (or both);
- (h) if the deceased was of or over the age of 16 years—his or her marital status at the time of death;
- (i) in relation to each marriage of the deceased—his or her age at the date of the marriage and the name of the person that he or she married;
- (j) if the deceased was of or over the age of 15 years—his or her occupation;
- (k) if the deceased was born overseas—his or her period of residence in Australia or, if he or she had more than 1 period of residence in Australia, the aggregate of those periods;
- (l) the name, sex and date of birth of each child of the deceased born prior to the death of the deceased;

- (m) the names of the deceased's father and mother and, if it is different to his or her current name, the father's or mother's name at birth (or on adoption);
- (n) the cause of death as certified by a doctor in accordance with section 36(3) of the Act and the length of time that the deceased had the illness or condition (if any) that caused the death;
- (o) the date and place of disposal of the deceased's remains;
- (p) the name and address of the person who gave the Registrar a statement under section 38 of the Act;
- (q) the name and address of any person who provided information used in the preparation of a statement given to the Registrar under section 38 and the relationship of any such person to the deceased.

## Part 5—Miscellaneous

### 11—Registrar's signature and seal

The production of a facsimile of the Registrar's signature and seal by computer is an authorised method for the purposes of section 10(1) of the Act.

### 12—Fees

The fees set out in Schedule 1 are payable as specified in that Schedule.

### Schedule 1—Fees

1	Application to register change of adult's or child's name (section 24 or 25 of Act)	\$157.00
2	Application to register change of name under another law or by order of a court (section 27(2) of Act)	\$42.00
3	Application for correction of entry in Register (section 42 of Act)	\$42.00
4	Application for search of entries made in Register about a particular registrable event within a 10 year period or part of a 10 year period (sections 44 and 46 of Act)—	
	(a) inclusive of issue of standard certificate on completion of search	\$42.00
	(b) inclusive of issue of commemorative certificate package on completion of search	\$59.00
5	Additional fee for giving priority to an application under clause 4(a)	\$32.00
6	Application for authorisation for disposal of human remains (section 50A of Act)	\$84.00

## Schedule 2—Revocation of *Births, Deaths and Marriages Registration Regulations 1996*

The *Births, Deaths and Marriages Registration 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 25 August 2011

No 205 of 2011

AGO0203/11CS

South Australia

# **Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 2011**

under the *Criminal Law Consolidation Act 1935*

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- 6 Disclosure of information
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Schedule 1—Doctor's certificates and notice

Schedule 2—Monthly notification by hospital

Schedule 3—Prescribed hospitals

Schedule 4—Revocation of *Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 1996*

- 1 Revocation of *Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 1996*
- 

## **1—Short title**

These regulations may be cited as the *Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 2011*.

## **2—Commencement**

These regulations will come into operation on 1 September 2011.

## **3—Interpretation**

In these regulations—

*Act* means the *Criminal Law Consolidation Act 1935*;

*Chief Executive* means the Chief Executive of the administrative unit of the Public Service that is, under the relevant Minister, responsible for the administration of the *Health Care Act 2008*;

*legally qualified medical practitioner* means a person registered under the *Health Practitioner Regulation National Law* to practise in the medical profession (other than as a student).

#### 4—Doctor's certificates and notice

- (1) Before any treatment for the termination of a pregnancy in accordance with section 82A(1)(a) of the Act is commenced, the legally qualified medical practitioner who will be performing the termination and the other legally qualified medical practitioner referred to in that paragraph must complete the appropriate certificate set out in Part A of the form prescribed by Schedule 1 (being the certificate to be completed before an ordinary termination).
- (2) As soon as practicable after a pregnancy is terminated in accordance with section 82A(1)(b) of the Act, the legally qualified medical practitioner who performed the termination must complete the appropriate certificate set out in Part A of the form prescribed by Schedule 1 (being the certificate to be completed following an emergency termination).
- (3) As soon as practicable after a pregnancy has been terminated under paragraph (a) or (b) of section 82A(1) of the Act, the legally qualified medical practitioner who performed the termination must complete the notice set out in Part B of the form prescribed by Schedule 1.
- (4) The legally qualified medical practitioner who performed a termination must ensure that a certificate and notice completed under this regulation in relation to the termination is delivered or posted to the Chief Executive within 28 days of the termination.
- (5) A copy of a certificate and notice completed under this regulation must be retained by the legally qualified medical practitioner who performed the termination for a period of 3 years commencing on the date of the termination.

#### 5—Monthly notification

The chief executive officer of a hospital at which a pregnancy has been terminated during any calendar month must, within 20 days of the end of that month, provide to the Chief Executive a duly completed notice in the form set out in Schedule 2.

#### 6—Disclosure of information

- (1) A person must not produce a certificate or notice given under these regulations, or disclose any information contained in such a certificate or notice, except—
  - (a) for the purposes of performing official duties—to an officer or employee of the administrative unit of the Public Service that is, under the relevant Minister, responsible for administration of the *Health Care Act 2008*; or
  - (b) as required by law; or
  - (c) for the purposes of investigating or prosecuting an alleged offence—to a member of a law enforcement or prosecution authority of the State; or
  - (d) for the purposes of any legal proceedings—to the Court or other tribunal dealing with the proceedings; or
  - (e) to the Medical Board of South Australia for the purpose of enabling the Board to discharge its functions according to law; or
  - (f) to the legally qualified medical practitioner who terminated the pregnancy; or
  - (g) to any other legally qualified medical practitioner with the consent, in writing, of the woman whose pregnancy was terminated.
- (2) A person who has been requested to produce a certificate or notice in accordance with subregulation (1)(f) or(g) may require the person making the request to complete a statutory declaration verifying the grounds on which the request is made.



- (3) Nothing in this regulation prevents the disclosure by the Chief Executive of statistics, provided that such disclosure does not reveal the identity of any woman who has had a pregnancy terminated or any legally qualified medical practitioner who has performed a termination.

### **7—Prescribed hospitals**

The hospitals listed in Schedule 3 are declared to be prescribed hospitals for the purposes of section 82A of the Act.

### **8—Offences**

A person who—

- (a) contravenes or fails to comply with a provision of these regulations; or
- (b) knowingly makes a statement or provides information that is false or misleading in, or in connection with, a certificate or notice given under these regulations,

is guilty of an offence.

Maximum penalty: \$200.

## Schedule 1—Doctor's certificates and notice

### Part A—Certificates

NAME, ADDRESS AND QUALIFICATIONS OF DOCTOR WHO PROPOSES TO TERMINATE PREGNANCY OR, IN THE CASE OF AN EMERGENCY TERMINATION, WHO HAS TERMINATED PREGNANCY:

NAME, ADDRESS AND QUALIFICATIONS OF OTHER DOCTOR JOINING IN CERTIFICATE FOR ORDINARY TERMINATION OF PREGNANCY:

FULL NAME AND ADDRESS OF PREGNANT WOMAN:

PREGNANT WOMAN'S STATED PERIOD OF RESIDENCY IN SOUTH AUSTRALIA BEFORE THE DATE OF THIS CERTIFICATE:

REASONS FOR UNDERTAKING TERMINATION OF PREGNANCY:

DIAGNOSIS (Primary condition *must* be specified):

### Certificate to be completed before an ordinary termination

We certify that in the case of the woman named above (whom we have each personally examined) termination of pregnancy is justified under section 82A(1)(a) of the *Criminal Law Consolidation Act 1935* on the following grounds:

- \*1       The continuance of the pregnancy would involve greater risk to the life of the pregnant woman than if the pregnancy were terminated.
- \*2       The continuance of the pregnancy would involve greater risk of injury to the physical or mental health of the pregnant woman than if the pregnancy were terminated.
- \*3       There is a substantial risk that, if the pregnancy were not terminated and the child were born, the child would suffer from such physical or mental abnormalities as to be seriously handicapped.

(\*Circle the appropriate number)

SIGNED:                               DATE:

SIGNED:                               DATE:

### Certificate to be completed following an emergency termination

I certify that in the case of the woman named above (whom I have personally examined) termination of pregnancy was justified under section 82A(1)(b) of the *Criminal Law Consolidation Act 1935* on the following grounds:

- \*4       Termination of the pregnancy was immediately necessary to save the life of the pregnant woman.
- \*5       Termination of the pregnancy was immediately necessary to prevent grave injury to the physical or mental health of the pregnant woman.

(\*Circle the appropriate number)

SIGNED:                               DATE:

**Part B—Notice to be completed following termination of a pregnancy**

The pregnancy to which the above certificate relates was terminated at [*name and address of hospital*] on [*date of termination*].

SIGNED (*Doctor who terminated the pregnancy*):

DATE:

**Information relating to the termination**

[To be completed by the doctor who performed the termination.]

- 1 Date of birth of woman: (*Day, Month, Year*)
- 2 Date of last menstrual period: (*Day, Month, Year*)  
(*If unknown, or uncertain, give clinical estimates in weeks of gestation when pregnancy terminated*)
- 3 Total number of **previous** pregnancies:
 

RESULT OF PREGNANCY	NUMBER
Live Births	
Still Births	
Spontaneous miscarriages	
Ectopic pregnancies	
Terminations	
- 4 Number of previous terminations in South Australia (1970 or after):  
Year of last termination in South Australia:
- 5 Date of admission to place of termination of pregnancy: (*Day, Month, Year*)
- 6 Date of termination of pregnancy: (*Day, Month, Year*)
- 7 Date of discharge from place of termination of pregnancy: (*Day, Month, Year*)
- 8 Grounds for termination of pregnancy:
  - (a) Medical condition of woman (*specify*)
    - Obstetric disease
    - Non-obstetric disease
  - (b) Suspected medical condition of foetus (*specify*)
    - Genetic disorder
    - Non-genetic disorder

If account has been taken of the woman's actual or reasonably foreseeable environment, indicate reasons:

- 9 Method of termination: (*Circle one*)
 

1 Dilatation and curettage	7 Intravenous infusion
2 Hysterotomy—abdominal	8 Vaginal or cervical prostaglandins
3 Hysterotomy—vaginal	9 Dilatation and evacuation
4 Hysterectomy	10 Medical ( <i>specify</i> )
5 Vacuum aspiration	11 Other ( <i>specify</i> )
6 Intra-uterine injection	
- 10 Was sterilisation of the woman undertaken: (*Circle one*)
 

1 Yes	2 No
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- 11 Post-operative complications or death prior to date of this notice: (*Circle one*)
 

1 None	5 Perforation of or trauma to body of uterus
2 Sepsis	6 Anaesthetic complication
3 Haemorrhage— <i>intra-operative</i>	7 Other ( <i>specify</i> )
4 Haemorrhage— <i>post-operative</i>	8 Maternal death ( <i>specify cause</i> )

12 If readmitted or transferred:

Place of transfer:

Date of readmission/transfer: (*Day, Month, Year*)

Date of second discharge: (*Day, Month, Year*)

Reason for readmission/transfer:

**Official use only**

Residency in South Australia: 1 less than specified time

Hospital where termination  
performed:

Doctor performing termination:

Doctor supporting termination:

Section of Act:

2 more than specified time

Date of receipt of notification:

LGA

Postcode:

**Schedule 2—Monthly notification by hospital**

1 Name of hospital:

2 Month to which this notice relates: *(Month and Year)*

3 Total number of pregnancies terminated during the month:

4 Number of pregnancies terminated by individual doctors during the month: *(name of medical practitioner and number of pregnancies terminated)*

SIGNED: *(person responsible for management of hospital)*

DATE:

NAME AND ADDRESS OF SIGNATORY:

### **Schedule 3—Prescribed hospitals**

Ashford Hospital

The Burnside War Memorial Hospital Incorporated

The following hospital facilities of the Central Adelaide Local Health Network Incorporated:

- The Queen Elizabeth Hospital
- Royal Adelaide Hospital

Central Districts Private Hospital Incorporated

The following hospital facilities of Country Health SA Local Health Network Incorporated:

- Coober Pedy Hospital and Health Services
- Eastern Eyre Health and Aged Care—Cowell Hospital
- Eastern Eyre Health and Aged Care—Cleve District Health and Aged Care
- Eastern Eyre Health and Aged Care—Kimba District Hospital and Health Service
- Balaklava and Riverton Health Service—Balaklava
- Balaklava and Riverton Health Service—Riverton
- Barossa Area Health Services—Tanunda
- Barossa Area Health Services—Angaston
- Bordertown Memorial Hospital
- Ceduna District Health Services
- Cummins and District Memorial Hospital
- Coorong Health Service—Meningie and Districts Memorial Hospital and Health Services
- Coorong Health Service—Tailem Bend District Hospital
- Eudunda Hospital
- Gawler Health Service
- Hawker Memorial Hospital
- Kangaroo Island Health Service
- Kapunda Hospital
- Kingston Soldiers' Memorial Hospital
- Leigh Creek Health Service
- Lower North Health Service—Burra Centre
- Lower North Health Service—Clare Centre
- Lower North Health Service—Snowtown Centre
- Loxton Hospital Complex
- Mallee Health Service—Karoonda Hospital
- Mallee Health Service—Lameroo District Health Service
- Mallee Health Service—Pinnaroo Soldiers' Memorial Hospital

- The Mannum District Hospital
- Mid North Health—Booleroo Centre District Hospital and Health Services
- Mid North Health—Jamestown Hospital and Health Services
- Mid North Health—Orrorroo District Hospital
- Mid North Health—Peterborough Soldiers' Memorial Hospital and Health Service
- Mid West—Elliston Hospital
- Mid West—Streaky Bay Hospital
- Mid West Health—Wudinna Hospital
- Millicent and District Hospital and Health Service
- Mount Barker and Districts Health Service
- Mount Gambier and District Health Service
- The Murray Bridge Soldiers' Memorial Hospital
- Naracoorte Health Service
- Northern Adelaide Hills Health Service—Gumeracha Hospital
- Northern Adelaide Hills Health Service—Mount Pleasant Hospital
- Oodnadatta Health Service
- Penola War Memorial Hospital
- Port Augusta Hospital and Regional Health Service
- Port Broughton District Hospital and Health Service
- Port Lincoln Health Services
- Port Pirie Regional Health Service
- Quorn Health Services
- Renmark Paringa District Hospital
- Riverland Regional Health Service—Berri campus
- Riverland Regional Health Service—Barmera campus
- Roxby Downs Health Service
- South Coast District Hospital (Victor Harbor)
- Southern Flinders—Crystal Brook District Hospital
- Southern Flinders—Gladstone Community Health Centre
- Southern Flinders—Laura and District Hospital
- Strathalbyn and District Health Service
- Tumby Bay Hospital and Health Services
- Waikerie Health Services
- Woomera Health Service
- Whyalla Hospital and Health Services
- Yorke Peninsula Health Service—Maitland Centre
- Yorke Peninsula Health Service—Minlaton

- Yorke Peninsula Health Service—Northern Yorke (Wallaroo)
- Yorke Peninsula Health Service—Yorketown Hospital

Flinders Private Hospital

Glenelg Community Hospital Incorporated

The Memorial Hospital

North Eastern Community Hospital Incorporated

The following hospital facilities of the Northern Adelaide Local Health Network Incorporated:

- Lyell McEwin Hospital
- Modbury Hospital

Saint Andrews Hospital Incorporated

The following hospital facilities of the Southern Adelaide Local Health Network Incorporated:

- Flinders Medical Centre
- Noarlunga Health Services
- Repatriation General Hospital

Southern Districts War Memorial Hospital Incorporated

Stirling and Districts Hospital Incorporated

Wakefield Hospital Incorporated

Western Hospital

The Women's and Children's Hospital facility of the Women's and Children's Health Network Incorporated



## **Schedule 4—Revocation of *Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 1996***

### **1—Revocation of *Criminal Law Consolidation (Medical Termination of Pregnancy) Regulations 1996***

The *Criminal Law Consolidation (Medical Termination of Pregnancy) 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 25 August 2011

No 206 of 2011

AGO0238/11CS

South Australia

## Trustee Regulations 2011

under the *Trustee Act 1936*

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- 2 Commencement
- 3 Interpretation
- 4 Prescribed insurers
- 5 Records to be kept by trustee
- 6 Prescribed qualifications for inspectors

### Schedule 1—Revocation of *Trustee Regulations 1996*

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#### 1—Short title

These regulations may be cited as the *Trustee Regulations 2011*.

#### 2—Commencement

These regulations will come into operation on 1 September 2011.

#### 3—Interpretation

In these regulations—

*Act* means the *Trustee Act 1936*.

#### 4—Prescribed insurers

For the purposes of section 13A(1)(b) of the Act, a body that is authorised under the *Insurance Act 1973* of the Commonwealth to carry on insurance business in relation to lender's mortgage insurance is a prescribed body.

#### 5—Records to be kept by trustee

- (1) For the purposes of section 84B of the Act, the records that a trustee must keep relating to administration of the trust property are as follows:
  - (a) each document authorising the trustee to act as trustee;
  - (b) each letter received by the trustee and a copy of each letter sent by the trustee;
  - (c) a copy of each statutory declaration and each affidavit made in the course of the administration of the trust;
  - (d) each deed, agreement or other instrument varying distribution of the trust property or a stamped duplicate of any such deed, agreement or instrument;
  - (e) a copy of all returns made as to any form of duty, charge or tax imposed on the trust by the Commonwealth or any State or Territory of the Commonwealth (including trust income tax returns and personal tax returns for beneficiaries where applicable);

- (f) all written instructions for the sale or transfer of any trust property or any asset which forms or formed part of the trust property and any independent valuations obtained in relation to those assets;
- (g) minutes of the proceedings of all meetings relating to administration of the trust at which the trustee was or was entitled to be present;
- (h) a record of any insurance cover in respect of the assets which form or formed part of the trust property;
- (i) any report received from an investment adviser and a record of all decisions made in relation to such report;
- (j) a record of all reviews of investments;
- (k) other records that would enable the receipt and disposition of trust property to be conveniently and properly audited, including the following:
  - (i) a register of securities recording the following information in respect of all securities received and disposed of:
    - (A) the date of receipt or disposition;
    - (B) a description of the securities;
    - (C) the consideration passing for receipt or disposition;
    - (D) brief particulars of the purpose of the transaction;
  - (ii) a property register recording the following information in respect of all other property received and disposed of:
    - (A) the date of receipt or disposition;
    - (B) a description of the property;
    - (C) the consideration passing for receipt or disposition;
    - (D) brief particulars of the purpose of the transaction;
  - (iii) a register of all investments of income and capital funds (including redemptions and income accretions) recording the following information in respect of each investment:
    - (A) the date of investment;
    - (B) the amount of the funds invested;
    - (C) brief particulars of the investment;
  - (iv) a cash receipt book recording the following information in respect of each receipt of trust money:
    - (A) the date and reference number of each receipt;
    - (B) the name of the person from whom the money is received;
    - (C) the trust name or reference to which the transaction relates;
    - (D) brief particulars of the purpose of the receipt;
    - (E) the amount of the receipt;
    - (F) the date the cash received is deposited in an ADI account (where applicable);

- (v) a cash payments book recording the following information in respect of each payment of trust money:
    - (A) the date of the payment;
    - (B) if the payment was made by cheque—the cheque number;
    - (C) the name of the payee;
    - (D) the trust name or reference to which the transaction relates;
    - (E) brief particulars of the purpose of the payment;
    - (F) the amount of the payment;
  - (vi) each ADI statement and passbook issued in relation to trust ADI accounts;
  - (vii) trust statements, prepared not less than annually, showing the following for the period from the end of the last period for which a statement was prepared:
    - (A) cash receipts and payments;
    - (B) other property received or transferred;
    - (C) assets and liabilities as at the last day of the statement period.
- (2) Where the trustee administers more than 1 trust, separate records must be kept, in accordance with this regulation, in relation to each trust administered by the trustee.
- (3) All records referred to in this regulation must be retained by the trustee, in a legible written form or so as to be readily convertible into such a form, for at least 5 years after the termination of the trust.

## 6—Prescribed qualifications for inspectors

For the purposes of section 84C of the Act, the prescribed qualifications for an inspector under that section are that he or she be—

- (a) an auditor registered under Division 2 of Part 9.2 of the *Corporations Act 2001* of the Commonwealth; or
- (b) a legal practitioner within the meaning of the *Legal Practitioners Act 1981*.

## Schedule 1—Revocation of *Trustee Regulations 1996*

The *Trustee 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 25 August 2011

No 207 of 2011  
AGO0240/11CS

South Australia

## **Explosives Regulations 2011**

under the *Explosives Act 1936*

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## **Part 1—Preliminary**

### **1.01—Short title**

These regulations may be cited as the *Explosives Regulations 2011*.

## 1.02—Commencement

These regulations will come into operation on 1 September 2011.

## 1.05—Interpretation

In these regulations, unless a contrary intention appears—

*the Act* means the *Explosives Act 1936*;

*the Chief Inspector* means the Director under the Act;

*classify* means classify pursuant to section 6(1) of the Act and derivatives of the word "classify" (whether in the form of words or in the form of phrases) shall be construed accordingly;

*define* means define pursuant to section 6(1) of the Act and derivatives of the word "define" (whether in the form of words or in the form of phrases) shall be construed accordingly;

*distress signal* means a pyrotechnic device intended for signalling or warning or similar purposes and includes a marine flare or signal, landing flare, highway flare, highway fusee, line-carrying rocket, anti-hail rocket, cloud seeding rocket, avalanche rocket, railway fog signal or smoke generator;

*firework* has the same meaning as in the *Explosives (Fireworks) Regulations 2001*;

*general use firework* has the same meaning as in the *Explosives (Fireworks) Regulations 2001*;

*indoor firework* has the same meaning as in the *Explosives (Fireworks) Regulations 2001*;

*prescribed* means prescribed by these regulations;

*Schedule* means Schedule to these regulations;

*security sensitive substance* has the same meaning as in the *Explosives (Security Sensitive Substances) Regulations 2006*.

## 1.06—Duties and responsibilities

- (1) The duties and responsibilities created and defined by the regulations, subregulations and other provisions thereof set forth in column 1 of Schedule AA shall be performed and discharged according to their tenor by the persons prescribed by this regulation.
- (2) The persons whose respective titles or descriptions appear in column 2 of Schedule AA shall perform and discharge, or (as the case may require) ensure the performance and discharge of, all duties and responsibilities created and defined by those regulations, subregulations or other provisions thereof opposite which the titles or descriptions respectively appear, in all respects according to their tenor.
- (3) Where the titles or descriptions of two or more persons appear opposite any regulation, subregulation or other provision thereof in column 1 of Schedule AA, subregulation (2) of this regulation shall apply to those persons jointly and severally.
- (4) Where the performance or discharge, or (as the case may require) the ensuring of the performance or discharge, of a duty or responsibility created and defined by these regulations is, in any particular case, delegated by a person or the persons specified in column 2 of Schedule AA, such delegation shall not in any respect excuse non-compliance with the provisions of these regulations.

- (5) Where there has been a contravention of, or a failure to observe, perform or comply with, any regulation, subregulation or other provision thereof set forth in column 1 of Schedule AA, the person or persons required to perform or discharge, or to ensure the performance or discharge of the duty or responsibility created and defined by the regulation, subregulation or other provision thereof, shall be guilty, or (as the case may be) jointly and severally guilty, of an offence.
- (6) Where an act or default committed by some person other than a person described in Schedule AA constitutes a contravention of, or failure to observe, perform or comply with any provision of any regulation, the first mentioned person shall be guilty of an offence against that regulation, whether or not a person described in Schedule AA is also guilty of an offence against the same regulation.
- (7) Nothing in these regulations shall take away or restrict any liability of any person whether under the *Summary Procedure Act 1921* or at common law, for aiding, abetting, counselling, procuring or otherwise being a party to the commission or attempted commission of an offence.
- (8) The words appearing in the text of these regulations in brackets after the regulations or parts of such regulations are placed there for the purpose of convenient reference only and do not form part of these regulations.

### **1.07—Expiation of alleged offences**

An alleged offence against regulation 1.06(5) or (6) constituted of an alleged contravention or failure to comply with a requirement of Part 6, Part 14 or Part 15 may be expiated in accordance with the *Expiation of Offences Act 1996* and for that purpose the expiation fee is \$100.

## **Part 2—Classification of explosives**

### **2.01—Explosives to be classified or unclassified**

For the purposes of these regulations, explosives shall be either classified or unclassified. An explosive that is not a classified explosive is deemed to be an unclassified explosive.

### **2.02—Possession etc of unclassified explosive**

- (1) A person shall not have in his possession or custody keep or store in any place, transport or carry by land, sea or air, or use in any way, an unclassified explosive unless he does so in accordance with a written authorisation from and signed by the Chief Inspector. A written authorisation under this subregulation may include such reasonable conditions with respect to the safety of the public or any part or member of the public as the Chief Inspector thinks necessary or expedient and are in accordance with the objects of the Act and these regulations.
- (2) Subject to the proviso to subsection (1) of section 12 of the Act, a person shall not prepare an unclassified explosive or, with intent to prepare an unclassified explosive, have in his custody or possession some of or all the ingredients necessary for that purpose, unless he does so in accordance with a written authorisation from and signed by the Chief Inspector. A written authorisation under this subregulation may include conditions of the kind referred to in subregulation (1) of this regulation.

### 2.03—Classified explosives

For the purposes of these regulations, an explosive is and shall be referred to as a classified explosive by virtue of its having pursuant to section 6(1) of the Act, been placed by the Chief Inspector in one of the divisions of Class 1 Dangerous Goods and one of the compatibility groups of the International Maritime Dangerous Goods Code of the Inter-governmental Maritime Consultative Organisation adopted by him and named in the tables at the foot of this regulation.

The figures representing the Class and division together with the letter representing the compatibility group shall together form the Classification Code of an explosive. An explosive may be referred to by the Classification Code assigned to it.

**Table I—Divisions of Class 1 Dangerous Goods adopted by the Chief Inspector**

<b>Description of Explosives to be Classified</b>	<b>Class and Division</b>
Substances and articles which have a mass explosion hazard	1.1
Substances and articles which have a projection hazard but not a mass explosion hazard	1.2
Substances and articles which have a fire hazard and either a minor blast hazard or a minor projection hazard or both, but not a mass explosion hazard	1.3
Substances and articles which present no significant hazard	1.4
Very insensitive substances	1.5

**Table II—Compatibility groups adopted by the Chief Inspector**

<b>Description of Substance or Article to be Classified</b>	<b>Compatibility Group</b>
Primary explosive substance	A
Article containing a primary explosive substance	B
Propellant explosive or other secondary deflagrating explosive substance or article containing such explosive substance	C
Secondary detonating explosive substance or black powder or article containing a secondary detonating explosive substance in each instance without means of initiation and without a propelling charge	D
Article containing a secondary detonating explosive substance, without means of initiation, with a propelling charge	E
Article containing a secondary detonating explosive substance, with means of initiation, with or without a propelling charge	F
Pyrotechnic substance or article containing a pyrotechnic substance or article containing both an explosive and illuminating, incendiary, lachrymatory or smoke-producing substance (other than a water-activated article or one containing white phosphorus phosphide or flammable liquid or gel)	G
Article containing both an explosive substance and white phosphorus	H
Article containing both an explosive substance and a flammable liquid or gel	J
Article containing both an explosive substance and a toxic chemical agent	K
Article containing an explosive substance and presenting a special risk needing isolation of each type	L

<u>Description of Substance or Article to be Classified</u>	<u>Compatibility Group</u>
Substance or article so packed or designed that any hazardous effects arising from accidental functioning are confined within the package unless the package has been degraded by fire, in which event all blast or projection effects are limited to the extent that they do not significantly hinder fire fighting or other emergency response efforts	S

## 2.04—Categories of explosive

For the purpose of these regulations an explosive shall have been assigned to a category or categories of explosive by virtue of its having, pursuant to section 6(1) of the Act, been placed by the Chief Inspector in one or more of the categories of explosives created by him and named in the category table at the foot of this regulation. An explosive may be referred to by the category in which it has been placed and a reference to a category of explosive followed by the letter or letters X, Y, Z, ZZ or V, and cognates of the word *category* shall be construed accordingly.

### Table—Categories

Category X—Explosives classified by the Chief Inspector as having fire or slight explosion risk or both, with only local effect.

Category Y—Explosives classified by the Chief Inspector as having mass fire risk or moderate explosion risk but not mass explosion risk.

Category Z—Explosives classified by the Chief Inspector as having a mass explosion risk with serious missile effect.

Category V—Explosives classified by the Chief Inspector as having slight fire or explosion risk but producing toxic gases.

Category ZZ—Explosives classified by the Chief Inspector as having mass explosion risk with minor missile effect.

## 2.05—Publication of list of classified explosives

A list of the explosives classified by the Chief Inspector by virtue of section 6 of the Act shall be published in the Government Gazette at least once in each period of 12 months.

# Part 3—Licensing of factories and manufacture of explosives

## 3.001—Application of Part

This Part does not apply in relation to a security sensitive substance.

## 3.01—Application for licence of factory for manufacture of explosives

Application for a licence of a factory for the manufacture of explosives shall be made to the Chief Inspector in the form set out in Schedule H and shall be accompanied by the prescribed fee. The application may be made—

- (a) where the factory is about to be built or is being built but is not completed, by the person on whose behalf the factory is being built; or
- (b) where the factory has been completed, by the occupier of the factory to be licensed.

### **3.02—Licence application**

There shall be furnished in and with the application, with reasonable particularity, all the information, plans and documents required by the form in Schedule H to be furnished for the purpose of the application.

### **3.03—Chief Inspector to report to Minister on application**

The Chief Inspector shall after examination of the application, submit a report for the Minister.

### **3.04—Action by Minister on consideration of application**

The Minister may, after considering the application and the report, refuse the application, or may, by instrument in writing, inform the applicant that, subject to regulation 3.05, he is prepared to grant a licence in such form and upon such conditions as are specified in the instrument.

### **3.05—Authorisation by Minister to grant licence**

On receipt of an instrument pursuant to regulation 3.04 the applicant may construct, alter or add to the factory, and, if he does so to the satisfaction of the Chief Inspector and in accordance with the conditions referred to in that instrument, the Minister shall authorise the Chief Inspector to grant a licence.

### **3.06—Terms and conditions of licence**

A licence granted under this Part shall—

- (a) be granted to the occupier of the factory and shall be valid only for that occupier and only in respect of the site specified in the licence; and
- (b) be in the form of Schedule I; and
- (c) not be transferable; and
- (d) be subject to these regulations (compliance with which shall be a condition of the licence) and any further conditions of the kind referred to in regulation 3.04 and stated in the licence; and
- (e) remain in force for a period of 12 months commencing on the first day of the month in which it is issued, but may be renewed by payment of the prescribed fee before the expiration of the period of 12 months.

### **3.07—Factory to be used in accordance with licence conditions**

A licensed factory shall not be used for a purpose or in a manner not in accordance with the conditions of the licence granted pursuant to this Part.  
(Occupier)

### **3.08—Maintenance of licensed factory**

A licensed factory shall be kept and maintained in all respects in accordance with the requirements of the licence, and no material alteration shall be made to any part of the factory without the prior written approval of the Chief Inspector. For the purposes of this regulation every alteration that is other than trifling is a material alteration.  
(Occupier)



### **3.09—Quantity of explosive kept in factory**

The quantity of an explosive, or of the ingredients of an explosive, that may be placed or stored at any one time in a factory or in a specified part of a factory which part is referred to in the licence shall not exceed the quantity specified in the licence.

(Occupier)

### **3.10—Use of factory magazine**

The magazine of a factory shall not be used except for the purpose of keeping explosives in it, or the ingredients of explosives, or the tools or implements used for work connected with that keeping, as and in the manner specified in the licence.

(Occupier)

### **3.11—Manufacture and keeping of explosives to comply with directions of inspector**

A person shall not manufacture or keep, or perform any process or work connected with the manufacture or keeping of, an explosive or the ingredient of an explosive except under conditions approved by and in accordance with the written directions of an inspector.

(Occupier)

### **3.12—Danger buildings**

(1) Every building that is part of a factory in which—

- (a) an explosive; or
- (b) any ingredient of an explosive, that by itself has explosive properties or, when mixed with any other ingredient or article also present in that building is capable of forming an explosive mixture or an explosive compound,

is kept or is present, or in the course of manufacture may be kept or may be present, shall, unless specially exempted by the terms of a licence issued under this Part or by the written order of an inspector (which may be revoked by further written order), for the purposes of this Part be, and be referred to as, a *danger building*.

(2) The interior of every danger building and the fittings and equipment in it shall be so constructed or assembled as to avoid unnecessary risks and shall, so far as is reasonably practicable, be kept clean and free from grit.

(Occupier)

### **3.13—Repairs to danger building**

Subject to the operation of section 15 of the Act, before any repairs are effected to any part of a danger building that part and the immediate vicinity of that part shall, as far as is reasonably practicable, be cleaned by removing all explosives and all ingredients of explosives and by washing that part or by any other adequate process; and that part of the building and the immediate vicinity of that part, after being so cleaned, shall cease to be a danger building within the meaning of these regulations until an explosive or an ingredient of an explosive is again brought into it.

(Occupier)

**3.14—Information to be affixed to danger building**

There shall be kept constantly affixed to every danger building, in a prominent position and in such a form as to be easily read, a statement showing the maximum number of persons and the maximum quantities of explosives or the ingredients of explosives permitted by these regulations or by the licence to be in the building at any one time, the distinguishing number of the building as shown in the licence and a copy of such conditions and regulations applicable to the building as may be required by an inspector to be included in the statement.

(Occupier)

**3.15—Requirement for lightning conductors**

There shall be maintained on or about the factory efficient lightning conductors, in places and for periods which an inspector may, by an instrument in writing served on the occupier, require.

(Occupier)

**3.16—Use of tools or implements in danger building**

- (1) All tools and other implements used in a danger building shall be made only of wood, copper, brass or some soft metal or material, or shall be wholly covered with material rendering them safe for use in that building.  
(Occupier)
- (2) A tool or implement shall not be placed or left in any room in a danger building if it is not required for actual working in that room.  
(Occupier)

**3.17—Clothing of persons working in danger building**

The outer clothing of all persons working in a danger building shall, unless special provision is made in the licence, be of woollen or other flame resistant material and that clothing and shoes of those persons shall be so made or constructed that they do not create the possibility of explosion or fire in that building.

(Occupier)

**3.18—Removal of foreign matter in manufacture of explosives**

Wherever in a factory or in a danger building danger may arise from the possibility of foreign matter being present with an explosive or any ingredient of an explosive, all ingredients to be made or mixed into explosives shall, before being made or mixed, be carefully examined, sifted and otherwise treated and, as far as is practicable, all dangerous foreign matter shall be removed or excluded from the explosive or ingredient.

(Occupier)

**3.19—Prohibition on smoking**

A person shall not smoke in any part of a factory except in such part as may be allowed by the special rules made pursuant to section 11 of the Act.

(Occupier)

### 3.20—Prohibition on certain articles in factory and danger building

- (1) All persons, before entering a factory, shall examine their clothes for the purpose of ensuring, and shall ensure, that they have no matches or other potentially dangerous articles in their pockets or about their persons, and all persons employed in the factory shall be regularly searched in order to ensure as far as is practicable that the precaution laid down by this subregulation is observed.  
(Occupier)
- (2) Iron, steel, grit or other articles that may cause an explosion or fire shall not be introduced into a danger building.  
(Occupier)

### 3.21—Supervision of persons under 16 years

A person under the age of 16 years shall not be employed in, or enter, a danger building except in the presence, or under the supervision, of a person approved by the occupier as a responsible person.  
(Occupier)

### 3.22—Transportation of explosives within or outside factory

- (1) A vehicle, boat or other receptacle for carrying or conveying of any explosive or any explosive ingredient from one part of a factory to any other part of that factory or to a place outside that factory shall, unless specially exempted by the terms of the licence of that factory issued under this Part or by the written order of an inspector (which may be revoked by further written order) be constructed and maintained without any exposed iron or steel in the interior of the vehicle, boat or receptacle and shall, while the carrying or conveying is in progress, be closed or otherwise thoroughly covered over.  
(Occupier)
- (2) A person shall, while carrying or conveying any explosive or explosive ingredient in a vehicle, boat or other receptacle from one part of a factory to any other part of that factory or to a place outside that factory, use all due diligence and exercise all practicable precautions for the purpose of guarding against fire or explosion.  
(Occupier)
- (3) In subregulations (1) and (2) of this regulation, *explosive ingredient* means an ingredient of an explosive that, by itself, is possessed of explosive properties or that, when mixed with any other ingredient, article or substance also present in the vehicle, boat or receptacle is capable of forming an explosive mixture or an explosive compound.
- (4) The provisions of subregulation (1) of this regulation shall not have effect where the only explosives or explosive ingredients being carried or conveyed are safety ammunition.

### 3.23—Removal of ingredients with explosive properties

Where in a building that is part of a factory an ingredient is in the course of being manufactured into explosive and that ingredient by itself has explosive properties or, when mixed with any other ingredient, article or substance also present in that building is capable of forming an explosive mixture or an explosive compound, that ingredient shall be removed as soon as the process of manufacture connected with it is completed, and all explosives that have been manufactured by that process shall, with all practicable expedition, be removed either to a magazine or from the factory.  
(Occupier)

**3.24—Packing and marking of explosives before removal from factory**

All explosives intended or ready for conveyance from a factory shall, before being removed from a factory, be packed and marked in accordance with the provisions of Part 6 of these regulations.

(Occupier)

**3.25—Magazine not to contain broken or defective cases etc**

There shall not be in a magazine that is part of a factory any broken or defective case, box or other receptacle containing explosives.

(Occupier)

**3.26—Locking of magazine doors**

The doors of every magazine that is part of a factory shall be kept securely locked, except at such times as explosives are being placed into or removed from the magazine.

(Occupier)

**3.27—Keys to danger building**

The keys of all danger buildings shall remain in charge of a responsible person duly authorised in writing by the occupier and shall at all times be available to an inspector if required by him.

(Occupier)

**3.28—Action required on approach of thunderstorm**

On the approach of a thunderstorm to a factory, all magazines and danger buildings shall be immediately closed and every person in or near those magazines and buildings shall withdraw to a place of safety.

(Occupier)

**3.29—Precautions to be taken by persons working in factory**

- (1) All persons working, engaged or employed in a factory shall take all precautions reasonably practicable for the purpose of preventing—
  - (a) accidents from fire or explosion in or about the factory; and
  - (b) unauthorised persons from having access to any part of the factory or any explosives, ingredients or other things in the factory.

(Occupier)

- (2) All persons shall abstain from doing anything that—
  - (a) tends to cause fire or explosion; and
  - (b) is not reasonably necessary for the purpose of the work in the factory.

(Occupier)

**3.30—Reporting of theft, loss or unauthorised interference with explosives**

All theft or loss of, or apparently unauthorised interference with, any explosive or any ingredient of an explosive at a factory shall immediately be reported to a member of the police force and to the Chief Inspector.

(Occupier)

### 3.31—Revocation of licence by Chief Inspector

The Chief Inspector may, at any time, by notice in writing served on the licensee, revoke a licence if he is satisfied that the holder has failed to comply with these regulations or with a condition of his licence. Upon revocation, the holder shall immediately surrender his licence to the Chief Inspector or to a person nominated in writing by him.

### 3.32—Penalty provision

The penalty for any contravention of or any failure to observe any provision of any regulation contained in this Part shall be a fine not exceeding \$500.

## Part 4—Mixing and using of Ammonium Nitrate mixtures of Classification Code 1.1D

### 4.01—Interpretation

In this Part—

*Ammonium Nitrate mixture* means an explosive of Classification Code 1.1D consisting of—

- (a) Ammonium Nitrate; or
- (b) a non-explosive mixture of Ammonium Nitrate with other substances,

and any other materials none of which is itself an explosive;

*licensee* means a person to whom a licence has been granted under this Part;

*mineral oil* means liquid derivatives of petroleum, shale or coal with a flash point of not less than 61 °C (For the purposes of this definition "flash point" shall be determined by the closed cup method.);

*person in charge* means a person appointed by the licensee and authorised to mix and use an Ammonium Nitrate mixture or to be in immediate charge of the mixing or using of an Ammonium Nitrate mixture.

### 4.02—Requirement for licence for mixing of Ammonium Nitrate mixture

A person shall not in any place, mix for use at that place or assist in mixing for use at that place an Ammonium Nitrate mixture unless—

- (a) the mixing and using is authorised by a licence under this Part; and
- (b) all conditions of the licence have been complied with.

An occupier of a place shall not be guilty of an offence against this regulation if he proves that the mixing and/or using took place contrary to his directions or orders or notwithstanding the exercise by him of reasonable diligence.

(Person mixing or using) (Occupier of the place)

### 4.03—Licence application

- (1) Application for a licence to mix and use an Ammonium Nitrate mixture shall be made to the Chief Inspector, in the form of Schedule J by the person intending to mix that mixture and shall be accompanied by the prescribed fee.

- (2) There shall be furnished in and with the application, with reasonable particularity, all the information that is shown by the form in Schedule J to be required to be furnished for the purposes of the application.
- (3) A person who, in or in connection with an application under this Part, furnishes information that is false in a material particular shall be guilty of an offence and may be refused a licence.  
(Licensee, applicant for licence)

#### **4.04—Consideration of licence application by Chief Inspector**

The Chief Inspector may refuse a licence or may grant a licence subject to this Part and to such reasonable conditions (if any) as he includes in the licence. The Chief Inspector, upon consideration of an application, shall, in addition to taking into account all matters that the scope and object of the Act and these regulations indicate to be relevant, consider whether the applicant is a fit and proper person to be granted a licence and whether the licence should contain any conditions.

#### **4.05—Terms and conditions of licence**

A licence granted under this Part shall—

- (a) be in the form of Schedule K; and
- (b) be valid only for the person to whom it is issued; and
- (c) not be transferable; and
- (d) be subject to this Part (compliance with which by all concerned shall be a condition of the licence); and
- (e) be valid for the place or places and for the particular Ammonium Nitrate mixture specified in the licence; and
- (f) have effect subject to such conditions as the Chief Inspector includes; and
- (g) continue in force, according to its tenor, (unless previously cancelled) for a period of 12 months commencing on the first day of the month in which it is granted, but may be renewed by payment of the prescribed fee before the expiration of that period.

#### **4.06—Application of regulations to persons acting under licence granted under this Part**

Regulations 4.07 to 4.27 inclusive shall apply where a person is acting, or purports to be acting, in pursuance of a licence granted under this Part.

#### **4.07—Mixing Ammonium Nitrate mixture at point of use**

A person shall not mix an Ammonium Nitrate mixture at any point other than the point where the explosive is to be used, unless the mixing is effected in accordance in all respects with regulations 4.17 to 4.27 inclusive, of this Part. Regulations 4.17 to 4.27 inclusive shall not apply to the mixing of an Ammonium Nitrate mixture at the point where it is to be used.

(Licensee, person in charge)

**4.08—Mixing of Ammonium Nitrate by person who is not licensee**

A person other than the licensee shall not mix an Ammonium Nitrate mixture unless he is a person in charge or is under the immediate supervision of a person in charge who is competent and thoroughly conversant with this Part.

(Licensee, person in charge)

**4.09—Quantity of Ammonium Nitrate mixture required for immediate use**

A person shall not mix a greater quantity of Ammonium Nitrate mixture at any one time than the quantity required for immediate use, unless the mixing takes place in accordance with regulations 4.17 to 4.27 inclusive, of this Part.

(Licensee, person in charge)

**4.10—Overnight storage of Ammonium Nitrate mixture**

A person shall not store overnight any Ammonium Nitrate mixture unless the storing is done in all respects in accordance with regulations 4.24 and 4.25 of this Part.

(Licensee, person in charge)

**4.11—Storage of detonators, priming cartridges and fuses**

Any person using Ammonium Nitrate mixture shall keep all detonators, priming cartridges and detonating fuses in strong and secure receptacles and, until they are used, no closer than seven metres from the mixture.

(Licensee, person in charge)

**4.12—Prohibition on smoking**

A person shall not smoke when mixing, carrying, handling or using Ammonium Nitrate mixture, or at any time when he is within seven metres of a person engaged in that work.

(Licensee, person in charge)

**4.13—Requirements for mixing appliances**

A mixing appliance must not be used for the mixing of an Ammonium Nitrate mixture unless it is maintained in a clean condition and—

- (a) if the mixing appliance is hand operated only—the appliance does not include in its construction any copper, copper alloy, zinc, or galvanised iron that is likely to come into contact with Ammonium Nitrate in its mixed or unmixed form;
- (b) if the mixing appliance is mechanically operated—the appliance has been approved in writing by the Chief Inspector.

(Licensee)

**4.14—Approval of Chief Inspector to mount mixing appliance on vehicle**

A mixing appliance shall not be mounted on or attached to any vehicle unless approval in writing has been received from the Chief Inspector.

(Licensee)

**4.15—Naked flame prohibited near Ammonium Nitrate mixture**

While a person is mixing, charging or handling Ammonium Nitrate mixture a naked flame shall not be brought within seven metres of the explosive or of the hole being charged.

(Licensee, person in charge)

#### **4.16—Application of regulations where Ammonium Nitrate mixture not for immediate use**

Regulations 4.17 to 4.27 inclusive of this Part shall apply where the mixing of an Ammonium Nitrate mixture is carried out at a point that is not the actual point where the mixture is to be used.

#### **4.17—Requirements of a site for preparation of Ammonium Nitrate mixture**

Ammonium Nitrate mixture shall be prepared on or near the central part of a concrete floor (hereinafter in this Part referred to as a *site*) of at least five square metres in area and approximately square in shape. A site shall be so situated that every part of it is not less than—

- (a) 45 metres from any protected work of Class I as defined in Part 10 (other than the store for the ammonium nitrate used in the mixing or a licensed magazine or licensed store used for the storage of mixed Ammonium Nitrate mixture); and
- (b) 180 metres from any protected work of Class II as defined in Part 10.

(Licensee)

#### **4.18—Requirements for structures used for mixing Ammonium Nitrate mixture**

Any structure in which Ammonium Nitrate mixture is mixed shall—

- (a) be open on at least one side; and
- (b) have in its construction the least practicable quantity of timber or other combustible material; and
- (c) have walls the lower edges of which are at least 15 centimetres above floor level.

(Licensee)

#### **4.19—Prohibition on quantity of mineral oil within seven metres of site**

A quantity of mineral oil in excess of 25 litres shall not any time be within seven metres of any part of a site when Ammonium Nitrate mixture is being prepared.

(Licensee, person in charge)

#### **4.20—Prohibition on quantity of mineral oil within 45 metres of site**

A quantity of mineral oil in excess of 250 litres shall not at any time be within 45 metres of a site when Ammonium Nitrate mixture is being prepared.

(Licensee, person in charge)

#### **4.21—Spillage of ammonium nitrate or Ammonium Nitrate mixture**

Any spillage of ammonium nitrate or Ammonium Nitrate mixture shall be immediately swept up and disposed of in such a way as to avoid the risk of fire.

(Licensee, person in charge)

#### **4.22—Combustible material prohibited near a site**

Subject to regulation 4.23, combustible material (other than that essential for the preparation of Ammonium Nitrate mixture) shall not be within 15 metres of a site, but standing timber shall not be within 30 metres of a site.

(Licensee, person in charge)



**4.23—Attendance of a site containing Ammonium Nitrate mixture**

A site shall not be unattended while Ammonium Nitrate mixture, other than that stored in a nearby locked magazine, is present.

(Licensee, person in charge)

**4.24—Nighttime storage of Ammonium Nitrate mixture**

Ammonium Nitrate mixture shall not be stored at night other than in a store or magazine properly licensed under Part 10 or Part 11.

(Licensee, person in charge)

**4.25—Storage containers for Ammonium Nitrate mixture**

Ammonium Nitrate mixture shall be stored or kept, and conveyed, in closed containers of plastics, black iron, black steel or other safe material approved in writing by the Chief Inspector, and those containers shall be clearly labelled so as to indicate their contents.

(Licensee, person in charge)

**4.26—Water access requirements**

Two fire buckets constructed of plastics each of at least 10 litres capacity and kept full of water, and at least 180 litres of water kept in an open or loosely lidded container, shall be readily available within 15 metres of a site.

(Licensee, person in charge)

**4.27—Additional water access requirements**

In addition to the requirements set out in regulation 4.26, where the quantity of Ammonium Nitrate mixture accumulating at a site during mixing exceeds 1 000 kilograms, a reticulated water service of not less than 75 millimetres internal diameter shall be available, fitted with at least two hydrants with wheel-valves and hoses of at least 25 millimetres internal diameter sufficient to reach the furthest risk and maintained in efficient working order; if not connected to service mains this reticulated service shall be served by a static water supply of not less than 22 kilolitres.

(Licensee)

**4.28—Revocation of licence by Chief Inspector**

The Chief Inspector may, if he is satisfied that—

- (a) any provisions of the Act or any regulation made under the Act or any condition of a licence has not been observed; or
- (b) the licensee is no longer a fit and proper person to hold a licence; or
- (c) in or in connection with the application for the licence, the applicant furnished information that was false or misleading in a material particular,

revoke a licence at any time by notice in writing given to or served by post on the licensee.

**4.29—Penalty provision**

The penalty for any contravention of or any failure to observe any provision of any regulation contained in this Part shall be a fine not exceeding \$500.

## **Part 5—Filling for sale of cartridges for small arms with any explosive**

### **5.01—Interpretation**

In this Part—

*filling room* means a room used for the filling of cartridges for small arms with an explosive;

*licensee* means a person to whom a licence has been issued under Part 2 or Part 4 of the Act.

### **5.02—Requirement for licence for filling cartridges for small arms**

A person shall not fill or cause to be filled cartridges for small arms with an explosive unless he holds a licence under Part 2 of the Act, or he holds a licence to store explosives issued by the Chief Inspector under Part 4 of the Act or by a municipal council or unless he is, pursuant to section 8 of the Act, filling safety cartridges for private use only.

### **5.03—Filling room requirements**

Small arms cartridges shall not be filled with an explosive except—

- (a) in a filling room so designed and constructed that, to the reasonable satisfaction of an inspector (whose satisfaction shall be certified in writing), all practicable precautions have been taken in its design, materials and construction against explosion and the consequences of explosion; and
- (b) in accordance with the following conditions:
  - (i) not more than three kilograms of propellant shall be in any one filling room at any one time unless contained in safety cartridges;
  - (ii) in a filling room, exposed iron or steel shall not be near any explosive, or on any bench or table at or near which the filling of cartridges is or is about to be carried out;
  - (iii) the floor, shelves and fittings of a filling room shall be kept clean and free from grit, and, immediately before the filling of cartridges is begun, the bench or table at which the filling is to be carried out shall be carefully swept.

(Licensee, person in charge)

### **5.04—Protective measures in respect of filling cartridges**

While filling of cartridges is in progress in a filling room—

- (a) work unconnected with the filling shall not be carried out;
- (b) a fire or artificial light (other than a light of such construction, position and character as not to create any risk of fire or explosion) shall not be in the filling room;
- (c) matches or any substance or article which may cause any fire or explosion shall not be in the filling room;
- (d) every person engaged in filling cartridges with an explosive shall wear outer clothing, without pockets, of woollen or other flame resistant material. The wearing of ordinary outer clothes of woollen or other flame resistant material, with all pockets removed or sewn up, shall be in compliance with this paragraph;

- (e) shoes, in which there are no iron nails, shall be worn by every person in the filling room;
- (f) any process carried out in the course of filling cartridges with an explosive shall be conducted with great care and in a manner which avoids jerking or concussion;
- (g) filled cartridges or unfilled cartridges beyond the quantity at hand in the immediate course of preparation shall not be allowed to remain on or close to any bench, table or other place.

(Licensee, person in charge)

#### **5.05—Supervision of persons under 16 years**

A person under the age of 16 years shall not be in the filling room unless he is in the presence of and under the supervision of some responsible person.

(Licensee, person in charge)

#### **5.06—Storage of inflammable articles prohibited near filling room**

Articles of a highly flammable nature, or which may cause fire or explosion, shall not be stored close to a filling room.

(Licensee, person in charge)

#### **5.07—Inspector may issue notices**

An inspector, at any time that he reasonably considers it in the interests of public safety for him to do so may, by notice, in writing, given to or served by post on the licensee—

- (a) prohibit the filling of small arms cartridges in any place or places specified in the notice; or
- (b) direct that the process of filling small arms cartridges that is carried out in any place or places specified in the notice be varied in such manner as is specified in the notice.

If a notice pursuant to this regulation has been given to or served by post on a licensee, the filling of small arms cartridges in the place or places specified in that notice shall thereupon cease or, as the case may be, be varied to accord with the requirements of the notice. A notice so given or served shall be obeyed until the inspector, by a further notice, in writing, given to or served by post on that licensee, withdraws the first mentioned notice.

(Licensee)

#### **5.08—Penalty provision**

The penalty for any contravention of or any failure to observe any provision of any regulation contained in this Part shall be a fine not exceeding \$500.

### **Part 6—Packing and labelling of explosives**

#### **6.001—Application of Part**

This Part does not apply in relation to a security sensitive substance.

#### **6.01—Interpretation**

In this Part—

*authorised explosive* means an explosive defined and classified under section 6 of the Act;

*inner package* means a substantial case, bag, canister or other receptacle whatsoever that is inside an outer package and is made and closed so as to prevent any explosive within that case, bag, canister or receptacle from escaping in the ordinary course of its being stored conveyed or carried;

*manufacturer* in relation to manufactured explosives that are being packed in a factory includes the occupier of that factory;

*outer package* means a box, barrel, case or cylinder of wood or metal or other material approved in writing by the Chief Inspector of such strength, construction and character that it cannot be broken or become accidentally opened or become defective or insecure in the ordinary course of being stored, carried or conveyed and, when closed and secured, will not allow any explosive within the box, barrel, case or cylinder to escape;

*owner* in relation to any specific quantity of explosive includes the possessor or possessors, for the time being, of that explosive;

*propellant* means an authorised explosive other than gunpowder or black powder adapted and intended exclusively for use as a propelling charge in cannon or small arms;

*special authority* means a written authority given by an inspector and may contain any condition which, in the opinion of the inspector, is necessary in the interests of safety and such written authority may be an authority to do or forbear from doing something that would, if that authority were not given, constitute an offence against this Part.

#### **6.02—Package of explosives to be free of foreign matter**

A person packing an explosive shall keep any package of that explosive free of grit or other foreign matter.

(Owner, manufacturer)

#### **6.03—Package used for explosives not to contain exposed iron or steel**

Subject to regulation 6.05 of this Part, iron or steel shall not be used in the construction of any package holding or containing, or intended to hold or contain, an explosive, unless that package is covered with material that effectively prevents the exposure of the iron or steel.

(Owner, manufacturer)

#### **6.04—No re-use of packaging etc**

- (1) Subject to subregulations (2) and (3) of this regulation, if a package has been used for the packing of an explosive, that package shall not thereafter be used for the packing of any other explosive or of any other article or substance.

(Owner, manufacturer)

- (2) Inner packages containing a propellant may be packed in an outer package together with other inner packages containing other propellants or gunpowder.

- (3) An article that is not of a flammable nature or liable to cause fire or explosion may be packed in the same package as an explosive of Classification Code 1.4S.

(Owner, manufacturer)

#### **6.05—Maximum quantities permitted to be packed in inner and outer packages**

- (1) Explosives shall be packed as prescribed by the International Maritime Dangerous Goods Code or as otherwise approved in writing by the Chief Inspector.

(Owner)

- (2) The maximum quantities of explosives permitted to be packed in inner and in outer packages shall be as specified in the Table at the foot of this regulation, unless otherwise approved in writing by the Chief Inspector.  
(Owner)

**Table—Maximum quantities of explosives of various classification codes permitted to be packed in inner and outer packages**

Classification Code	Maximum Quantity in an Inner Package	Maximum Quantity in an Outer Package
1.1A	12.5 kg	100 kg
1.1B		
Detonators, non-electric not exceeding 1 000	100 in number	1 000 in number
Detonators, non-electric exceeding 1 000	100 in number	10 000 in number
Electric detonators	100 in number	5 000 in number providing gross weight shall not exceed 50 kg
1.1C	25 kg	25 kg
1.1D	25 kg	25 kg
1.1E	25 kg	25 kg
1.1F	25 kg	25 kg
1.1G	25 kg	25 kg
1.1L	25 kg	25 kg
1.2B	25 kg	25 kg
1.2C	25 kg	25 kg
1.2D	25 kg	25 kg
1.2E	25 kg	25 kg
1.2F	25 kg	25 kg
1.2G	50 kg	50 kg
1.2L	25 kg	25 kg
1.3C	25 kg	25 kg
1.3G	50 kg	50 kg
1.3L	25 kg	25 kg
1.4D	25 kg	25 kg
1.4F	50 kg	50 kg
1.4G	50 kg	50 kg
1.4S	unlimited	unlimited

### **6.06—Additional packaging permitted**

Nothing in these regulations shall be construed as prohibiting the use of an additional package, whether inner or outer, unless that additional package is one or one of a type the use of which has been prohibited, in writing, by an inspector.

(Owner, manufacturer)

### **6.07—Packaging and marking of unclassified explosive to be in accordance with a special authority**

A person shall not pack an explosive that is not a classified explosive, nor mark a package which contains an explosive that is not a classified explosive, unless that packing or that marking as the case may be is in accordance with a special authority referring to that explosive.

(Owner, manufacturer)

### **6.08—Marking of detonators and blasting caps**

Except for detonators or blasting caps which have been brought into South Australia before 31 December 1971 or the importation of which into South Australia has been approved in writing by the Chief Inspector, no person shall pack or cause or permit to be packed any detonator or blasting cap whether plain or electric or otherwise adapted unless the outside of the capsule or case of the detonator or blasting cap is clearly and durably marked with the words "DETONATOR EXPLOSIVE DANGER" or the words "BLASTING CAP EXPLOSIVE DANGER" in capital letters not less than three millimetres high.

(Owner, manufacturer)

### **6.09—Marking of detonating relay**

Unless approval shall have been given in writing by the Chief Inspector, a person shall not pack or cause or permit to be packed any detonating relay unless the outside of the capsule or case of the detonating relay is clearly and durably marked with the words "EXPLOSIVE DANGER" in capital letters not less than three millimetres high.

(Owner, manufacturer)

### **6.10—Marking of outer package of explosive**

- (1) A person who packs an explosive shall mark the outside of the outer package or cause it to be marked with the word "EXPLOSIVE" in the label prescribed by the International Maritime Dangerous Goods Code, the name of the explosives, the Classification Code of the explosive and the name of the manufacturer or consignor of the explosive; this information may be imprinted on the outer package or may appear on a label securely attached or affixed to the package or by some other permanent mark.

(Owner, manufacturer)

- (2) A person who packs an explosive shall, in addition to complying with the requirements of subregulation (1) of this regulation, comply with the requirements (if any) of the *National Measurement Act 1960* of the Commonwealth and with the following requirements wherever applicable:

- (a) opposite ends of the outside of an outer package containing an explosive of Classification Code 1.1C or 1.1D shall be marked in conspicuous characters not less than 18 millimetres high, with—

- (i) the name of the explosive; and
- (ii) the date of manufacture or issue from the factory; and

- (iii) the batch number of the particular batch or mix of the explosive or such sign or signs indicating that date and that batch or mix as may be approved in writing by the Chief Inspector;
  - (b) where the package contains an explosive in cartridges or charges for cannon, shells, mines, blasting or other like purposes which do not contain their own means of ignition, the marking shall be as for the explosive when not so made up;
  - (c) the words "Reloaded Ammunition" shall appear on each outer package and on each inner package which contains reloaded ammunition;
  - (d) on the outside of a package containing Pin Fire Cartridges there shall appear in conspicuous characters not less than 18 millimetres high the words "Pin Fire Cartridges";
  - (e) the word "EXPLOSIVE" and the name of the explosive, each in capital letters, shall appear conspicuously on individual packages, bags, cartridges and canisters containing blasting explosives;
  - (f) on ships' rockets, distress flares and similar explosives there shall appear conspicuously the month and year of manufacture in such a manner and place as not to be obscured by tape or any other portion of the article or by any envelope in which it is packed.
- (Owner, manufacturer)
- (3) If an outer package contains more than one explosive, the marking required by this regulation for each explosive shall be imprinted on or affixed to that outer package.
- (Owner, manufacturer)

### **6.11—Exemptions from this Part granted by special authority**

Where reasonable cause exists an exemption from the whole or any provision of this Part may be granted by special authority.

### **6.12—Penalty provision**

The penalty for any contravention of or any failure to observe any provision of any regulation contained in this Part shall be a fine not exceeding \$500.

Expiation fee: \$100.

## **Part 7—Carriage of explosives**

### **7.001—Application of Part**

- (1) Subject to this regulation, this Part does not apply in relation to a security sensitive substance.
- (2) If a security sensitive substance is transported together with explosives of any other kind, the security sensitive substance must be taken into account under this Part (see especially regulation 7.10, 7.13 and 7.18) on the basis—
  - (a) in the case of ammonium nitrate blasting intermediate, that it is an explosive of Division 1.1D; and
  - (b) in any other case, that it is an explosive of Division 1.1D with a mass that is half its actual mass.

(3) In this regulation—

*ammonium nitrate blasting intermediate* means security sensitive ammonium nitrate comprised of an emulsion, suspension or gel, primarily made up of ammonium nitrate (with or without other inorganic nitrates) and containing other substances such as oxidisers and fuels, and intended for use as a blasting explosive following modification prior to use.

### 7.01—Interpretation

In this Part—

*licensee* means—

- (a) the owner of a vehicle to whom a licence has been granted for the carriage of explosives in that vehicle; or
- (b) a person to whom the Chief Inspector has, pursuant to section 39 of the Act, given his approval for the carriage of explosives in a boat;

*manager of a railway or tramway* includes the State Transport Authority;

*owner* in relation to a vehicle includes—

- (a) the person in possession of a vehicle pursuant to a valid and subsisting consumer contract or hire purchase agreement or the assignee of the right to that possession; and
- (b) the person recorded in the register of motor vehicles pursuant to the *Motor Vehicles Act 1959* as the owner of a vehicle; and
- (c) the person in possession of a motor vehicle which is subject to a valid and subsisting Bill of Sale.

### 7.02—Requirement for licence for carriage of certain quantities of explosives

- (1) Subject to this regulation a person shall not carry in or on a vehicle, by land, a quantity of gunpowder exceeding 15 kilograms, or a quantity of any other explosive exceeding three kilograms, unless the owner of the vehicle in which the explosives are conveyed holds a licence, issued to him by the Chief Inspector pursuant to the provisions of this Part, in respect of the carriage of that explosive in that vehicle.  
(Owner, driver)
- (2) For the purposes of this Part the equivalent mass of any detonators being carried shall be determined in accordance with Schedule L and the mass of explosives such as detonating cord, shaped charges, boosters and primers shall be calculated as the mass of the contained explosive compositions.
- (3) A licence shall not be required for the carriage in a vehicle by land of any quantity of explosives of Classification Code 1.3G, 1.4G or 1.4S.
- (4) The Chief Inspector may exempt a person from the requirement to hold a licence under this Part in respect of conveying explosives in the circumstances, and subject to the conditions, specified in the instrument of exemption.

### 7.03—Application for licence to carry explosives in vehicle

An application for a licence for the carriage of explosives in a vehicle shall be—

- (a) made in writing to the Chief Inspector by the owner of that vehicle; and
- (b) in the form prescribed in Schedule M to these regulations; and



- (c) accompanied by the prescribed fee.

#### **7.04—Terms and conditions of licence to carry explosives in vehicle**

- (1) The Chief Inspector may refuse a licence for the carriage of explosives or may require the applicant to fulfil conditions specified by the Chief Inspector prior to the grant of a licence or may grant the licence subject to conditions inserted therein by the Chief Inspector. Those inserted conditions shall be complied with in all respects by the licensee.
- (2) A licence may be granted only to the owner of the vehicle in which explosives are to be carried, and shall be valid only for the owner to whom it is issued, for the vehicle specified and for the quantity of explosive stated. A licence shall not be transferable and shall be subject to these regulations, the due performance of which by all concerned shall be deemed a condition upon which the licence is issued.
- (3) A licence shall be in the form prescribed by Schedule N.
- (4) The Chief Inspector may include in a licence any condition that he deems necessary or desirable in the interests or for the purpose of the safety of the community.
- (5) A licence shall continue in force for a period of 12 months commencing on the first day of the month in which the licence is issued but may be renewed for a period of 12 months by payment of the prescribed fee whilst the licence is current.
- (6) The Chief Inspector may, at any time by notice in writing served on the licensee, revoke the licence if he is satisfied that the holder has failed to comply with these regulations or with a condition inserted in the licence or that in, or in connection with, an application for a licence, a statement was made that was false or misleading in a material particular. Upon revocation of the licence the holder shall immediately surrender his licence to the Chief Inspector or to a person nominated in writing by the Chief Inspector.

#### **7.05—False or misleading statements**

A person shall not in, or in connection with, an application for a licence, make a statement that is false or misleading in a material particular.

(Licensee, applicant for licence)

#### **7.06—Approval to carry certain explosives with passengers in vehicle or boat**

A person shall not, without the approval of an inspector, carry an explosive, other than an explosive of Classification Code 1.4G or 1.4S in a vehicle or boat whilst that vehicle or boat is carrying or plying for passengers.

(Licensee, person in charge of vehicle or boat)

#### **7.07—Vehicle or boat used to carry explosives to be in good repair**

A person shall not carry an explosive in a vehicle or boat unless that vehicle or boat is sound and roadworthy or (as the case may be) seaworthy and all mechanical and electrical components and accessories are in good order.

(Licensee, person in charge of vehicle or boat)

#### **7.08—Driver of vehicle to be licensed**

A person shall not drive a motor vehicle in which explosives are being carried unless he is in possession of a current licence to drive a motor vehicle issued pursuant to the *Motor Vehicles Act 1959* nor unless the classification of his licence is appropriate to the type of vehicle that he is driving.

(Licensee, person in charge of vehicle)

**7.09—Vehicle or boat carrying explosives to comply with regulations**

A person shall not, without the approval of an inspector, carry in a vehicle or boat any explosive that is not packed and branded, labelled or marked in accordance with these regulations.

(Licensee, person in charge of vehicle or boat)

**7.10—Carriage of explosives of different Compatibility Groups and detonators**

- (1) A person shall not carry any explosives of different Compatibility Groups in a vehicle or boat unless the explosives are separated, one Compatibility Group from another, by sufficient means or distance to prevent explosion or fire in an explosive of one Compatibility Group being communicated to an explosive of another Compatibility Group.  
(Licensee, person in charge of vehicle or boat)
- (2) Detonators shall not be carried in a vehicle that is carrying more than 260 kilograms of other explosives unless approved by an inspector.  
(Licensee, person in charge of vehicle)
- (3) Up to 500 detonators may be carried in a vehicle at the same time as a quantity of other explosives not exceeding 260 kilograms under such conditions as are approved by an inspector.  
(Licensee, person in charge of vehicle)

**7.11—Carriage of explosives in vehicle between sunset and sunrise**

A person shall not after sunset on one day and before sunrise on the succeeding day carry an explosive in a vehicle on land, except with the approval in writing of an inspector and subject to such conditions as are contained in that approval.

(Licensee, person in charge of vehicle)

**7.12—Special provisions relating to Classification Codes 1.3G, 1.4G and 1.4S**

- (1) The provisions of regulation 7.13 of this Part shall not apply to the carriage in a vehicle or boat of explosives of Classification Codes 1.3G, 1.4G or 1.4S.
- (2) If an explosive of Classification Code 1.3G and/or an explosive of Classification Code 1.4G and/or an explosive of Classification Code 1.4S is or are carried in a vehicle or boat all reasonable and practicable precautions shall be taken against fire, explosion or other accident.  
(Licensee, person in charge of vehicle or boat)
- (3) Notwithstanding subregulation (1) of this regulation, a vehicle or boat in which manufactured fireworks of Classification Codes 1.3G and/or 1.4G and/or 1.4S, in a total quantity greater than 25 kilograms are being carried, shall be equipped with an efficient fire extinguisher, readily available for immediate use.  
(Licensee, person in charge of vehicle or boat)

**7.13—Further requirements with respect to carriage of explosives in vehicle or boat**

- (A1) A person shall not, without the approval of an inspector, carry an explosive in a vehicle or boat unless such of the provisions set out in this regulation as are applicable are strictly complied with.

- (1) A vehicle in which explosives are being carried on land shall bear in conspicuous places at the front and rear notice boards on which the word "EXPLOSIVES" is printed in red capital Roman letters, not less than 125 millimetres high on a white background; alternatively, one such notice board may be mounted above the cabin of the vehicle displaying the word "EXPLOSIVES" so that the word is clearly visible from both the front and the rear of the vehicle. If the quantity of explosives being carried exceeds 60 kilograms the vehicle shall, in addition, bear similar notices on each side.  
(Licensee, person in charge of vehicle)
- (1a) Notices in conformity with subregulation (1), or notices bearing a general similarity to those notices, shall not be exhibited on any vehicle unless explosives are being carried in that vehicle.  
(Licensee, person in charge of vehicle)
- (2) A boat in which explosives are being carried shall fly in a conspicuous position a red flag at least one metre square.  
(Person in charge of boat)
- (3) A quantity of explosives not exceeding 60 kilograms may be carried in a vehicle or boat if the explosives are carried in one or more securely closed boxes constructed in accordance with the principles stated in Schedule U or are completely covered with painted cloth, tarpaulin or other similar material and are effectively protected against dampness, undue movement and rapid communication of fire.  
(Licensee, person in charge of vehicle or boat)
- (4) A quantity of explosives not exceeding 265 kilograms may be carried in a vehicle if—
  - (a) the vehicle is fitted with two exterior rear vision mirrors, one on each side, giving a clear view to the rear from the driver's and the front passenger's seat respectively; and
  - (b) the explosives are carried in one or more securely closed boxes constructed in accordance with the principles stated in Schedule U and used exclusively for the conveyance of explosives; and
  - (c) the receptacles are firmly secured in the vehicle.  
(Licensee, person in charge of vehicle)
- (5) A quantity of explosives not exceeding 1 000 kilograms may be carried in a vehicle specially constructed for the carriage of such a quantity of explosives or suitably adapted and equipped with one or more closed boxes as described in Schedule U. When explosives are being carried, no other article or substance shall be conveyed as merchandise in or on the vehicle except with the approval of an inspector. Unless otherwise approved in writing by the Chief Inspector such a vehicle shall be so constructed or adapted that—
  - (a) it has two exterior rear vision mirrors, one on each side, so as to give effective view to the rear to both the driver and the other person in attendance on the vehicle;
  - (b) the whole of the under side of the tray is covered with a substantial sheet metal fire screen which shall also extend vertically the full width of the vehicle between the tray and the cab to the height of the cab (a suitable all-steel tray may be regarded as complying with this requirement) and at least to the level of the bottom of the fuel tanks, and which shall be separated from the cab by an air space of at least 75 millimetres;

- (c) the exhaust and muffler system is free from leaks, with the exhaust pipe discharging to the front or to one side of the vehicle and in front of the fire screen and below the level of the tray;
- (d) the batteries and fuel tanks are located in front of the fire screen, provided that if the fuel used has a Flash Point (closed cup) not lower than 61°C, the fuel tanks may be located elsewhere if protected in a manner approved by an inspector;
- (e) it has a quick-action cut-off fitted to the fuel line in an accessible position near the fuel tank.

(Licensee, person in charge of vehicle)

- (6) A quantity of explosives not exceeding 1 000 kilograms may be carried in a suitable boat which if not the property of the Minister for Transport has been approved for carriage of explosives by the Chief Inspector and—
- (a) is specially constructed for the carriage of explosives; or
  - (b) has firmly attached in it one or more securely closed boxes constructed as described in Schedule U; or
  - (c) is otherwise equipped in a manner approved by an inspector,

provided that when a quantity of explosives greater than 265 kilograms is being carried in a boat, no other article or substance shall be carried as merchandise except with the approval of an inspector.

(Person in charge of boat)

- (7) A quantity of explosives exceeding 1 000 kilograms shall not be carried in a vehicle or boat without the written authority of an inspector and in accordance with any conditions contained in that authority.  
(Licensee, person in charge of vehicle or boat)
- (8) Any iron or steel in the interior of the portion of the vehicle or boat where explosive is placed for carriage or conveyance shall be effectively covered with leather, wood, cloth or other material.  
(Licensee, person in charge of vehicle or boat)
- (9) A vehicle or boat in which an explosive is being carried shall be in the exclusive charge of, and constantly attended by, some competent person who is thoroughly acquainted with this Part of these regulations, and that person shall not have in his charge at any one time more than one vehicle or boat.  
(Licensee, person in charge of vehicle or boat)
- (9a) Where the quantity of explosives being carried in a vehicle does not exceed 60 kilograms, a second person may accompany the driver in order to assist, and where the quantity of explosives being carried in a vehicle exceeds 60 kilograms a second person shall be carried in the vehicle in order to assist the person in charge.  
(Licensee, person in charge of vehicle)
- (9b) No person (except the person in charge of or accompanying a vehicle being used in conformity with subregulation (9) or (9a)), may travel in the vehicle.  
(Licensee, person in charge of vehicle)
- (9c) If the vehicle in which an explosive is being carried forms part of a continuous train on a railway or tramway subregulation (9), (9a) and (9b) are sufficiently complied with, if, and so long as, that train is in charge of, and constantly attended by, some competent person.

- (10) A person in charge of a vehicle or boat in which explosives are being carried shall not drive or manage the vehicle or boat negligently or in a reckless or dangerous manner.  
(Person in charge of vehicle or boat)
- (10a) A person who is under the influence of intoxicating liquor or a drug shall not be in charge of any vehicle or boat in which explosives are being carried.  
(Licensee, person in charge of vehicle or boat)
- (11) The driver of a vehicle in on or by which explosives are being transported shall observe all relevant speed limits and shall not, except when such vehicle is on a railway, exceed a speed of 60 kilometres per hour in a municipality, town or township or a speed of 80 kilometres per hour elsewhere.  
(Licensee, person in charge of vehicle)
- (12) An efficient fire extinguisher, capable of dealing with any petroleum spirit or diesel fuel or lubricating oil fire that may break out in that vehicle or boat, shall be carried in a readily accessible position in a vehicle or boat in which explosives are being carried.  
(Licensee, person in charge of vehicle or boat)
- (13) A person shall not refuel a vehicle or boat in which explosives are being carried except in case of emergency or necessity, in which case the refuelling shall be carried out in as isolated a place as is reasonably practicable with the engine of the vehicle or boat switched off and the engine of any vehicle or boat in attendance with the fuel supplies switched off.  
(Licensee, person in charge of vehicle or boat)
- (14) A person shall not smoke whilst he is on, in, near or attending, any vehicle or boat carrying or containing any explosive.  
(Licensee, person in charge of vehicle or boat)
- (15) A person shall not carry an explosive in a vehicle or boat that contains any article or substance (other than flammable liquid contained in the fuel tank of the vehicle or boat) that may cause fire or explosion or communicate fire.  
(Licensee, person in charge of vehicle or boat)
- (16) A substance or article that may cause fire or explosion shall not be introduced into a vehicle or boat in which explosives are being carried.  
(Licensee, person in charge of vehicle or boat)
- (16a) Iron, steel or grit shall not be permitted to come into contact with packages of explosives being carried in a vehicle or boat.  
(Licensee, person in charge of vehicle or boat)
- (16b) All practicable steps shall be taken to prevent water from coming into contact with packages of explosives being carried in a vehicle or boat.  
(Licensee, person in charge of vehicle or boat)
- (17) A radio transmitter shall not knowingly be operated in, near to, or in the vicinity of—
- (a) a vehicle or boat in which electric detonators are being carried; or
  - (b) any place where electric detonators are kept.
- (Licensee, person in charge of vehicle or boat)
- (18) Where two or more vehicles or boats carrying explosives are travelling together, a distance of at least 50 metres shall be kept between each vehicle or boat, and every other such vehicle or boat, unless circumstances render it impracticable.  
(Person in charge of vehicle or boat)

- (19) Explosives being carried in a vehicle or boat shall be carried with all due diligence, and without unnecessary delay, to their proper destination.  
(Licensee, person in charge of vehicle or boat)
- (20) Explosives shall not be loaded into, or unloaded from, any vehicle that is in, or upon, any public highway, street, road, thoroughfare or public place, except with the written consent of an inspector, and in accordance with any conditions contained in that consent.  
(Licensee, person in charge of vehicle)
- (20a) Explosives shall not be loaded or unloaded into or from any boat at any public wharf or landing place, except with the written consent of the Minister for Transport and in accordance with any conditions contained in that consent.  
(Licensee, person in charge of boat)
- (21) The loading or unloading of explosives into, or from, a vehicle or boat shall be carried out with the engine of that vehicle or boat switched off, and when once begun shall be continued with all practicable speed until completed.  
(Licensee, person in charge of vehicle or boat)
- (22) While the loading, unloading or carriage of explosives is in progress, all persons engaged in the loading, unloading or carriage shall—
- (a) take all necessary precautions for the prevention of fire or explosion, and for preventing unauthorised persons from having access to the explosives being loaded, unloaded or carried; and
  - (b) abstain from any act whatever that may cause fire or explosion and that is not reasonably necessary for the purpose of the loading, unloading or carriage of the explosive or of any other article lawfully carried with the explosive and as far as reasonably practicable prevent any other person from committing such act.
- (Licensee, person in charge of vehicle or boat)
- (23) All persons engaged in the loading, unloading or carriage of explosives shall be thoroughly acquainted with the regulations which are applicable to that loading, unloading or carriage.  
(Licensee, person in charge of vehicle or boat)

**7.14—Special provisions in respect of areas to which *Mines and Works Inspection Act 1920* applies**

Notwithstanding the provisions of subregulations (4) and (5) of regulation 7.13, explosives may be carried within an area to which the *Mines and Works Inspection Act 1920* applies without the use of carrying boxes or a specially constructed body provided that—

- (a) explosives packed as prescribed in Part 6 of these regulations are protected from any exposed iron or steel in the vehicle by clean tarpaulins or wooden separators which contain no exposed iron or steel; and
- (b) such tarpaulins or wooden separators shall not come into contact with ammonium nitrate, Ammonium Nitrate mixture or containers in which Ammonium Nitrate mixtures of Classification Code 1.1D are conveyed in accordance with regulation 4.25.

(Licensee, person in charge of vehicle)

### **7.15—Receiving consignment of explosives**

- (1) A person shall not forward a consignment of explosives unless he has given notice to the consignee, and has received from the consignee a statement of the time at which the consignee will be ready to receive the consignment.  
(Consignor)
- (2) A consignee shall not give an intimation of his readiness to receive a consignment of explosives, or receive such a consignment, unless he is ready, upon receipt, forthwith either to use or to dispatch the consignment, or to deposit the consignment in conformity with the requirements of section 23 of the Act.  
(Consignee)

### **7.16—Explosives not to be carried with refuse**

A person shall not—

- (a) have or carry an explosive in a vehicle or boat appropriated or used for the removal of refuse; or
- (b) hand or forward an explosive to any person employed in the removal of refuse while he is carrying out his duties in that employment.

(Person in charge of vehicle or boat)

### **7.17—Fuel requirements of diesel engine used to carry explosives**

The fuel of a diesel engine propelling a vehicle or boat in which explosives are carried shall not have a Flash Point (closed cup) less than 61 °C.

(Licensee, person in charge of vehicle or boat)

### **7.18—Special provisions relating to carriage of explosives on railway or tramway**

Without derogating from or affecting the operation of regulation 7.13 of this Part, the following provisions shall apply to the carriage of explosives on a railway or tramway:

- (a) Explosives, with the exception of Classification Code 1.1A, if packed in outer packages which fulfil all of the requirements of these regulations and are of a pattern approved by the State Transport Authority or the manager of a railway or tramway, may be carried with ordinary goods in a vehicle or vehicles not containing any article or substance liable to cause or communicate fire or explosion, provided that—
  - (i) no explosive of Classification Code 1.4S other than safety fuse, or of Classification Code 1.1B shall be carried in a truck with any explosive of any other Classification Code;
  - (ii) not more than 1 000 kilograms of explosives other than detonators, and not a greater number than 60 000 detonators, are so carried in one goods train;
  - (iii) not more than 500 kilograms of explosives (other than detonators) and not a greater number than 30 000 detonators are so carried in any one mixed (passenger and goods) train;

- (iv) except as provided in regulation 7.06 of this Part, explosives must not be conveyed on passenger trains, but explosives may, except where special instructions are given to the contrary, be carried on mixed trains, but then only to a point of supervision where the vehicles containing the explosives can be placed at intervals which are in conformity with these regulations on a conveniently scheduled goods train for which the estimated time of departure will not result in undue delay.
- (b) A quantity of explosives exceeding 1 000 kilograms, or if the explosives are detonators, exceeding 60 000 in number, shall be carried only in vehicles suitably constructed and exclusively used for the carriage of explosives and in a train not carrying passengers, provided that—
  - (i) not more than 10 000 kilograms of explosives shall be carried in any one such vehicle; and
  - (ii) no other explosives shall be carried in a vehicle in which detonators are being carried.
- (c) The number of vehicles (not containing explosives or flammable material) which shall intervene between the engine or a passenger vehicle or brake van and each vehicle containing explosives shall be as follows:
  - (i) when a vehicle is carrying not more than 150 kilograms of explosives (other than detonators) or not more than 10 000 detonators—one or more;
  - (ii) when a vehicle is carrying more than 150 kilograms of explosives (other than detonators) or more than 10 000 detonators—not less than three vehicles of the four wheel type or such other number of vehicles as will give an equivalent separating distance between the two closest points of vehicles carrying explosives.
- (d) —
  - (i) Not more than 90 000 kilograms of explosives shall be carried simultaneously in a train.
  - (ii) Not less than three vehicles of the four wheel type or the number of other vehicles necessary to give at least an equivalent separating distance shall intervene between each 10 000 kilograms of explosives.
  - (iii) Vehicles separating parcels of explosives shall not contain flammable materials.

(Manager of tramway or railway)

### **7.19—Keeper of Government magazine to be given prior notice of carriage of explosives**

A person shall not carry any explosive for storage in a Government magazine unless he has given to the Magazine Keeper reasonable prior notice of such carriage.

(Consignor, person in charge of vehicle)



## 7.20—Removal of explosives from Government magazine

Every person desiring to remove an explosive from a Government magazine shall—

- (a) give to the Magazine Keeper at least one working day notice of his intention to do so accompanied, if required by the Magazine Keeper, by a housing certificate containing particulars of the explosive, the quantity of it required, the name of the consignee, the place to which the explosives are to be consigned and the method of their proposed carriage; and
- (b) shall depute a trustworthy and sober person, who shall be subject to and shall obey the orders of the Magazine Keeper, to assist in the delivery of and give the necessary receipt for the explosives removed. That person shall also produce the necessary waybills, bills of lading, consignment note or other similar document relating to the explosives to be removed from the magazine. If those documents are not produced the explosives may be returned to the magazine and their return treated as a new deposit and be subject to the prescribed charge for a new deposit of those explosives.

## 7.21—Loading, unloading, removal etc of explosives

A person shall not load, unload, remove or stow any explosives except—

- (a) by passing each package carefully by hand; or
- (b) by using handling equipment which has been approved in writing by an inspector for use with that explosive and which is used in accordance with any conditions contained in that approval.

(Licensee, master, person in charge)

## 7.22—Reporting of theft, loss or unauthorised interference with explosives from vehicle, boat or ship

All theft or loss of, or apparently unauthorised interference with, an explosive from or at a vehicle, boat or ship shall immediately be reported to a member of the police force and to the Chief Inspector.

(Licensee, master, person in charge of vehicle or boat)

## 7.23—Penalty provision

Subject to the Act the penalty for any contravention of or any failure to observe any provision of any regulation contained in this Part shall be a fine not exceeding \$200.

# Part 8—Explosives in ships and boats

## 8.01—Interpretation

In this Part—

*agent* in relation to any ship or boat means any person, firm or corporation who or which performs for or on behalf of the owner of the ship or boat any function or duty under or for the purposes of the *Harbors and Navigation Act 1993* or the Act, and includes any person, firm or corporation who or which, within the State, on behalf of the owner of the ship or boat undertakes or performs the functions of ships' husbandry or makes any arrangements for or in connection with the berthing of any ship or boat or the carriage, loading or unloading of cargo thereon or therefrom;

*Harbormaster* includes the person for the time being in charge of the administration of the port concerned;

*owner* in relation to any ship or boat includes any person who is owner jointly or in common with any other person; and also includes a corporate body; and when used in relation to goods includes any consignor, consignee, shipper or agent for the sale or custody, importing or exporting, loading or unloading of goods;

*stevedore* means a stevedore who is for the time being in charge of loading or unloading of any cargo which contains explosives into or from ships or boats.

## **8.02—Application of Part**

- (1) The provisions of this Part shall not apply to explosives carried on a ship or boat as part of the lifesaving or signalling equipment of that ship or boat.
- (2) The provisions of—
  - (a) regulations 8.03, 8.04 and 8.05; and
  - (b) (1), (8) and (11) of regulation 8.08; and
  - (c) regulation 8.14 of this Part,

shall not apply to any ship or boat having on board not more than 15 kilograms of gunpowder or three kilograms of other explosives or a combined quantity of gunpowder and other explosives not exceeding 15 kilograms when one kilogram of other explosives is calculated as equivalent to five kilograms of gunpowder and detonators are calculated as set out in Schedule L.

- (3) The provisions of—
  - (a) regulation 8.05; and
  - (b) subregulations (1), (3)(a), (4), (5), (8) and (11) of regulation 8.08; and
  - (c) regulations 8.12 and 8.14 of this Part,

shall not apply to explosives of Classification Code 1.2G, 1.3G, 1.4G or 1.4S.

## **8.03—Ship or boat carrying explosives not to be in prohibited area**

A ship or boat with explosive on board shall not be within a prohibited area unless the master, person in charge, owner or agent of that ship or boat has given at least two clear working days' notice in writing to the Minister for Transport in the form prescribed in Schedule O to these regulations and unless such master, person in charge, owner or agent shall have received from the Minister for Transport permission for the ship or boat to be within such prohibited area. The person signing the notice shall furnish such information regarding the explosive as the Minister for Transport may, from time to time, require.

Upon the granting of permission the Harbormaster may allot a berth at which the explosive may be landed, shipped or transhipped. Immediately upon completion of the landing, shipping or transhipping of the explosive the ship or boat if it still has any explosive on board shall, unless permission in writing to remain therein has been obtained from the Minister for Transport, depart from the prohibited area.

(Master, person in charge, owner, agent)

#### **8.04—Permit for ship or boat carrying explosives within a port**

A person shall not have on board, land, ship or tranship on or from any ship or boat, within any port any explosive unless two clear working days' notice has been given to the Chief Inspector and a permit has been received from the Chief Inspector for the retaining on board, landing, shipping or transhipping of the explosive specified in that permit. The request for a permit to retain on board, land, ship or tranship shall be in the form prescribed in Schedule O to these regulations. The permit granted to any person shall, when required or demanded, be produced by that person to an inspector, Magazine Keeper, Harbormaster, Pilot, or a master, owner, or agent of any ship in which the explosive mentioned in that permit is conveyed or is being or is about to be conveyed from or to South Australia.

(Master, owner, agent, stevedore)

#### **8.05—Loading and unloading of explosives**

Except with the express permission, in writing, of the Minister for Transport a person shall not bring or navigate a ship to, or take up, a berth for the purpose of landing, shipping or transhipping any explosive unless and until that ship is ready to commence loading or unloading that explosive and unless effective arrangements have been made to commence loading or unloading that explosive immediately the ship is berthed.

(Master)

#### **8.06—Competent person to be in charge of boat carrying explosives**

There shall be a competent person in charge of a boat at all times when there is any explosive on board.

(Owner, person in charge of boat)

#### **8.07—Certain persons to be available in emergency**

As long as there is any explosive on or in a ship there shall be on duty a responsible deck officer and an engineer officer and sufficient crew immediately available, to operate the fire pumps, fire extinguishing appliances, machinery and other equipment and appliances in an emergency involving the risk of fire or likely to involve an explosion.

(Master, owner, agent)

#### **8.08—Further provisions applicable to landing, shipping and transhipment of explosives**

An explosive (other than an explosive specially exempted, in writing, by the Chief Inspector from the operation of this regulation) shall not be landed, shipped or transhipped from any ship or boat unless all of the following provisions which are applicable to the circumstances of the landing, shipment or transhipment are strictly complied with during that landing, shipment or transhipment as the case may be:

- (1) Unless special exemption, in writing, is granted by the Chief Inspector, the landing, shipment or transhipment of an explosive shall take place, and the door of a hatch or ship magazine shall be opened, only in the presence of and under the supervision of an inspector or Magazine Keeper.

(Master)

- (2) The master or another competent officer of the ship shall be constantly and exclusively in charge of the ship and its equipment and crew during landing, shipment, stowage or transhipment of explosives and one or other shall assist the inspector or Magazine Keeper when either the inspector or Magazine Keeper are present in enforcing the observance of these regulations.

(Master)

- (3)
- (a) Before any hatch of a ship or boat or any door of a ship or boat magazine is opened, and during any operation, for landing, shipping or transshipping an explosive, all fires and lights in the ship shall be completely put out (except such fires or lights as are approved by the inspector or Magazine Keeper).
  - (b) A person shall not smoke on board a ship or boat, a hatch or magazine of which has been opened for landing, shipping or transshipping an explosive, or on board a ship or boat alongside or attached to any such ship or boat.
- (Master, stevedore)
- (4) Any person working in the magazine of a ship or boat shall not have in or on his apparel or about his person any matches, fusees, knives, iron or steel, nor shall he wear boots, shoes or other footwear with any iron, steel or grit on or in them.
- (Master, stevedore)
- (5) All exposed iron or steel in or near the place where any explosive is being passed or handled shall be completely and effectively covered over by a material which efficiently insulates any iron or steel from the risk of creating sparks by percussion with any other material.
- (Master, stevedore)
- (6) All explosives shall be passed or handed from man to man and shall not be moved by being pitched, rolled, thrown, slid or by any method during the course of which they may be jarred, but they may with the prior approval of an inspector given by instrument in writing and in conformity with any conditions specified in that instrument, be moved by cargo net slings, cargo parachutes or pallets with nets provided that such instrument shall not be required for explosives of Classification Codes 1.2G, 1.3G, 1.4G or 1.4S.
- (Stevedore)
- (7) Any person engaged in the operation of landing, shipping or transshipping explosives shall be a fit and proper person for the purpose and shall be perfectly sober throughout the operation.
- (Stevedore)
- (8) If at any time the landing, shipping, transshipping or handling of any explosive ceases for any reason whatever, the hatches shall be immediately recovered with their regular coverings and the doors of the ship or boat magazine shall be securely closed, and while the cessation continues no person shall be in a magazine or hold which contains or is about to contain an explosive.
- (Master, person in charge)
- (9) Special care shall be exercised by the master, officers of the ship, members of the crew or other persons engaged in the operation of lifting or replacing hatches, fore-and-afters, and hatch beams from or on any hatch, hold or magazine containing any explosive.
- (Master, stevedore)

- (10) All practicable precautions shall be taken by the master, officers of the ship, its crew and all persons assisting in the operation to ensure that during the landing, shipping, transshipping or handling of any explosive, the explosive is handled with care and any act or omission tending to cause fire or explosion is avoided.  
(Master, stevedore)
- (11) Where any ship or boat passes near a ship or boat where an explosive is being landed, shipped, transshipped or handled, the first mentioned ship or boat shall not pass within 30 metres of the second mentioned ship or boat and shall not exceed a speed of four nautical miles per hour when so passing.  
(Master of ship or person in charge of boat navigating in vicinity)

### **8.09—Carriage of explosives on ship with other substances**

A person shall not convey or carry any explosive, except ships' signal rockets, in any ship or boat that is carrying or contains as cargo any substance, liquid or article that may cause or communicate fire or explosion unless that substance, liquid or article is—

- (a) securely packed and stowed; and
- (b) stowed as far away as reasonably possible from the explosive; and
- (c) stowed in such a position, and at such distance, from the explosive as not to endanger the explosive by communication of fire or otherwise.

Without affecting the generality of the foregoing, the substances, liquids or articles of the kind above described include petroleum, naphtha, benzine, bisulphide of carbon, methylated spirit, mineral acids, ethers, compressed gases and matches.

(Master, person in charge)

### **8.10—Working on ship or boat near explosives**

A person shall not work aloft on any part of a ship or boat over or near any place where an explosive is being landed, shipped, transshipped or handled.

(Master, person in charge)

### **8.11—Prohibition on use of instruments on ship or boat carrying explosives**

A person shall not use an iron or steel hammer, or any other instrument capable, in the circumstances, of causing a spark, for the purpose of opening or closing any hatch or magazine on a ship or boat carrying an explosive. Chipping, scraping and hammering of iron or steel while any explosive is on board shall not be permitted without the prior written approval of and in conformity with any conditions specified by the Harbormaster.

(Master, person in charge)

### **8.12—No handling of fuel during handling of explosives**

While an explosive is being landed, shipped, transshipped or handled into, on or from any ship or boat, a person shall not land, ship, tranship or handle any cargo, bunkers or oil fuel into, on or from that ship or boat.

(Master, person in charge, stevedore)

**8.13—Mechanical plant for handling explosives to be tested**

A person shall not in, on or near a ship or boat use any mechanical plant or any gear for hoisting or lowering an explosive unless that mechanical plant or gear has, immediately prior to its use for that purpose, been thoroughly examined and tested by a competent officer of the ship.

(Master, person in charge, stevedore)

**8.14—Nocturnal handling of explosives in prohibited area**

Subject to the provisions of section 31 of the Act a person shall not within a prohibited area at any time between sunset of one day and sunrise of the following day—

- (a) navigate a ship or boat with any explosive on board;  
(Master, person in charge)
- (b) open any magazine, hold or other compartment of a ship or boat containing any explosive;  
(Master, person in charge, stevedore)
- (c) land, ship, tranship or handle any explosive;  
(Master, person in charge, stevedore)
- (d) navigate, sail, tow, any ship or boat containing any explosive,  
(Master, person in charge)

except with the approval in writing of the Minister for Transport and subject to such conditions as he specifies in that approval.

**8.15—Requirements of ship carrying explosives in port**

The master of any ship during the time the ship is within any port and any explosives exceeding 15 kilograms of gunpowder or three kilograms of any other explosives or a combined quantity of gunpowder and other explosives exceeding 15 kilograms when one kilogram of other explosives is calculated as equivalent to five kilograms of gunpowder and detonators are calculated as set out in Schedule L are—

- (a) on board the ship; or
- (b) on board any boat alongside the ship,

shall exhibit from the mast head or some other conspicuous position on the ship, by day, flag B of the international code, and by night, a red light.

(Master)

Maximum penalty: \$40.

**8.16—Safety of passengers governed by *Harbors and Navigation Act 1993***

If any ship carrying passengers carries any explosives the carriage of such explosives shall be governed by any regulations relating to the safety of passengers for the time being in force under the *Harbors and Navigation Act 1993*.

(Master, owner)

### **8.17—Orders of Harbormaster to be complied with**

The master, or where that person is not the master, the person in charge of any ship or boat containing any explosive shall at any time obey any reasonable order or instruction issued or given by a Harbormaster or an officer under the direction and on behalf of the Harbormaster.

(Master, person in charge)

### **8.18—Practicable precautions to be taken in handling explosives**

While any explosive is being landed, shipped, transhipped or handled in, on or from any boat or ship, notwithstanding any other provision in this Part, all practicable precautions shall be taken for the prevention of any fire or explosion, and no act shall be done by any person which may cause fire, explosion or danger unless that act is reasonably necessary for that landing, shipping or transhipping.

(Master, person in charge, owner, agent)

### **8.20—Penalty provision**

Subject to the Act the penalty for any contravention of or any failure to observe any provision of any regulation contained in this Part shall be a fine not exceeding \$500.

## **Part 9—Storage of explosives otherwise than in licensed premises or magazines**

### **9.01—Interpretation**

In this regulation—

*owner of explosives* includes a person having the possession, custody or control of explosives.

### **9.02—Storage of explosives**

A person who keeps explosives for his own use in quantities not exceeding those prescribed by section 23(2) of the Act shall keep them in accordance with the following provisions:

- (a) Gunpowder (blasting powder) and nitro-compound explosives including propellants shall be stored in a container or containers inside which there is no exposed iron or steel, securely locked, conspicuously marked with the word "EXPLOSIVES" and placed out of reach of children in a building (other than a dwelling or an office) which is locked in the absence of a responsible adult. Fuse lighters shall not be stored in the same container as other explosives.
- (b) Detonators shall be stored in a container or containers inside which there is no exposed iron or steel, securely locked, conspicuously marked with the words "EXPLOSIVES" and "DETONATORS", exclusively used for the storage of detonators and firmly fixed or secured, away from other explosives and out of reach of children and in a building (other than a dwelling or an office) which is locked in the absence of a responsible adult.
- (c) Articles or commodities which constitute a fire risk shall be kept at a safe distance from the explosives.
- (d) A person who is under the influence of intoxicating liquor or a drug shall not place explosives in or remove explosives from a container.

(Owner of explosives)

### **9.03—Theft or loss etc of explosives to be reported**

All theft or loss of, or apparently unauthorised interference with, an explosive shall immediately be reported to a member of the police force and to the Chief Inspector.  
(Owner of explosives)

### **9.04—Penalty provision**

The penalty for any contravention of or any failure to observe any provision of any regulation contained in this Part shall be a fine not exceeding \$500.

## **Part 10—Licensing of premises for storage and storage in those premises**

### **10.001—Application of Part**

This Part does not apply in relation to a security sensitive substance.

### **10.01—Interpretation**

In this Part, unless the contrary intention appears—

*licensee* means

- (a) a person to whom a licence has been granted under section 22 of the Act; or
- (b) a person who has been granted by a municipal council a certificate for the storing or keeping of explosives;

*premises* means any house, storehouse, warehouse, shop, cellar, yard, building, or fenced or enclosed land or space occupied by any one person, firm, partnership, association or company; and all houses, storehouses, warehouses, shops, cellars, yards, buildings, lands and spaces adjoining each other and occupied together shall be deemed to be the same premises;

*protected work of Class I* means any shop, room, workshop, railway, magazine or store or receptacle for explosives, depot for flammable liquids, furnace, kiln or fire, occupied by or used by the occupier of licensed premises, or if the occupier or user thereof gives his consent in writing to the same being considered as included in the protected works of Class I; or any highway, street, public road, public thoroughfare, or open place of resort for the public or for persons carrying on any trade or business or any canal, navigable water, dock, wharf, pier, jetty or reservoir;

*protected work of Class II* means any dwelling, shop, room, workshop, railway, magazine or store or receptacle for explosives, depot for flammable liquids, furnace, kiln or fire, which is not included in protected works of Class I or any factory, church, chapel, university, college, school, hospital, public institution, town hall, court of justice, theatre, covered market, or building wherein persons are accustomed to assemble or public building;



**protection distance** means the distance that shall separate a protected work from a store or a receptacle for explosives. (In computing the least distance which can be regarded as a "protection distance" in connection with any store or receptacle for explosives, one metre in length shall be allowed for each kilogram of explosives permitted by the licence to be kept in such store or receptacle, and, except for propellant powders, safety ammunition and distress signals, a minimum distance of 15 metres shall be required. Provided that as regards a protected work of Class I, the distance may be reduced to half: and provided further that where a hill, mound, wall, or other obstacle efficient in the opinion of the Chief Inspector intervenes between such store or receptacle and the protected work, the distance may be half that which would otherwise be required);

**receptacle** means a receptacle that is—

- (a) exclusively appropriated for the keeping of explosives; and
- (b) substantially constructed of wood or other approved material and has no exposed iron or steel inside; and
- (c) provided with strong handles; and
- (d) provided with a closely fitting lid secured by a lock, the hinges and fastenings being constructed of copper, brass or other approved material; and
- (e) housed so as to prevent unauthorised persons having access to the receptacle and so as to provide protection from damage from fire and other causes; and
- (f) situated at protection distances from—
  - (i) dwellings or shops or other places frequented by the public on the same premises as the receptacle; and
  - (ii) protected works which are not on the same premises as the receptacle;

**store** means a store which is—

- (a) exclusively used for keeping explosives; and
- (b) substantially built of brick, stone, iron, concrete or other approved material or excavated in solid rock, earth or mine refuse not liable to ignition; and
- (c) so made, closed and locked as to prevent unauthorised persons from having access to the store and to secure it from danger from without; and
- (d) situated at protection distances from protected works.

### **10.02—Application for licence to store explosives on premises**

A person may apply to the Chief Inspector for a licence under section 22 of the Act to store explosives upon any premises.

### **10.03—Occupier of premises to make licence application**

Every application for a licence shall be made by the occupier of the premises in respect of which the licence is sought. An application shall be in the form prescribed in Schedule P and shall be accompanied by the prescribed licence fee.

#### **10.04—Determination of licence application**

The Chief Inspector may refuse a licence or may grant a licence subject to such conditions, if any, as he includes in the licence. For the purpose of determining whether to grant or refuse a licence the Chief Inspector shall have regard to all relevant matters but principally to the situation, construction and use of the premises and the nature of the explosives intended to be stored.

#### **10.05—Form of licence**

A licence under this Part shall be in the form prescribed in Schedule Q to these regulations.

#### **10.06—Provisions applying to licence**

The following provisions shall apply to a licence granted under this Part:

- (a) The licence shall be issued to the occupier of the premises therein mentioned and shall be valid only for the person to whom and the premises in respect of which it is issued. It shall not be transferable.
- (b) The licence shall when issued be subject to these regulations. Due compliance with these regulations by the licensee is a condition upon which the licence is issued.
- (c) The licence shall continue in force for a period of 12 months commencing on the first day of the month in which the licence is issued but may be renewed before the expiration of the period of 12 months next ensuing by payment of the prescribed fee.
- (d) The licence may be revoked at any time by the Chief Inspector if the holder has failed to comply with the conditions of the licence or if in or in connection with an application for a licence a statement was made or information was furnished that was false or misleading in a material particular.

#### **10.07—False or misleading statement**

A person shall not in, or in connection with, an application for a licence under this Part make a statement or furnish information that is false or misleading in a material particular.  
(Licensee, applicant for licence)

#### **10.08—Explosives to be kept in store or receptacle**

A person shall not keep explosives on licensed premises except in a store or receptacle.  
(Licensee)

#### **10.09—Limits on amounts of explosives kept**

A person shall not keep or cause or permit to be kept on any premises an amount of explosives exceeding the amount specified in the table below or any lesser amount specified in the licence issued in respect of those premises.

On premises qualified to belong to Division I	60 kg
On premises qualified to belong to Division II	30 kg

In calculating the amount of explosives which may be stored—

- (a) two kilograms of gunpowder or of propellant powder, or of distress signals or fireworks (except those of Division 1.1) shall be regarded as equivalent to one kilogram of explosives;

- (d) the quantities of explosives such as ammunition, shaped charges, detonating cord, boosters and similar contrivances which may be stored on licensed premises shall be determined by the Chief Inspector on the quantity and nature of the explosive compositions contained therein;
- (e) 1 000 detonators shall be taken as equivalent to the quantity of explosives shown in Schedule L of these regulations, and the equivalents of other numbers of detonators shall be calculated in the same proportion.

(Licensee)

#### **10.10—Division I premises**

Premises belong to Division I where they comprise or contain a store or stores, whether or not that store is or these stores are situated within or attached to another building (other than a dwelling).

#### **10.11—Division II premises**

Premises belong to Division II where they comprise or contain any building (other than a dwelling) which is not itself qualified to belong to Division I but in which is placed a receptacle.

#### **10.12—Requirements for stores or receptacles used to store explosives**

- (1) A person shall not use a store or receptacle for the storage of explosives unless—
  - (a) the interior, the shelves and the fittings are so constructed or so lined and covered as to prevent the exposure of any iron or steel or the detaching of any grit, iron, steel, or similar substance; and
  - (b) the interior, the shelves and the fittings are kept free from grit and otherwise clean; and
  - (c) all practicable precautions are taken to ensure that dampness is excluded from the store or receptacle.

(Licensee)

- (2) Where explosives are kept in a receptacle or receptacles placed in a store, then the interior of the store need not be lined and covered as required by subregulation (1) of this regulation.

#### **10.13—Fire etc prohibited near store for explosives**

A person shall not have or bring or cause or permit any person to have or to bring any fire, naked light or any substance liable to cause fire or explosion within seven metres of a store or receptacle for explosives.

(Licensee)

#### **10.14—Movement of explosives prohibited by intoxicated persons**

A person shall not, while under the influence of intoxicating liquor or a drug, place explosives in or remove explosives from any store or receptacle.

(Licensee)

**10.15—Removal of explosives from store for opening**

A person shall not open or cause or permit any person to open any package containing any explosive while such explosive is in any store or receptacle, but the package shall be removed to a safe distance from the store or receptacle before it is opened or any attempt to open it is made.

(Licensee)

**10.16—Tools used for opening package of explosives**

A person shall not use or cause or permit any person to use any tool or implement in opening any package containing explosive unless that tool or implement is made only of wood, copper, brass or some soft metal or material or unless that tool or implement is covered with a safe and suitable material.

(Licensee)

**10.17—Removal of explosives before repair of store**

A person shall not repair any part of any store or receptacle unless all explosives have been removed.

(Licensee)

**10.18—Condition of packaging**

- (1) There shall not be in any store or receptacle for explosives any damaged or defective package containing explosives; upon damage becoming apparent such packages shall be repaired or other undamaged packages obtained and the explosive repacked.  
(Licensee)
- (2) There shall not be in any store or receptacle for explosives any explosive that is not packed in accordance with these regulations.  
(Licensee)
- (3) Any explosive which is spilt in a store or receptacle shall at once be carefully collected and destroyed.  
(Licensee)

**10.19—Security of store or receptacle**

A person in charge of, attendant upon or occupying a store or having possession or custody of a receptacle containing explosives shall keep every door of that store, or the lid or cover of that receptacle securely locked at all times except during inspection or while any explosive is being brought into or removed from the store or receptacle.

(Licensee)

**10.20—Action by inspectors**

Notwithstanding anything contained in this Part, where an inspector finds in or in connection with any store or receptacle for explosives any thing or practice which, in his opinion, tends to endanger the public safety or the safety of any person or property, that inspector may, by direction in writing, or if that is not practicable in the circumstances, by oral direction, require the licensee, occupier, attendant or person in charge to remedy the need or matter with all practicable expedition; if that person fails or neglects to comply with that direction he shall be guilty of an offence and in addition to any other penalty the licence for the premises may be forthwith revoked by the Chief Inspector pursuant to section 22(3)(b) of the Act.

**10.21—Provisions relating to keeping of different explosive compatibility groups**

- (1) Subject to subregulations (2) and (3) of this regulation a person shall not keep explosives of different compatibility groups in any one store or receptacle at any one time.  
(Licensee)
- (2) Blasting accessories which contain no exposed iron or steel and are not explosives of Compatibility Group B may be kept with blasting explosives of Classification Code 1.1D.  
(Licensee)
- (3) Detonators shall be kept in a separate store or receptacle or other place approved in writing by an inspector and exclusively appropriated for that purpose and situated at a safe distance from any other explosive.  
(Licensee)

**10.22—Information to be affixed to stores, receptacles and buildings containing explosives**

There shall be kept constantly affixed—

- (a) on either the outside or the inside of every store or receptacle for explosives in a legible form, the current licence or a statement of the quantities of explosives permitted to be in that store or receptacle, by or pursuant to these regulations together with a copy of these regulations; and
- (b) on the outside of every receptacle for explosives and on the outside of or within one metre of the door of every store for explosives in conspicuous letters the word "EXPLOSIVES" or where detonators are kept in the receptacle or store the words "EXPLOSIVES" and "DETONATORS"; and
- (c) at each entrance to any building in which a store or receptacle is situated the word "EXPLOSIVES" so as to appear conspicuously to every person approaching that entrance from the outside.

(Licensee)

**10.23—Precautions to be taken in respect of explosives**

Where there is any explosive in any premises or place all persons shall at all times take all practicable precautions whether specified by these regulations or not—

- (a) for the prevention of accidents by fire or explosion; and
- (b) for preventing persons from smoking near any such explosive; and
- (c) for preventing unauthorised persons from having access to those premises or any explosive in those premises; and
- (d) for preventing any act whatever which may cause fire or explosion and is not reasonably necessary for the purpose of handling or keeping the explosive.

(Licensee, person in charge)

**10.24—Reporting of theft or loss of explosives etc**

All theft or loss of or apparently unauthorised interference with any explosive from or in any store or receptacle for explosives shall immediately be reported to a member of the police force and to the Chief Inspector.

(Licensee)

### 10.25—Revocation of licence

Where a licensee commits a breach of these regulations the Chief Inspector may forthwith revoke the licence.

### 10.26—Issue of licence by council

Nothing in these regulations shall compel or be held to compel the holding of a licence issued by the Chief Inspector when a licence for the same purpose and covering the same period has already been issued by a municipal council.

## Part 11—Licensing of magazines and storage therein

### 11.001—Application of Part

(1) If—

- (a) ammonium nitrate blasting intermediate; or
- (b) a quantity of security sensitive substance other than ammonium nitrate blasting intermediate exceeding 100 tonnes,

is stored together with or in the vicinity of other explosives, the security sensitive substance must be taken into account under this Part (see especially regulations 11.05 and 11.06) on the basis that it is an explosive of category ZZ.

(2) If a quantity of security sensitive substance other than ammonium nitrate blasting intermediate not exceeding 100 tonnes is stored together with or in the vicinity of other explosives, the security sensitive substance must be taken into account under this Part (see especially regulations 11.05 and 11.06) on the basis that it is an explosive of category ZZ with a mass that is half its actual mass.

(3) In this regulation—

*ammonium nitrate blasting intermediate* means security sensitive ammonium nitrate comprised of an emulsion, suspension or gel, primarily made up of ammonium nitrate (with or without other inorganic nitrates) and containing other substances such as oxidisers and fuels, and intended for use as a blasting explosive following modification prior to use.

### 11.01—Interpretation

In this Part, unless the contrary intention appears—

*protected works* shall include the places, structures, buildings and works listed in the headings of the columns appearing in Schedule T of these regulations.

### 11.02—Application for magazine licence

An application for a licence for a magazine for storage of explosives shall be made in the form prescribed in Schedule R and Schedule R1 by the owner or the person having charge for the time being of the magazine, and be directed to the Chief Inspector and be accompanied by the prescribed fee.

### 11.03—Form of application

The applicant shall furnish—

- (a) an application in the forms prescribed in Schedule R and Schedule R1;
- (b) all information indicated by those forms as being required.

**11.04—Terms and conditions of licence etc**

- (1) The Chief Inspector may refuse an application, or defer granting a licence until the applicant complies with all conditions specified by the Chief Inspector in writing.
- (2) A licence, if granted, shall be in the form prescribed in Schedule S.
- (3) A licence granted under this Part shall be issued to the applicant and shall not be transferable.
- (4) Subject to the provisions of regulation 11.06 of this Part a licence granted under this Part shall be valid only in respect of the location and for the nature and quantity of explosives specified in the licence.
- (5) A licence shall be subject to these regulations, due compliance with which by the licensee shall be deemed to be a condition upon which the licence is issued.
- (6) The Chief Inspector may include in a licence any condition which he may think fit to add.
- (7) A licence shall continue in force for a period of 12 months commencing on the first day of the month in which the licence was issued, and may be renewed by payment of the prescribed fee before the expiration of the period of 12 months.
- (8) The Chief Inspector may revoke the licence at any time if the holder has failed to comply with a condition of the licence or if in or in connection with the application for the licence a statement was made or information was furnished that was false or misleading in a material particular.

**11.05—Distances between magazine and protected works**

A licence shall not be issued where the distance between the magazine the subject of the application and any protected works is less than the appropriate distance indicated by Schedule T, unless in the opinion of the Chief Inspector special circumstances exist by virtue of which any given distance should be increased or reduced, in which case the distance determined by the Chief Inspector shall apply in place of the distance indicated as appropriate by Schedule T.

**11.06—Portable magazine licence**

The Chief Inspector may grant a licence for a portable magazine for the storage of explosives used or to be used in connection with seismic exploration, prospecting, well boring, fencing or similar activities. The licence may confine the use of the magazine to specified locations and shall have effect subject to the following conditions:

- (a) The magazine when used for storing explosives shall be fixed in a position which is in accordance with the safety distances set out in Schedule T of these regulations.
- (b) Each location of the magazine shall be advised in writing to the Chief Inspector within a period of seven days commencing immediately after the establishment of the location.
- (c) The annual licence fee for a magazine licensed pursuant to this regulation and in which the quantity of explosives to be kept exceeds 60 kilograms shall be twice that which would be applicable to a fixed magazine licensed for a similar quantity of explosives.

(Licensee)

**11.07—Determination of minimum distances**

In determining the minimum distances required under regulation 11.05 or regulation 11.06 of these regulations for a magazine for the storage of detonators or for an annexe to a magazine, 1 000 detonators shall be taken as equivalent to the quantity of explosive shown in Schedule L of these regulations.

**11.08—False or misleading statements**

A person shall not in, or in connection with, an application for a licence under this Part make a statement that is false or misleading in a material particular.  
(Licensee, applicant for licence)

**11.09—Structural requirements of magazine**

A person shall not use a magazine or any annexe to a magazine unless it is well and substantially built to afford protection from dampness and to afford reasonable security against unlawful entry and (except in the case of a magazine to be used exclusively for the storage of Ammonium Nitrate mixture or explosive packed in cans) is close lined throughout with wood or other suitable material, has a close joined wooden floor or a floor of other material approved by an inspector and is free of exposed iron or steel in the interior. A substantial close fitting door opening outwards and having hinges as far as may be practicable inaccessible from outside shall be securely fixed to each magazine or annexe thereto. The door shall be faced with iron on the outside and be provided with a substantial lock or locks. The word "EXPLOSIVES" or the words "EXPLOSIVES" and "DETONATORS" or the words "EXPLOSIVES" and "FIREWORKS" as the case may require shall be painted or marked conspicuously either on the outside of the door or within one metre of the door of any magazine and of any annexe.  
(Licensee)

**11.10—Information to be affixed to licensed magazine**

There shall be kept constantly affixed either on the outside or on the inside of a licensed magazine, in such a form as to be easily read, the current licence or a copy thereof or a statement of the quantities of explosives permitted to be stored in the magazine together with a copy of these regulations.  
(Licensee)

**11.11—Licensed magazine to have lightning conductor**

A licensed magazine shall not be used for the storage of any explosive unless either it is protected by an efficient lightning conductor or the Chief Inspector considers that a lightning conductor is unnecessary.  
(Licensee)

**11.12—Licensed magazine to be maintained etc**

Every part of a licensed magazine shall be at all times maintained and used in accordance with the licence and the conditions of that licence, and no material alteration whatsoever shall be made to the magazine or any part of the magazine without the prior written approval of an inspector and subject to the conditions contained in that approval.  
(Licensee)



**11.13—Licensed magazine to be kept clean**

A licensed magazine shall not be used for the storage of any explosive unless the interior of the magazine, any annexe to that magazine and the shelves and fittings of the magazine and annexe are kept clean and free from grit.

(Licensee)

**11.14—Removal of explosives before repair of magazine or annexe**

A person shall not repair any part of any magazine or annexe, or any article in any magazine or annexe, unless all explosives shall have been removed.

(Licensee)

**11.15—Use of licensed magazine**

A person shall not use a licensed magazine or an annexe to a licensed magazine for any purpose but the keeping of explosives and tools or implements approved for the work in connection with the keeping of the explosives.

(Licensee)

**11.16—Removal of explosives from magazine for opening**

A person shall not open or cause or permit any person to open any package containing any explosive while such explosive is in any magazine, but the package shall be removed to a safe distance from the magazine before it is opened or any attempt to open it is made.

(Licensee)

**11.17—Tools used for opening package of explosives**

A person shall not use or cause or permit any person to use any tool or implement in opening any package containing explosive unless that tool or implement is made only of wood, copper, brass or some soft metal or material, or unless that tool or implement is covered with a safe and suitable material.

(Licensee)

**11.18—Prohibition on smoking**

A person shall not smoke in any part of a magazine or in any annexe to a magazine or in the vicinity of either.

(Licensee)

**11.19—No fire, matches etc in or near magazine or annexe**

Fire, matches or any substance or article that is burning or likely to cause fire or explosion shall not at any time be introduced into or kept in a magazine or any annexe to a magazine or in the vicinity thereof.

(Licensee)

**11.20—Intoxicated persons prohibited in magazine or annexe etc**

A person while under the influence of intoxicating liquor or a drug shall not enter into or remain within a magazine, the annexe to a magazine or the vicinity of either. No intoxicating liquor or drug shall be in a magazine, an annexe to a magazine or the vicinity of either.

(Licensee)

### 11.21—Damaged or defective packaging

- (1) There shall not be in any magazine or annexe to a magazine any damaged or defective package containing explosives; upon damage becoming apparent such packages shall be repaired or other undamaged packages obtained and the explosive repacked.  
(Licensee)
- (2) There shall not be in any magazine or annexe to a magazine any explosive that is not packed in accordance with these regulations.  
(Licensee)
- (3) All practicable precautions shall be taken in a magazine or an annexe to a magazine to prevent the spilling of explosives, and any explosive which is spilt shall at once be carefully collected and destroyed.  
(Licensee)

### 11.22—Labelling requirements of explosives kept in magazine

There shall not be received into a magazine or the annexe to a magazine any explosive on the outer package or covering of which do not appear the words or characters required by these regulations to be legible thereon.

(Licensee)

### 11.23—Requirements of keeping explosives and detonators etc

- (1) A person shall not keep explosives of different Compatibility Groups in a magazine at any one time except that blasting accessories that contain no exposed iron or steel and are not explosives of Compatibility Group B may be kept with blasting explosives of Classification Code 1.1D.  
(Licensee)
- (2) Ammonium Nitrate Mixtures of Classification Code 1.1D, if kept otherwise than in accordance with Part 4 of these regulations, shall be packed as required by Part 6.  
(Licensee)
- (3) Detonators shall be kept in a separate magazine annexe, store or receptacle exclusively appropriated for the purpose, and situated at a safe distance from any other explosive. A structure of a kind that is in accordance with the definition of a *store* in regulation 10.01 of Part 10 used exclusively for the keeping of detonators not exceeding in number 20 000 and situated at a site approved by an inspector and within 30 metres of a magazine may be considered as an annexe to that magazine.  
(Licensee)

### 11.24—Supervision of persons under 16 years

A person under the age of 16 years shall not enter any magazine or the annexe to a magazine unless in the presence of and under the supervision of some responsible person.

(Licensee)

### 11.25—Precautions to be taken by employees

All persons employed in and about any magazine or the annexe to a magazine shall at all times take all practicable precautions whether specified by these regulations or not—

- (a) for the prevention of accidents by fire or explosion; and
- (b) for preventing persons from smoking near or in the vicinity of the magazine or annexe; and

- (c) for preventing unauthorised persons from having access to the magazine or the annexe to the magazine or to any explosive in that magazine or annexe; and
- (d) for preventing any act whatever which may tend to cause fire or explosion and is not reasonably necessary for the performance of the work in the magazine or annexe.

(Licensee)

### **11.26—Reporting of theft or loss etc of explosive in magazine**

All theft or loss of, or apparently unauthorised interference with, an explosive in a magazine or the annexe to a magazine shall immediately be reported to a member of the police force and to the Chief Inspector.

(Licensee)

### **11.27—Issue of licence by council**

Nothing in these regulations shall compel or be held to compel the holding of a licence issued by the Chief Inspector when a licence for the same purpose and covering the same period has already been issued by a municipal council.

## **Part 12—Management of government magazines**

### **12.01—General rules**

The following general rules shall be observed in the management of Government magazines:

- (a) In any Government magazine, every building, cabin or hold in which any explosive is kept or liable to be kept shall be deemed to be a danger building.
- (b) Every danger building shall be used only for—
  - (i) the keeping of explosives in a manner sanctioned by these regulations; and
  - (ii) the keeping of receptacles for tools and implements for work connected with keeping of explosives.
- (c) The interior of every danger building, and the benches, shelves, and fittings in a danger building shall be so constructed, or so lined or covered, as to prevent—
  - (i) the exposure of any iron or steel; and
  - (ii) the detaching of any grit, iron, steel or similar substance which may come into contact with the explosive in a danger building; and the interior, benches, shelves, and fittings in every danger building shall, so far as is reasonably practicable be kept clean and free from grit.
- (d) Every magazine shall have attached thereto a sufficient lightning conductor, unless by reason of the situation of such magazine or for any other reason the Chief Inspector considers a conductor unnecessary.
- (e) Charcoal, whether ground or otherwise, and oiled cotton, oiled rags, and oiled waste, and any article whatever liable to spontaneous ignition, shall not be taken into a magazine, except for the purpose of immediate supply for work or immediate use in a magazine, and upon the cessation of such work or use shall be removed forthwith.

- (f) Before repairs are done to any danger building, it shall, so far as practicable, be cleaned by the removal of all explosives, and by a thorough washing out. After that cleaning that danger building shall not be deemed a danger building within the meaning of these rules until explosive is again taken into it.
- (g) All tools and implements used in or in any repairs to or in a danger building, or used in the opening, securing, or removal of any packages containing explosives, whether in a danger building or not, shall be made only of copper, bronze, brass, gunmetal, or wood, or other material approved by the Chief Inspector.
- (h) No fires, lights, matches, or any substance or article likely to cause explosion or fire shall be introduced into or be permitted to be at any time in a magazine, except in accordance with the provisions of Special Rules in that behalf set out in regulation 12.02.
- (i) Provision shall be made by—
  - (i) the use of suitable working clothes, without pockets; and
  - (ii) suitable shoes; and
  - (iii) searching; and
  - (iv) any other effective means,

for preventing the introduction into any danger building of any fire, matches, or any substance or article likely to cause explosion or fire, and for preventing the introduction of any iron, steel or grit into any part of a danger building where it would be likely to come into contact with explosive; and in any magazine in which any explosive is kept which is liable to be dangerously affected by water adequate precautions shall be taken to exclude water from such magazine; but this rule shall not prevent the introduction of an artificial light of such construction, position and character as not to cause any danger of fire or explosion.

- (j) No person shall smoke in any part of a magazine, or in any annexe thereto.
- (k) Any vehicle, boat or other receptacle in which explosives are conveyed in, to or from a magazine or any part thereof shall, unless specially exempted by the Chief Inspector, be constructed without any exposed iron or steel in the interior thereof, and shall contain only the explosive, and shall be closed or otherwise properly covered over; and the explosive shall be unloaded, loaded and conveyed with all due diligence, and with such precautions and in such manner as will sufficiently guard against any accidental ignition or explosion.
- (l) While any explosive is being received into or delivered out of a magazine, or while the hatches or doors of any danger building or the hatches or coverings of any vehicle, ship or boat which contains any such explosive are open, no fire or unprotected light shall be allowed within seven metres of that magazine; and when any vehicle, ship or boat having on board a fire, other than engine fires properly banked-up, or unprotected lights, is alongside a magazine containing any explosive, or in its vicinity no receipt or delivery of explosive shall be carried on, and the hatches or doors of any danger building shall not be open.
- (m) No explosive of classification code 1.1A shall be kept in any Government magazine, except in a magazine used solely for the purpose.

- (n) Explosives of different Compatibility Groups shall not be in a magazine at any time except that blasting accessories which contain no exposed iron or steel and are not explosives of Compatibility Group B may be kept with blasting explosives of Classification Code 1.1D.

## 12.02—Special rules

The following special rules shall be observed in the management of Government magazines:

- (a) Every Government magazine shall be under the control and management of the Chief Inspector, but in immediate charge of an officer-in-charge or other person duly authorised by the Chief Inspector.
- (b) It shall be the duty of an officer-in-charge to be present when a magazine is opened; to superintend the receipt, issue and stowage of explosives, and all operations connected with the examination and overhaul of explosives; to keep a daily journal of all such transactions, and a ledger showing particulars of all explosives stored in the magazine, and the receipt and issue thereof; to see that all buildings, vessels, tools, plant under his care are kept in proper order; to remain at the magazine during working hours, and on no account to absent himself except when on duty and with the permission of the Chief Inspector; to see that all doors, windows, ports, shutters, hatches of the magazine or boats are well secured on leaving off work, and to receive into his charge all keys to locks on any opening; to exercise a diligent and careful supervision of the duties and conduct of all persons under him; to see that the provisions of the Act, and any regulations thereunder in so far as they apply, are strictly enforced; and to report generally to the Chief Inspector on all matters relating to his office and the conduct of those persons under him.
- (c) A person shall not be admitted within 20 metres of a Government magazine, except with the authority of the Chief Inspector, and when so admitted shall be attended by an Inspector of Explosives, Magazine Keeper or Assistant Magazine Keeper, who shall be responsible to ensure that all necessary precautions are adopted.
- (d) Except with the permission of the Chief Inspector, Government boats or vehicles kept for the carriage or transport of explosives shall not be used for any other purpose than work connected with the conduct of the work of the magazines or incidental thereto, and when not in use shall be well secured.
- (e) On the approach of a thunderstorm, the receipt, delivery, examination, loading or unloading of explosive shall cease at once and all magazines, danger buildings and boats shall be immediately closed and made secure.
- (f) Should any extraordinary or unusual circumstance come under the notice of any person employed in or in connection with a magazine he shall at once bring the same under the notice of the officer-in-charge.
- (g) No dry undergrowth or dry grass shall be allowed to accumulate within the precincts of any magazine.
- (h) Lightning conductors shall always be kept in proper repair, and shall be tested annually. When lightning conductors are supplied with wells, such shall be kept constantly full of water.

- (i) If a magazine be supplied with a hydrant service, fire-engine or other appliance, that appliance shall be kept in thorough working order, and shall be so placed as to be always ready and fit for immediate use.
- (j) Magazines shall be regularly aired, but with due regard to the weather and the state of the atmosphere. Generally speaking, the conditions are favourable for ventilating a magazine when the temperature of the inside is higher than that of the outside air; but when the latter is very dry, a magazine may be ventilated with advantage when its temperature is below that of the outside air. Magazines must not be aired or kept open longer than absolutely necessary in very wet or damp weather.
- (k) The floors or decks of every building or vessel forming part of a Government magazine shall be frequently swept. In the case of a floating magazine, the upper deck shall be scrubbed down, and the vessel pumped out at least once a week and oftener if necessary.
- (l) The keys of every Government magazine shall remain in the care of the officer-in-charge, and in his absence shall be transferred to the care of a deputy.
- (m) All gates, hatches, windows, and doors of a magazine shall be kept securely locked except during inspection, or except when explosives are being received into or issued therefrom, or except when a magazine is open for some other necessary purpose in connection with the management thereof.
- (n) No fires, smoking or unprotected lights shall be permitted within the magazine precincts, or in or near any magazine, danger building or landing place.
- (o) A person under the influence of intoxicating liquor or a drug shall not be permitted to enter or remain within a magazine or its precincts, and no intoxicating liquor shall be taken into a magazine or any boat or vessel connected with or in the vicinity thereof.
- (p) A person shall not enter a magazine or danger building whilst carrying or having about his person any fire, lights, matches, grit, iron, steel or other article liable to cause explosion or fire. A person about to enter a magazine shall either himself examine his clothing or, if required, shall submit himself to examination to ensure the strict observance of this rule.
- (q) A person shall not enter a magazine or danger building unless he is wearing the special magazine shoes provided for the purpose.
- (r) A sufficient supply of magazine shoes without any iron or steel about them, and over-shoes or galoshes, shall be provided at every Government magazine.
- (s) The officer-in-charge shall take special precautions to ensure the observance of the three last preceding rules, and shall, himself, occasionally search employees, or cause them to be searched, with a view to preventing the introduction into any danger building or magazine of any article or substance liable to cause explosion or fire.
- (t) All explosives kept in a Government magazine shall be packed in the manner directed by these regulations for the packing of explosives.
- (u) Every broken or defective package containing any explosive received at a Government magazine shall be repaired as soon as possible, and no insecure or defectively-constructed package shall be issued therefrom.
- (v) All explosives conveyed to or from a Government magazine shall be conveyed in accordance with the regulations relating to conveyance.

- (w) No package of explosive shall be opened or remain open in any magazine or danger building where explosives are stored therein. When any package of explosive has to be opened or closed, or its contents overhauled, it shall be taken to a special building or boat, or on to the upper deck of a floating magazine, the floor or deck of which shall be covered with canvas or other suitable material.
- (x) Except in cases of extreme urgency which will not admit of the observance of the conditions prescribed by paragraphs (f) and (g) of regulation 12.01, no tool or implement of any description shall be taken into a magazine or danger building for any purpose whatever, unless that tool or implement is made of copper, bronze, brass, gunmetal or wood.
- (y) Every package of explosives shall be carried or passed from man to man unless otherwise conveyed; on no account shall any package be pitched, thrown, slung, slid or rolled.
- (z) When stacking packages of explosives in a magazine, space shall be left between packages and between the packages and the wall to allow free circulation of air.
- (aa) No delivery of explosives from a Government magazine shall be made without a written order from the officer-in-charge or his deputy, duly signed by either of them, and such delivery shall be made only in the presence of the officer-in-charge or his deputy.
- (ab) The officer-in-charge and every person employed in and about a magazine shall take all due precautions for the prevention of accidents by fire or explosion in the same, and for preventing unauthorised persons having access to the magazine, or any part thereof, or to the explosives therein, and shall abstain from any act whatever which may tend to cause fire or explosion, and is not reasonably necessary for the purpose of the work in such magazine.

### **12.03—Penalty provision**

The penalty for any contravention of or any failure to observe any provision of any regulation contained in this Part shall be a fine not exceeding \$500.

## **Part 13—Importation of explosives**

### **13.001—Application of Part**

This Part does not apply in relation to a security sensitive substance.

### **13.01—Interpretation**

In this Part—

*owner*, *consignee* and *consignor* include persons acting as agents for an owner, consignee and consignor, respectively.

### **13.02—Importing explosives into South Australia**

No lot, parcel or consignment of explosive exceeding 15 kilograms of gunpowder or three kilograms of any other explosive shall be brought into the State of South Australia unless the owner, consignee, consignor or carrier—

- (a) holds a licence to import explosives; and

- (b) has first given at least two clear working days notice in writing (in the form of Schedule A) to the Chief Inspector and, if the explosives are to be landed at a port, to the Harbormaster at Port Adelaide.

Provided that a licence shall not be required where a person imports safety cartridges not exceeding 2 000 in number for his own use and not for sale.

(Owner, consignee, consignor, carrier)

### **13.03—Inspection, examination and analysis of explosives entering South Australia**

Every lot, parcel or consignment of explosive exceeding the limits specified in regulation 13.02 of this Part shall, as soon as practicable after entering South Australia be deposited in a Government magazine or such other place as may be directed by the Chief Inspector for the purposes of inspection, examination and analysis as may be required by the Chief Inspector and shall not be removed therefrom without the authority of the Chief Inspector. All costs of storage, inspection, examination and analysis shall be borne by the owner or the consignee of the explosives.

(Owner, consignee, consignor, carrier)

### **13.04—Imported explosives to be classified**

A person shall not import or cause or permit any person to import any explosive into the State of South Australia unless that explosive has been classified and defined by the Chief Inspector, with the consent of the Governor pursuant to section 6 of the Act, except in such quantity and under such conditions as may be permitted by the Chief Inspector.

(Owner, consignee, consignor, carrier)

### **13.05—Application for licence to import explosives**

Application for a licence to import explosives shall be made to the Chief Inspector either by the owner, consignee, consignor or carrier of the explosive or by an agent for the owner, consignee, consignor or carrier resident in South Australia. The application shall be in the form prescribed in Schedule B and shall be accompanied by the prescribed fee.

### **13.06—Refusal or grant of licence**

The Chief Inspector may refuse a licence, or may grant a licence subject to such reasonable conditions as he includes in the licence.

### **13.07—Detonators etc to be marked**

A person shall not, without the approval of the Chief Inspector in writing, carry or bring or cause or permit any person to carry or bring into the State of South Australia any detonator, blasting cap or detonating relay which is not marked in accordance with the provisions of Part 6.

### **13.08—Form of licence**

A licence issued under this Part shall be in the form prescribed in Schedule C.

### **13.09—Terms and conditions of licence**

The following provisions shall apply to a licence granted under this Part:

- (a) the licence shall be issued to the owner, consignee, consignor or carrier and shall not be transferable;
- (b) the licence shall be subject to these regulations, the due performance of which by all concerned shall be a condition upon which a licence has been issued;



- (c) the licence shall continue in force for a period of 12 months commencing on the first day of the month in which the licence was issued but may be renewed before the expiration of a period of 12 months by payment of the prescribed fee;
- (d) a licence may be revoked by the Chief Inspector at any time if the holder has failed to comply with the conditions of the licence.

### **13.10—False or misleading statements**

A person shall not in or in connection with an application for a licence under this Part make a statement that is false or misleading in a material particular.

### **13.11—Explosives to be packaged and labelled**

A person shall not carry or bring into the State of South Australia any explosive which is not packed and labelled in accordance with the provisions of Part 6.

(Owner, consignee, consignor, carrier)

### **13.12—Penalty provision**

The penalty for any contravention of or any failure to observe any provision of any regulation contained in this Part shall be a fine not exceeding \$500.

## **Part 14—Sale of explosives other than fireworks**

### **14.001—Application of Part**

This Part applies to explosives other than fireworks or security sensitive substances.

### **14.01—Permit for sale and custody etc of explosives**

Subject to this Part a person shall not—

- (a) sell, give, exchange or supply explosives to a person who is not the holder of a current permit to purchase explosives; or
- (b) receive into his custody, possession or control any explosives unless he is the holder of a current permit to purchase explosives:

Provided that this regulation shall not apply to a person who receives explosives only for the purpose of transporting them for delivery to a person to whom has been issued a current permit to purchase explosives.

### **14.02—Issue of permit**

- (1) A permit shall be issued by an Inspector of Explosives, by an Inspector of Mines or by a member of the police force stationed at a police station near either the place of residence or the place of business of the applicant.
- (2) A permit shall not be issued pursuant to subregulation (1) of this regulation where the Inspector of Explosives, the Inspector of Mines or the member of the police force, as the case may be, to whom an application for a permit is made, is satisfied upon reasonable grounds that such permit should not be issued to the applicant.

### **14.03—Application for permit**

An application for a permit to purchase explosives shall be in the form set out in Schedule D. A person shall not in or in connection with an application for a permit under this regulation make a statement that is false or misleading in a material particular.

**14.04—Terms of permit to be complied with**

A person to whom a permit has been granted shall comply with the terms of the permit and with these regulations.

**14.05—Period of permit**

- (1) A permit to purchase explosives shall continue in force for a period of 12 months from the date of issue or for such shorter period as is stated in the permit.
- (2) A permit may be revoked by the Chief Inspector at any time if the holder has failed to comply with the terms of the permit or with these regulations.

**14.06—Permit holder to be fit and proper person**

A natural person is not entitled to the grant of a permit unless he or she is a fit and proper person to hold the permit and has attained the age of 18 years.

**14.07—Form of permit**

A permit to purchase explosives shall be in the form set out in Schedule E.

**14.08—Quantity of explosives not to exceed licensed storage available**

A person shall not at any one time receive a quantity of explosives in excess of the licensed storage available to him unless the excess explosive is used immediately and not stored and the record of the sale is endorsed by the purchaser with a statement to that effect. In this regulation the term *licensed storage* includes any underground storage in respect of which notice has been given under regulations made under the *Occupational Health, Safety and Welfare Act 1986*.

**14.09—Records to be kept**

Every sale of explosives shall be recorded by the seller and the records shall, for a period of at least two years commencing on the day of the sale, be available for inspection by any Inspector of Explosives, Inspector of Mines or member of the police force. The records shall show with reasonable particularity, the name of the vendor, the name and address of the purchaser, the serial number of the permit under which the explosives are purchased, and the date and the quantity and description of the explosives sold and the signature of the purchaser.

(Vendor)

**14.09A—Terms of model rocket engine permits issued to incorporated associations**

- (1) A permit to purchase model rocket engines (as defined by the Director under section 6 of the Act) issued under this Division to an association incorporated under the *Associations Incorporation Act 1985* is subject to the following terms:
  - (a) the association is not authorised to receive model rocket engines except through a member of the association who—
    - (i) has attained at least 15 years of age; and
    - (ii) is authorised in writing by the association to receive model rocket engines under the permit; and
    - (iii) complies with any conditions to which the authorisation is subject; and
  - (b) the association must record (and make the record available for inspection and copying at the request of an inspector)—

- (i) the name and address of each member authorised to receive model rocket engines; and
  - (ii) a description of the kind and quantity of model rocket engines the member is authorised to receive; and
  - (iii) any conditions to which the authorisation is subject; and
- (c) any other terms specified in the permit.<sup>1</sup>
- (2) Nothing in this Division requires a member of an incorporated association that holds a current permit under the Division to himself or herself hold a permit in relation to model rocket engines received by the member in accordance with an authorisation given to the member by the association under the terms of its permit.
- (3) For the purposes of this Division a sale of model rocket engines to a member of an incorporated association that holds a current permit under this Division in accordance with an authorisation given to the member by the association under the terms of its permit will be taken to be a sale made under the association's permit.

**Note—**

- 1 The permit will specify the kind and quantity of explosives that may be received under the permit.

**14.09B—Terms of model rocket engine permits for specified educational programs**

- (1) A permit to purchase model rocket engines (as defined by the Director under section 6 of the Act) issued under this Division in connection with an educational program specified in the permit is subject to the following terms:
- (a) model rocket engines may only be received and used for the purposes of the specified program; and
  - (b) the permit holder may only sell or otherwise supply model rocket engines received under the permit to participants in the specified program who have attained 15 years of age; and
  - (c) the permit holder must record (and make the records available for inspection and copying at the request of an inspector)—
    - (i) the name and address of each person to whom the model rocket engines are sold or otherwise supplied; and
    - (ii) the quantity and description of the model rocket engines supplied; and
    - (iii) the date of supply; and
  - (d) any other terms specified in the permit.<sup>1</sup>
- (2) Nothing in this Division requires the participants in an educational program in connection with which a permit has been issued under this Division to themselves hold a permit under this Division in relation to model rocket engines received from the holder of the permit for use in the program.

**Note—**

- 1 The permit will specify the kind and quantity of explosives that may be received under the permit.

**14.10—Application of this Part**

None of the foregoing regulations of this Part shall apply to the following:

- (a) propellant powders and black powder other than blasting powder in quantities not greater than three kilograms;
- (b) safety ammunition, safety fuse, railway fog signals and percussion caps;
- (c) Very signal cartridges;
- (d) rockets or other distress or signalling devices *bona fide* required for equipping any boat, vessel or aircraft.

**14.11—Exposure and display of explosives for sale**

- (1) Subject to subregulations (2) and (3) of this regulation, an explosive shall not be exposed for sale or displayed in any shop or shop window, or hawked or exposed for sale on or in any highway, street, road, public thoroughfare or public place.  
(Vendor)
- (2) A quantity of propellant powder of 0.5 kilogram or less packed as required by Part 6 may be displayed in a shop in a position not ordinarily accessible to the public.  
(Vendor)
- (3) Safety ammunition may be displayed in a shop in a position not ordinarily accessible to the public.  
(Vendor)

**14.11A—Sale of safety ammunition etc to persons under 15 years**

A person shall not sell safety ammunition, percussion caps, gunpowder, smokeless powder or other propellant powder to any person under the age of 15 years.  
(Vendor)

**14.12—Packaging and labelling of explosives for sale**

All explosives when sold shall be in a substantial case, bag, canister or other package in accordance with the requirements of Part 6 made and closed so as to prevent the explosives from escaping and labelled in accordance with the requirements of Part 6.  
(Vendor)

**14.35—Penalty provision**

The penalty for any contravention of or any failure to observe any provision of any regulation contained in this Part shall be a fine not exceeding \$500.

Expiation fee: \$100.

## **Part 15—Miscellaneous**

### **15.01—Payment rates for attendance of inspector or magazine employee**

The owner, master or agent of any ship or boat, and the owner of any explosive being loaded on or unloaded from any road or railway vehicle, or his agent, shall pay for the attendance of any inspector or magazine employee during the loading or unloading of any explosive at the following rates relative to the weekly wages of such inspector or magazine employee at that time:

- (a) between the hours of 5.00 p.m. any weekday and 8.00 a.m. on the following day, or at any time in the forenoon of any Saturday, at the rate of time and one half;
- (b) at any time after noon on any Saturday, or at any time on any Sunday or public holiday, at the rate of double time.

### **15.02—Liability for charges for holding of explosives while ship in port**

All charges incurred in the holding of interstate or overseas cargoes of explosives during a vessel's stay in port shall be paid by the owner, master or agent of the ship.

### **15.03—Expenses payable for attendance of Inspector or Magazine Keeper**

The actual amount incurred for labour and other necessary expenses shall be payable for the attendance of every Inspector, Magazine Keeper or Assistant Magazine Keeper during handling of interstate or through cargo or when a vessel containing explosives is working general cargo.

### **15.05—Fees and charges for examination of explosives**

Subject to the Act there shall be payable the following fees or charges in respect of every examination of explosives, namely:

The actual sum incurred for labour, travelling time, travelling expenses and other necessary expenses in procuring samples of explosives for testing purposes and in transmitting those samples to such place as the Chief Inspector may require.

### **15.06—Fees and expenses payable in relation to destruction or disposal of explosives**

Subject to the Act if at any time explosives are, in the opinion of an inspector, in any way damaged or defective or likely to become a source of danger during transport, storage or use, the importer, owner or agent, shall, in the presence of an inspector, and in a manner approved by him, destroy or otherwise dispose of such explosives, the fee and expenses of such inspector being paid by the owner; if the importer, owner or agent refuses or neglects to destroy or dispose of such explosive immediately in the manner approved by the inspector then the Chief Inspector may proceed to remove and destroy the said explosive at the cost and expense of the owner.

### **15.07—Explosives not to be abandoned**

A person shall not abandon any explosive.

### **15.07A—Prohibited model rocket engines and distress signals**

A person must not manufacture, keep, convey, sell or use—

- (a) a model rocket engine or distress signal that is constructed in a manner that may allow the escape of an explosive substance from its casing; or

- (b) a distress signal that contains a mixture of a chlorate with sulphur, a sulphide or phosphorus other than for the purpose of its means of ignition; or
- (c) a distress signal that explodes wholly or in part and contains a mixture of a chlorate with aluminium or magnesium.

#### **15.07B—Disposal of out of date distress signals**

The owner of a distress signal that becomes outdated must deliver it for disposal—

- (a) to a police station; or
- (b) to a person approved by the Director.

#### **15.07C—Production of licence, permit or other authorisation**

An inspector may direct a person to produce for inspection a licence, permit or other authorisation held by the person under the Act or regulations made under the Act.

#### **15.08—Inspection etc of explosives stored in Government magazine**

Explosives presented for storage in a Government magazine shall be subjected to such inspection, examination and analysis as the Chief Inspector may require, and explosives stored in a Government magazine shall be subjected to such periodical inspection, examination and analysis as the Chief Inspector may require; all fees, charges and costs shall be borne by the owner of the explosives.

#### **15.09—Fees**

Fees as shown in Schedule V shall be payable in respect of the matters set out in that Schedule, except that departments and instrumentalities of the South Australian Government shall be exempted from the payment of such fees.

#### **15.10—Prohibition of unclassified explosives unless authorised by Chief Inspector**

A person shall not bring or carry into or manufacture, mix, sell, store or carry in the State of South Australia or cause or permit any person to bring or carry into, manufacture, mix, sell, store or carry in the State of South Australia any explosive which has not been classified and defined by the Chief Inspector with the consent of the Governor pursuant to section 6 of the Act, except in such quantity and under such conditions as may be permitted by the Chief Inspector.

#### **15.11—Loading and unloading from Government lighter**

During the loading of any explosive from a ship or boat into a Government lighter, or the unloading of any explosive into a ship or boat from a Government lighter, the explosive shall be received or delivered only by officers of the Department of Transport or of the Chief Inspector at the lighter's rails.

#### **15.12—Storage and carriage of explosives by certain persons without complying with regulations**

When a reasonable cause exists, Inspectors of Explosives, Inspectors of Mines and members of the police force may store or carry explosives or cause or permit explosives to be stored or carried otherwise than in accordance with these regulations.

**15.13—Penalty provision**

The penalty for any contravention of or any failure to observe any provision of any regulation contained in this Part shall be a fine not exceeding \$500.

Expiation fee: \$100.

## Schedule AA—Duties and responsibilities

(Regulation 1.06)

Number of Regulation, Subregulation or other Provision	Title or description of Person or Persons
3.07—3.11 (inclusive)	Occupier
3.12(2)	Occupier
3.13—3.15 (inclusive)	Occupier
3.16(1) (2)	Occupier
3.17—3.19	Occupier
3.20(1) (2)	Occupier
3.21	Occupier
3.22(1) (2)	Occupier
3.23—3.28 (inclusive)	Occupier
3.29(1) (2)	Occupier
3.30	Occupier
4.02	Person mixing or using, occupier of the place
4.03(3)	Licensee, applicant for licence
4.07—4.12 (inclusive)	Licensee, person in charge
4.13—4.14 (inclusive)	Licensee
4.15	Licensee, person in charge
4.17—4.18 (inclusive)	Licensee
4.19—4.26 (inclusive)	Licensee, person in charge
4.27	Licensee
5.03—5.06 (inclusive)	Licensee, person in charge
5.07	Licensee
6.02—6.03 (inclusive)	Owner, manufacturer
6.04(1) (3)	Owner, manufacturer
6.05(1) (2)	Owner
6.06—6.09	Owner, manufacturer
6.10(1) (2) (3)	Owner, manufacturer
7.02(1)	Owner, driver
7.05	Licensee, applicant for licence
7.06—7.09 (inclusive)	Licensee, person in charge of vehicle or boat (as case requires)
7.10(1) (2) (3)	Licensee, person in charge of vehicle or boat (as case requires)
7.11	Licensee, person in charge of vehicle
7.12(2) (3)	Licensee, person in charge of vehicle or boat
7.13(1)	Licensee, person in charge of vehicle
7.13(2)	Person in charge of boat



<b>Number of Regulation, Subregulation or other Provision</b>	<b>Title or description of Person or Persons</b>
7.13(3) (4) (5)	Licensee, person in charge of vehicle or boat (as case requires)
7.13(6)	Person in charge of boat
7.13(7) (8) (9)(a)	Licensee, person in charge of vehicle or boat
7.13(9)(b)(c)	Licensee, person in charge of vehicle
7.13(10)(a)	Person in charge of vehicle or boat
7.13(10)(b)	Licensee, person in charge of vehicle or boat
7.13(11)	Licensee, person in charge of vehicle
7.13(12) (13) (14) (15) (16) (17)	Licensee, person in charge of vehicle or boat
7.13(18)	Person in charge of vehicle or boat
7.13(19)	Licensee, person in charge of vehicle or boat
7.13(20)(a)	Licensee, person in charge of vehicle
7.13(20)(b)	Licensee, person in charge of boat
7.13(21) (22) (23)	Licensee, person in charge of vehicle or boat
7.14	Licensee, person in charge of vehicle
7.15(1)	Consignor
7.15(2)	Consignee
7.16	Person in charge of vehicle or boat
7.17	Licensee, person in charge of vehicle or boat
7.18	Manager of tramway or railway
7.19	Consignor, person in charge of vehicle
7.21	Licensee, master, person in charge
7.22	Licensee, master, person in charge of vehicle or boat
8.03	Master, person in charge, owner, agent
8.04	Master, owner, agent, stevedore
8.05	Master
8.06	Owner, person in charge of boat
8.07	Master, owner, agent
8.08(1) (2)	Master
8.08(3) (4) (5)	Master, stevedore
8.08(6) (7)	Stevedore
8.08(8)	Master, person in charge
8.08(9) (10)	Master, stevedore
8.08(11)	Master of ship or person in charge of boat navigating in vicinity
8.09—8.11 (inclusive)	Master, person in charge
8.12—8.13 (inclusive)	Master, person in charge, stevedore
8.14(a)	Master, person in charge
8.14(b)(c)	Master, person in charge, stevedore
8.14(d)	Master, person in charge

<b>Number of Regulation, Subregulation or other Provision</b>	<b>Title or description of Person or Persons</b>
8.15	Master
8.16	Master, owner
8.17	Master, person in charge
8.18	Master, person in charge, owner, agent
9.02—9.03 (inclusive)	Owner of explosives
10.07	Licensee, applicant for licence
10.08—10.09 (inclusive)	Licensee
10.12(1)	Licensee
10.13—10.17 (inclusive)	Licensee
10.18(1) (2) (3)	Licensee
10.19	Licensee
10.21(1) (2) (3)	Licensee
10.22	Licensee
10.23	Licensee, person in charge
10.24	Licensee
11.06	Licensee
11.08	Licensee, applicant for licence
11.09—11.20 (inclusive)	Licensee
11.21(1) (2) (3)	Licensee
11.22	Licensee
11.23(1) (2) (3)	Licensee
11.24—11.26 (inclusive)	Licensee
13.02—13.04 (inclusive)	Owner, consignee, consignor, carrier
13.11	Owner, consignee, consignor, carrier
14.09	Vendor
14.11(1) (2) (3) (4)	Vendor
14.11A	Vendor
14.12	Vendor
15.07A	Any person
15.07B	Owner

## Schedule A—Notice of intention to import explosives

(Regulation 13.02(b))

\* Director, Department for Industrial Affairs, Box 465, GPO Adelaide, SA 5001

\* The Harbormaster, Department of Transport, Port Adelaide, SA 5015

Dear Sir,

In accordance with regulation 13.02 under the above Act, we hereby give notice that it is our intention to bring the undermentioned explosives into South Australia by sea\*/rail\*/road\*:

Name of owner or consignor .....

Address of owner or consignor .....

Name of consignee .....

Address of consignee .....

Name of ship or carrier .....

Name and address of ship's agent .....

Point of entry into South Australia .....

Destination of consignment .....

Expected date of arrival at point of entry into South Australia .....

Number of packages	Package numbers	Mass of each package		Description (including classification code also name and address of manufacturer)
		Gross	Net	

Yours faithfully,

.....  
 \*Owner or Consignee, or Agent for Owner or Consignee

.....  
 .....  
 .....

Address

Date ..... 20 .....

\*Strike out whichever is not applicable

### Schedule B—Application for licence to import explosives

(Regulation 13.05)

- 1 Full name of applicant (*surname in BLOCK letters*) .....
- 2 Occupation .....
- 3 Address .....
- 4 Postal address, if different from above .....
- 5 State whether owner, consignee, consignor or carrier or whether agent for owner, consignee, consignor or carrier .....
- 6 Classification Code(s) of explosives for which licence is required .....

*Signature*

Date ..... 20 .....

To: Director Department for Industrial Affairs Box 465, GPO Adelaide, SA 5001	(FOR OFFICE USE ONLY) INSPECTOR'S REPORT Licence may be issued for Classification Code .....
Fee paid ..... Receipt No ..... Receiver of Revenue ..... Date .....	<i>Inspector</i> Licence No ..... ..... issued, expires ..... 20 .....

### Schedule C—Licence to import explosives

(Regulation 13.08)

Issued to .....  
 of .....  
 for the importation of the following:

- \* Explosives of Classification Code \*1.2G, \*1.3G, \*1.4G and \*1.4S.
- Explosives of Any Classification Code.

This licence (unless previously revoked) shall expire on the ..... day of ..... 20 .....

Dated the ..... day of ..... 20.....

*Director*

*\*Strike out whichever is not applicable.*

## Schedule D—Application for permit to purchase explosives

(Regulation 14.03)

Name of applicant .....

Residential or business address of applicant .....

Postal address of applicant if different from above .....

Type(s) of explosives required

- \* Blasting explosives
- \* Propellant powder
- \* Other (*specify*) .....

Purposes for which explosives are required .....

Licensed storage of applicant .....

*(See note below)*

..... detonators of size .....

..... kg or other blasting explosives

..... kg .....

*Insert any other types of explosives for which licensed storage is provided.*

If explosives will be stored in a magazine or in premises licensed in the name of another person, give details

Name of licensee .....

Address of licensee .....

Location of licensed magazine or premises .....

A letter from the licensee agreeing to the arrangement must accompany this application

\* *Strike out whichever is not applicable.*

† *Applications must be submitted to the Director, Department for Industrial Affairs, Box 465, GPO Adelaide, SA 5001*

Date .....

*Signature of applicant*

Note—Licences for the storage of explosives and for the carriage of explosives in a vehicle may be required (*see over*).

(FOR OFFICE USE ONLY)

Permit No .....

Issued at .....

Date .....

- \* Inspector of Explosives
- \* Inspector of Mines
- \* Police Officer

† These permits may be issued by Inspectors of Explosives only.

### Schedule E—Permit to purchase explosives

(Regulation 14.07)

Issued to ..... of .....  
..... and current for 12 months from the date of issue  
(unless previously cancelled) for the purchase of—

- \* Blasting explosives.
- \* Propellant powder.
- \* Other (*specify*) .....

Issued at ..... this ..... day of ..... 20 .....

- \* Inspector of Explosives
- \* Inspector of Mines
- \* Police Officer

.....  
*Signature of permit holder*

Note—On the expiration of this permit it is the responsibility of the holder to renew. Renewal notices are not sent.

\* *Strike out whichever is not applicable.*  
† *Permits may be issued by Inspectors of Explosives only.*

## Schedule H—Application for licence for factory to manufacture explosives

(Regulation 3.01)

- 1 Full name of applicant (*surname in BLOCK letters*) .....
- 2 Occupation .....
- 3 Address .....
- 4 Postal address, if different from above .....
- 5 Proposed location of factory. (*If in a town, give street and number; if elsewhere, give section, hundred and district.*) .....
- 6 Types of explosives proposed to be manufactured at the factory .....
- 7 Anticipated annual production .....
- 8 The following information is also to be supplied and attached to this application:
  - (a) two copies of a plan, drawn to scale, showing the proposed location of the factory;
  - (b) two copies of a plan, drawn to scale, of the proposed factory;
  - (c) a specification showing the character and construction of all buildings, mounds and works existing or proposed to be erected on the site of or connected with the factory, and such of the following matters as are applicable:
    - (i) the nature of and the place at which each process of manufacture and each description of work is to be carried on;
    - (ii) the places at which explosives and ingredients of explosives and any articles which are flammable or otherwise dangerous are to be kept;
    - (iii) the amount of explosives and ingredients thereof, wholly or partially mixed, to be allowed at any one time in any building or machine or in any process of manufacture;
    - (iv) the maximum number of persons to be employed in each building or room, and
    - (v) any special conditions;
  - (d) written approval of the local governing body of the area in which it is proposed to establish the factory.

To: Director Department for Industrial Affairs Box 465, GPO Adelaide, SA 5001	(FOR OFFICE USE ONLY) INSPECTOR'S REPORT  Licence may be issued for the manufacture of ..... ..... ..... Licence No ..... ..... issued expires ..... 20 .....
Fee paid ..... Receipt No ..... Receiver of Revenue ..... Date .....  ..... <p style="text-align: center;"><i>Signature</i></p> .....  <p style="text-align: center;"><i>Date</i></p>	

**Schedule I—Factory licence to manufacture explosives**

(Regulation 3.06(b))

The factory as shown on the attached plans (which have been signed by the Director) and situated at .....  
is hereby licensed for the manufacture of the following explosives: .....  
.....  
.....  
subject to the provisions of the *Explosives Act 1936* and the regulations made thereunder and to the conditions, limitations and restrictions contained herein and attached hereto.

This licence is issued to .....  
of ..... being the occupier of the aforesaid factory.

This licence (unless previously revoked) shall expire on the ..... day of ....., 20 .....

Dated this ..... day of ....., 20 .....

.....  
*Director*



## Schedule J—Application for licence to mix and use ammonium nitrate mixture

(Regulation 4.03(1))

- 1 Full name of applicant .....  
*(surname in BLOCK letters)*
- 2 Occupation .....
- 3 Address of applicant .....  
.....  
.....
- 4 Postal address, if different from above .....
- 5 Materials to be mixed with ammonium nitrate .....
- 6 Place(s) where the explosive mixture is to be used .....
- 7 Purpose (*quarrying, roadworks, stump blowing etc*) .....
- 8 Name of operator of workings (*if applicant, state "As above"*) .....

.....  
*Signature*

Date .....

Note—A separate licence is required for each type of ammonium nitrate mixture used.

To: Director Department for Industrial Affairs Box 465, GPO Adelaide, SA 5001	(FOR OFFICE USE ONLY) INSPECTOR'S REPORT Licence may be issued for ..... .....
Fee paid ..... Receipt No ..... Receiver of Revenue ..... Date .....	at the ..... situated at..... ..... <div style="text-align: center;"><i>Inspector</i></div> Licence No ..... issued, expires ..... 20 .....

## Schedule K—Licence to mix and use ammonium nitrate mixture

(Regulation 4.05(a))

A licence is hereby granted to .....  
of ..... to mix and use an  
explosive consisting of ammonium nitrate (or a non-explosive mixture of ammonium nitrate  
with other substances as detailed in paragraph I hereunder) and carbonaceous or other  
materials as detailed in paragraph II hereunder, at the .....  
operated by the ..... at .....  
and shall remain in force until the ..... day of ..... 20 .....,  
unless previously revoked.

I The non-explosive mixture of ammonium nitrate with other substances shall be a  
mixture of ammonium nitrate with either (a) Kieselguhr; (b) calcium carbonate; or (c)  
such other substance as may be approved in writing by the Director.

II The carbonaceous or other materials to be mixed with ammonium nitrate (or a  
non-explosive mixture of ammonium nitrate with other substances) shall be .....

This licence is granted subject to the condition that the licensee shall strictly comply with all  
relevant provisions of the *Explosives Act 1936* and the regulations made thereunder.

Dated the ..... day of ..... 20 .....

.....  
*Director*

## Schedule L—Table showing quantity of explosive equivalent to 1 000 detonators

(Regulations 7.02(2), 10.09(e) and 11.07)

For the purposes of section 23(2) of the Act and of the Regulations for the carriage and for the  
storage of explosives, 1 000 detonators shall be taken as equivalent to quantities of explosives  
shown in the following table, and the equivalents of other numbers of detonators shall be calculated  
in proportion.

**Table showing Quantity of Explosive Equivalent to 1 000 detonators**

Size of Detonator	Equivalent of Explosive (kg)	Size of Detonator	Equivalent of Explosive (kg)
No. 3	6	No. 7	13
No. 4	7	No. 8	16
No. 5	8	No. 9	18
No. 6	9	No. 10	20

## Schedule M—Application for licence to carry explosives

(Regulation 7.03(b))

- 1 Full name of applicant (*surname in BLOCK letters*) .....  
 ..... (*Applicant must be the owner of the vehicle concerned*)
- 2 Occupation .....
- 3 Address of applicant .....  
 .....
- 4 Postal address, if different from above .....  
 .....
- 5 Maximum quantity of explosives to be carried at any one time ..... kg
- 6 Make of vehicle .....
- 7 Type of vehicle (*car, utility, truck etc*) .....
- 8 Registration number of vehicle .....
- 9 Type of engine (*petrol, diesel etc*) .....
- 10 If the quantity of explosives exceeds 60 kg give the measurements and description of the  
 box (*see Schedule U*) .....
- 11 If the quantity of explosives exceeds 265 kg state whether the requirements for a suitably  
 constructed vehicle have been met .....

.....  
*Signature*

.....  
*Date*

To: Director Department for Industrial Affairs Box 465, GPO Adelaide, SA 5001	(FOR OFFICE USE ONLY) INSPECTOR'S REPORT Licence may be issued for a maximum of ..... kg
Fee Paid ..... Receipt No ..... Receiver of Revenue ..... Date .....	..... <i>Inspector</i> Licence No ..... ..... issued, expires .....

**Schedule N—Licence to carry explosives**

(Regulation 7.04(3))

A licence is hereby granted to .....  
of ..... to convey explosives by land  
in a quantity not exceeding ..... kg in the undermentioned vehicle owned by  
the said licensee, subject to the Act and regulations.

Make ..... Type ..... Reg No .....

This licence (unless previously revoked) shall expire on the ..... day of ..... 20 .....

Dated this .....day of ..... 20.....

.....

*Director*

This licence (and its current renewal certificate) is to be kept in the vehicle concerned.

# Schedule O—Permission for ship to enter prohibited area

(Section 31 of Act)

*(To be lodged not less than two clear working days prior to expected arrival of ship or loading of explosives)*

To the Director of Marine and Harbors:

I/We ..... on behalf of ..... the .....  
 Master of "....." from .....

having on board }  
 intending to ship } ..... tonne ..... kg of explosives,  
 intending to tranship }

hereby request permission for the ship to enter the prohibited area at Port .....  
 and berth at ..... at ..... a.m./p.m. on the .....  
 of ..... 20 ....., for the purpose of

landing }  
 shipping } the explosives specified  
 transhipping } below:  
 conducting the ship's business whilst retaining on board }

Owner or Agent of Explosives	Name and Address of Consignee	No of Packages and Description of Explosives	Quantity in each Package	Total Kilograms

I/We undertake that all regulations and directions made under the *Explosives Act 1936* will be observed at the ports of shipment and discharge within the State by the Master of the abovementioned ship.

..... / ..... / 20 .....  
 .....  
*Agent for Master*

To: The Harbormaster, Port Adelaide and Harbormaster, Port ..... :

The "....." is permitted to enter the prohibited area at Port .....

for the purpose of }  
 landing }  
 shipping }  
 transhipping }  
 conducting the ship's business whilst retaining on board }

the explosives specified above at a place approved by you.  
 ..... / ..... /20 .....  
 .....  
*Director*

## Permit to land, ship or tranship

To the Director:

I hereby request a permit to }  
 land }  
 ship } the explosives specified above at Port .....  
 tranship }  
 ..... / ..... /20 .....

*Agent for Master*

Permit granted to }  
 land }  
 ship } under the supervision of .....  
 tranship }  
 ..... / ..... /20 .....

*Director*

Returned to the Harbormaster, Port Adelaide:

The explosives specified above }  
 were }  
 landed }  
 shipped } at .....  
 transhipped }  
 retained on board }

on ..... / ..... /20 .....  
 .....  
*Inspector of Explosives*

*Harbormaster*

Port .....

## Schedule P—Application for licence for keeping explosives on premises

(Regulation 10.03)

1	Full name of applicant ( <i>surname in BLOCK letters</i> ) .....		
2	Occupation .....		
3	Address of applicant .....		
	.....		
4	Postal address, if different from above .....		
	.....		
5	Situation of premises. ( <i>If in a town give street and number, if elsewhere give section and hundred, and draw a sketch on the back of this form or on a separate sheet of paper giving sufficient detail for the premises to be located readily.</i> ) .....		
	.....		
		Detonators	Other Explosives
6	Maximum quantity of nitro-compound explosives to be stored .....	////////	..... kg
7	Maximum quantity of gunpowder (blasting powder) and small arms nitro-compound to be stored .....	////////	..... kg
8	Maximum quantity of any other explosive to be stored ( <i>but not including detonators</i> ) .....	////////	..... kg
9	Maximum number of detonators that will be stored .....	..... of size No .....	////////
10	Distance separating the detonators from the other explosives .....	.....	////////
11	Are the explosives to be kept in a "RECEPTACLE" as defined on the back hereof ( <i>Applicable only if not more than 30 kg.</i> ) .....	.....	.....
12	Are the explosives to be kept in a "STORE" as defined on the back hereof ( <i>Applicable for any quantity up to 60 kg.</i> ) .....	.....	.....
13	If a "RECEPTACLE", state:		
	(a) The purposes for which the building housing it is used.	(a)	(a)
	(b) The materials of which the building is constructed.	(b)	(b)
	(c) The materials of which the receptacle is constructed.	(c)	(c)
	(d) The internal lining of the receptacle and fixing thereof.	(d)	(d)
	(e) The internal measurements of the receptacle.	(e)	(e)
14	If a "STORE", state the materials used for:		
	(a) Walls	(a)	(a)
	(b) Roof	(b)	(b)
	(c) Floor	(c)	(c)
	(d) Ceiling	(d)	(d)
	(e) Wall lining	(e)	(e)
	(f) Door	(f)	(f)
	(g) Locking of door	(g)	(g)
	Is door flush-fitting?		
	Internal measurements.		

15	If a "STORE", is it within or attached to another building .....	.....	.....
16	If the answer is "YES", is that building used as a dwelling or as living quarters? .....	.....	.....
17	If a "STORE", is it mounded? If so state nature and height of mound .....	.....	.....
18	State the use of the nearest protected work of Class I (see definition on back hereof) and its distance from the "RECEPTACLE" or "STORE" ..	.....	.....
19	State the use of the nearest protected work of Class II (see definition on back hereof) and its distance from the "RECEPTACLE" or "STORE" ..	.....	.....
20	Draw a plan on the back of this form or on a separate sheet of paper showing the site of the storage and surrounding buildings, neighbours' premises, roads etc .....	.....	.....

.....

*Signature*

.....

*Date*

To: Director Department for Industrial Affairs Box 465, GPO Adelaide, SA 5001	(FOR OFFICE USE ONLY) INSPECTOR'S REPORT Licence may be issued for a maximum of ..... kg Premises Division ..... <i>Inspector</i> Licence No ..... issued, expires .....
Fee Paid .....	
Receipt No .....	
Receiver of Revenue .....	
Date .....	

### Definitions

"store" means a store which is—

- (a) exclusively used for keeping explosives;
- (b) substantially built of brick, stone, iron, concrete or other approved material or excavated in solid rock, earth or mine refuse not liable to ignition;
- (c) so made, closed and locked as to prevent unauthorised persons from having access to the store and to secure it from danger from without; and
- (d) situated at protection distances from protected works.

"receptacle" means a receptacle that is—

- (a) exclusively appropriated for the keeping of explosives;
- (b) substantially constructed of wood or other approved material and has no exposed iron or steel inside;
- (c) provided with strong handles;
- (d) provided with a closely fitting lid secured by a lock, the hinges and fastenings being constructed of copper, brass or other approved material;
- (e) housed so as to prevent unauthorised persons having access to the receptacle and so as to provide protection from damage from fire and other causes; and

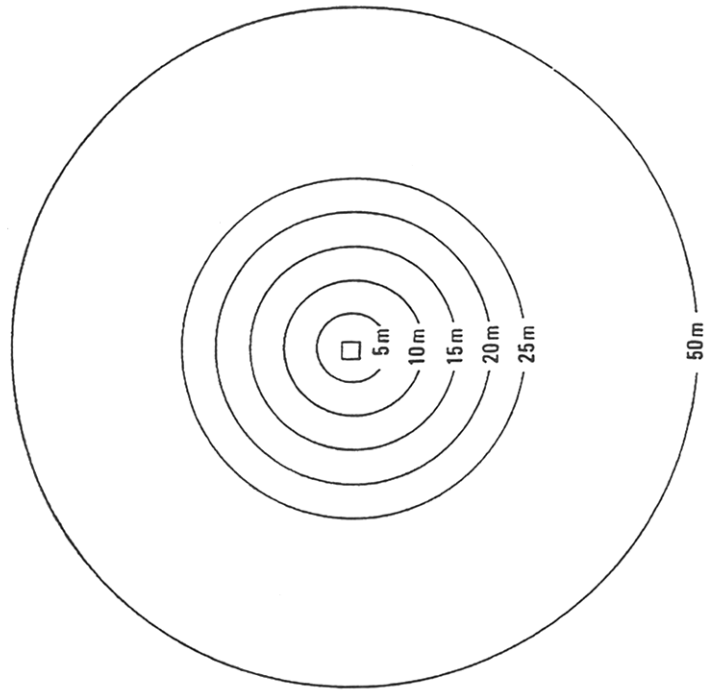
- (f) situated at protection distances from—
  - (i) dwellings or shops or other places frequented by the public on the same premises as the receptacle, and
  - (ii) protected works which are not on the same premises as the receptacle.

"protected work of Class I" means any shop, room, workshop, railway, magazine or store or receptacle for explosives, depot for flammable liquids, furnace, kiln or fire, occupied by or used by the occupier of licensed premises, or if the occupier or user thereof gives his consent in writing to the same being considered as included in the protected works of Class I, and also any highway, street, public road, public thoroughfare, or open place of resort for the public or for persons carrying on any trade or business, and any canal, navigable water, dock, wharf, pier, jetty or reservoir.

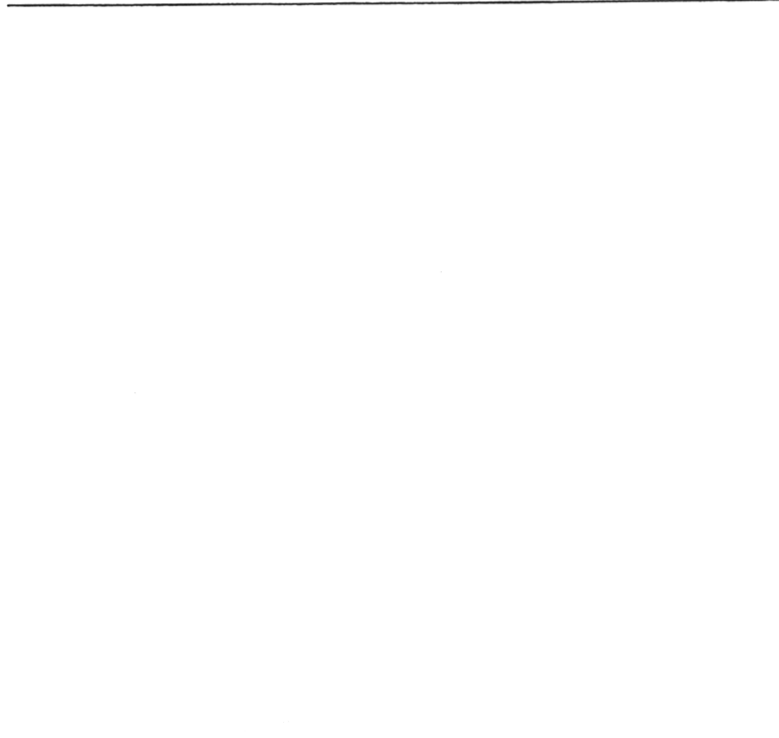
"protected work of Class II" means any dwelling, shop, room, workshop, railway, magazine or store or receptacle for explosives, depot for flammable liquids, furnace, kiln or fire, which is not included in protected works of Class I and any factory, church, chapel, university, college, school, hospital, public institution, town hall, court of justice, theatre, covered market, building wherein persons are accustomed to assemble or public building.



IMMEDIATE SURROUNDINGS  
(Distance in metres)  
(Question 20)



SKETCH MAP SHOWING LOCATION  
OF PREMISES  
(Question 5)



**Schedule Q—Licence for keeping explosives on premises**

(Regulation 10.05)

A licence is hereby granted to .....  
of .....

.....  
for the keeping, in accordance with the provisions of the Act and regulations of a quantity of  
explosives not exceeding ..... kg at premises situated at .....  
and qualified to belong to Division .....

This licence (unless previously revoked) shall expire on the ..... day of ..... 20 .....

Dated this ..... day of ..... 20 .....

.....  
*Director*

## Schedule R—Application for licence for keeping explosives in magazine

(Regulation 11.02)

- 1 Full name of applicant (*surname in BLOCK letters*) .....
- 2 Occupation .....
- 3 Address of applicant .....
- 4 Postal address, if different from above .....
- 5 Situation of magazine Section ..... Hundred of .....
- 6 Municipal or District Council area in which the magazine is situated .....
- 7 Address of Town or District Clerk .....
- 8 Will the issue of a licence for the magazine be contrary to any by-law of the Municipal or District Council? (*A formal letter from the Clerk is necessary as evidence*) .....
- 9 Maximum quantity of nitro-compound explosives to be stored ..... kg
- 10 Maximum quantity of gunpowder (blasting powder) to be stored ..... kg
- 11 Maximum quantity of any other explosive to be stored (but not including detonators) ..... kg
- 12 Maximum number of detonators that will be stored ..... of size No ..... equivalent to ..... kg explosive (*see Schedule L*)
- 13 Total quantity of explosives that will be stored ..... kg
- 14 Distance separating detonators from other explosives .....
- 15 Will the magazine be within any city or town or the suburbs thereof? .....
- 16 State the distance from the magazine to—
  - (a) The nearest building or works (*and also state the character and use of this building or works*) .....
  - (b) The nearest dwelling, shop or public building .....
  - (c) The nearest public road, railway or tramway .....
  - (d) The nearest public resort, promenade, jetty, wharf, dock, navigable water, reservoir, water main (*above ground*) .....

Note—Form R1, setting out a full description of the magazine, must also be completed and must accompany this application.

.....  
*Signature*

.....  
*Date*

To: Director Department for Industrial Affairs Box 465, GPO Adelaide, SA 5001	(FOR OFFICE USE ONLY) INSPECTOR'S REPORT Licence may be issued for a maximum of ..... kg  <i>Inspector</i> Licence No ..... Expires .....
Fee Paid .....	
Receipt No .....	
Receiver of Revenue .....	
Date .....	

## Schedule R1—Details of magazine

(Regulation 11.02)

Description of magazine owned by .....  
and situated at .....

1 Precise location of magazine. ....  
(Draw plans on the back of this form or on a separate sheet of paper giving sufficient detail to enable the magazine to be readily located and showing situation of buildings, roads etc)

	Main Magazine	Detonator Annex*
2 Internal dimensions .....	..... X..... X .....	..... X ..... X .....
3 Materials used for:		
(a) Walls	(a)	(a)
(b) Roof	(b)	(b)
(c) Floor	(c)	(c)
(d) Ceiling	(d)	(d)
(e) Wall lining	(e)	(e)
4 Type of nails, screws etc used to fix linings .....		
5 Is door flush-fitting? .....		
6 Material of inside face of door .....		
7 Material of outside face of door .....		
8 Type of locking .....		
9 Material of which hinges, locks etc are made .....		
10 Does the word EXPLOSIVES legibly appear on the exterior of the door or within one metre thereof? .....		
11 Dimensions of porch .....	..... X..... X .....	..... X ..... X .....
12 Is the magazine mounded? If so, state nature and height of mound .....		
13 Is the magazine protected from unauthorised access by a substantial fence and gate? .....		
14 Are any other buildings or works attached to the magazine? .....		
15 Is the magazine fitted with a lightning conductor? .....		
16 List the types of explosives to be kept. (Draw a floor plan on the back of this form or on a separate sheet of paper to show where the various types will be kept.)		//////////
17 Is the porch equipped with broom, mat and galoshes? .....		

\*Applicable for detonators kept within 30 metres of the main magazine; otherwise use Schedule P or a separate Schedule R as appropriate.

.....  
*Signature*

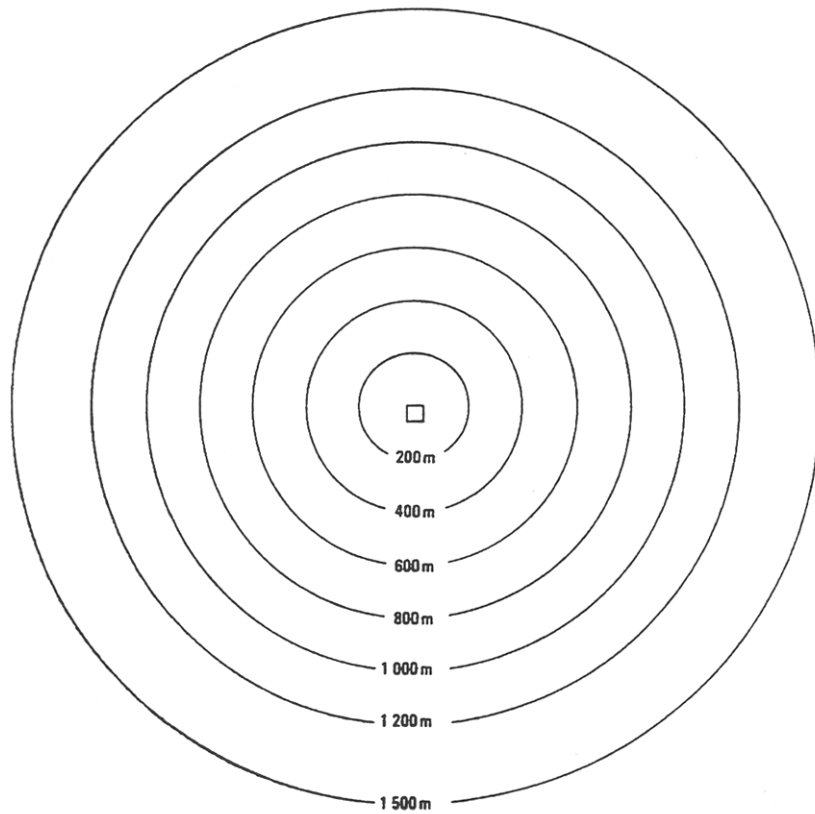
.....  
*Date*

To: Director  
Department for Industrial Affairs  
Box 465, GPO  
Adelaide, SA 5001

SKETCH MAP SHOWING LOCATION  
OF MAGAZINE  
*(Question 1)*

FLOOR PLAN OF MAGAZINE  
*(Question 16)*

SURROUNDINGS OF MAGAZINE SHOWING DWELLINGS, SHEDS, WORKSHOPS,  
PUBLIC RESORTS, ROADS, RAILWAYS, DETONATOR STORE, QUARRY  
WORKINGS, ETC.  
*(Distance in metres)*  
*(Question 1)*



## Schedule S—Licence for keeping explosives in magazine

(Regulation 11.04(2))

A licence is hereby granted to .....  
 of .....  
 for Magazine situated .....  
 (quantity to be stored not to exceed ..... kg) provided that the said Magazine is  
 maintained in accordance with the provisions of the Act and regulations.

This licence (unless previously revoked) shall expire on the ..... day of ..... 20.....

Dated this ..... day of .....20.....

.....

*Director*

## Schedule T—Tables of safety distance for magazines

(Regulations 11.01, 11.05, 11.06(a))

In this Schedule, the term *Inside Safety Distance* means the distance to be observed between a magazine and other magazines or buildings in the same occupancy not being protected works, and the term *Outside Safety Distance* means the distance to be observed between a magazine and a protected work.

The Safety Distance required for buildings containing explosives to achieve the necessary degree of safety depends upon the following three factors:

- (a) The type of risk appropriate to the explosive; and
- (b) The weight of explosive in the building; and
- (c) Whether effective mounds or screens are provided.

In regard to (a) all authorised explosives are given a category by the Director which is dependent on their potential risks. The categories are—

Category X—Explosives having fire or slight explosion risk or both with only local effect.

Category Y—Explosives having mass fire risk, or moderate explosion risk, but not mass explosion risk.

Category Z—Explosives having a mass explosion risk with serious missile effect.

Category ZZ—Explosives having a mass explosion risk with minor missile effect.

In regard to (c), a protected work may be considered mounded if a mound or screen exists such that straight lines drawn from all points of the protected work to all points of the magazine will pass through the mound or screen. A natural hill may serve as a mound or screen.

**TABLE OF INSIDE SAFETY DISTANCES**

Net Explosives Quantity	To Magazines containing Explosives				To or Between Process Buildings				Net Explosives Quantity
	Mounded or Unmounded		Mounded*		Mounded or Unmounded		Mounded†		
	Category X	Category Y	Category Z	Category ZZ	Category X	Category Y	Category Z or ZZ		
Kilograms	Metres	Metres	Metres	Metres	Metres	Metres	Metres	Metres	Kilograms
50	10	10	10	10	12	12	18	18	50
100	10	10	10	10	12	12	22	22	100
Net Explosives Quantity	To Magazines containing Explosives				To or Between Process Buildings				Net Explosives Quantity
	Mounded or Unmounded		Mounded*		Mounded or Unmounded		Mounded†		
	Category X	Category Y	Category Z	Category ZZ	Category X	Category Y	Category Z or ZZ		
Kilograms	Metres	Metres	Metres	Metres	Metres	Metres	Metres	Metres	Kilograms
30 000	27	45	27	75	28	100	260	260	30 000
40 000	28	51	30	82	28	109	286	286	40 000
50 000	28	55	33	89	28	117	308	308	50 000
* If approved by an inspector, magazines may be situated not less than twice these distances apart if unbounded.									
† Magazines may be situated at twice these distances from small quarry offices and plant if unbounded.									
4 000	17	20	13	38	25	51	123	123	4 000
5 000	18	22	14	41	26	55	135	135	5 000
7 500	20	25	16	48	27	63	159	159	7 500
10 000	22	28	17	52	27	69	177	177	10 000
15 000	24	33	20	59	28	79	205	205	15 000
20 000	25	38	22	66	28	87	226	226	20 000
25 000	26	42	25	71	28	94	243	243	25 000

TABLE OF OUTSIDE SAFETY DISTANCES

Net Explosives Quantity	Public street, road or thoroughfare, railway, navigable waterway, dock wharf, pier or jetty; market place, public recreation and sports ground or other open place where the public are accustomed to assemble; open place of work in another occupancy; private road which is a principal means of access to a church, chapel, college, school, hospital or factory; river wall, sea wall, reservoir, water main (above ground).		Category Z or ZZ		Protected Works		Dwellinghouse; government and public buildings, church, chapel, college, school, hospital, theatre, cinema or other building or structure where the public are accustomed to assemble; shop, factory, warehouse; store, timber yard or building in which any person is employed (other than small quarry offices and plant in the same occupancy); building or works used for the storage of petroleum products, gas or other flammable substances; buildings or works used for the storage or manufacture of explosives or of articles which contain explosives.		Aerodrome	Net Explosives Quantity
	Category X	Category Y	Category Z or ZZ	Category X	Category Y	Category Z or ZZ	Category ZZ or Detonators			
Kilograms	Metres	Metres	Metres	Metres	Metres	Mounded	Unmounded	Metres	Metres	Kilograms
50	8	12	23	16	24	24	183	145	50	
100	10	15	23	19	30	33	183	183	100	
200	11	19	26	22	38	51	183	230	200	
300	13	22	34	26	43	68	183	264	300	
400	15	24	42	29	47	82	183	292	400	
500	16	26	47	31	51	95	183	320	500	
1 000	18	33	75	36	63	150	183	397	1 000	
1 500	19	37	96	39	73	191	191	442	1 500	
2 000	20	41	114	41	81	226	226	494	2 000	
2 500	21	44	129	42	87	257	257	540	2 500	
3 000	22	47	142	44	92	284	284	573	3 000	
4 000	23	51	164	45	101	327	327	628	4 000	



Net Explosives Quantity	Protected Works										Net Explosives Quantity	
	Public street, road or thoroughfare, railway, navigable waterway, dock wharf, pier or jetty; market place, public recreation and sports ground or other open place where the public are accustomed to assemble; open place of work in another occupancy; private road which is a principal means of access to a church, chapel, college, school, hospital or factory; river wall, sea wall, reservoir, water main (above ground).	Dwellinghouse; government and public buildings, church, chapel, college, school, hospital, theatre, cinema or other building or structure where the public are accustomed to assemble; shop, factory, warehouse; store, timber yard or building in which any person is employed (other than small quarry offices and plant in the same occupancy); building or works used for the storage of petroleum products, gas or other flammable substances; buildings or works used for the storage or manufacture of explosives or of articles which contain explosives.					Aerodrome					
		Category X	Category Y	Category Z or ZZ		Category X	Category Y	Category Z or ZZ		Category ZZ or Detonators		
				Mounded	Unmounded			Mounded	Unmounded			
Kilograms	Metres	Metres	Metres	Metres	Metres	Metres	Metres	Metres	Metres	Metres	Kilograms	
5 000	24	55	180	47	108	360	360	360	677	5 000		
7 500	25	63	212	49	125	424	424	424	772	7 500		
10 000	26	69	237	51	138	470	470	470	853	10 000		
15 000	27	79	273	54	158	546	546	546	982	15 000		
20 000	28	87	302	56	171	601	601	601	1 082	20 000		
25 000	29	93	321	58	186	650	650	650	1 164	25 000		
30 000	30	99	342	59	199	689	689	689	1 235	30 000		
40 000	31	109	381	61	218	762	762	762	1 356	40 000		
50 000	32	118	409	62	235	817	817	817	1 448	50 000		
75 000	33	136	470	65	269	940	940	940	1 676	75 000		
100 000	35	148	519	67	295	1 034	1 034	1 034	1 829	100 000		

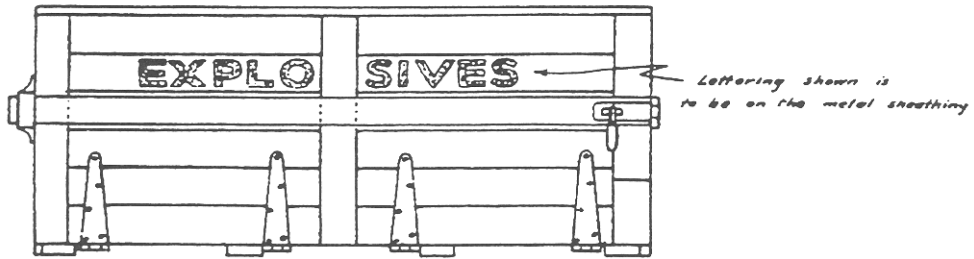
## **Schedule U—Box for carriage of explosives**

(Regulations 7.13(3), 7.13(4)(b), 7.13(5), 7.13(6)(b))

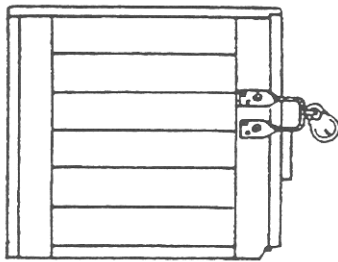
A box for the carriage of explosives in a vehicle or a boat shall be—

- 1 Strongly constructed of tongue and groove timber at least 20 mm thick or of wooden sheets at least 12 mm thick (see sketches below);
- 2 Sheathed outside with flat galvanised iron;
- 3 Fitted with one or more locks;
- 4 Marked with the word "EXPLOSIVES" painted conspicuously in red on a white background;
- 5 Secured firmly in the vehicle when being used for the carriage of explosives;
- 6 Fitted with lugs or rings if ropes are to be used to secure it in the vehicle;
- 7 Used only for the carriage of explosives.

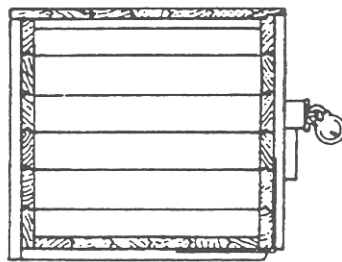
CONSTRUCTIONAL DETAILS  
[EXTERNAL SHEATHING NOT SHOWN]



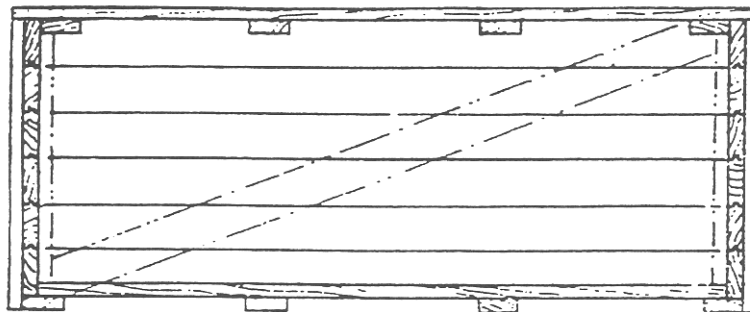
FRONT VIEW



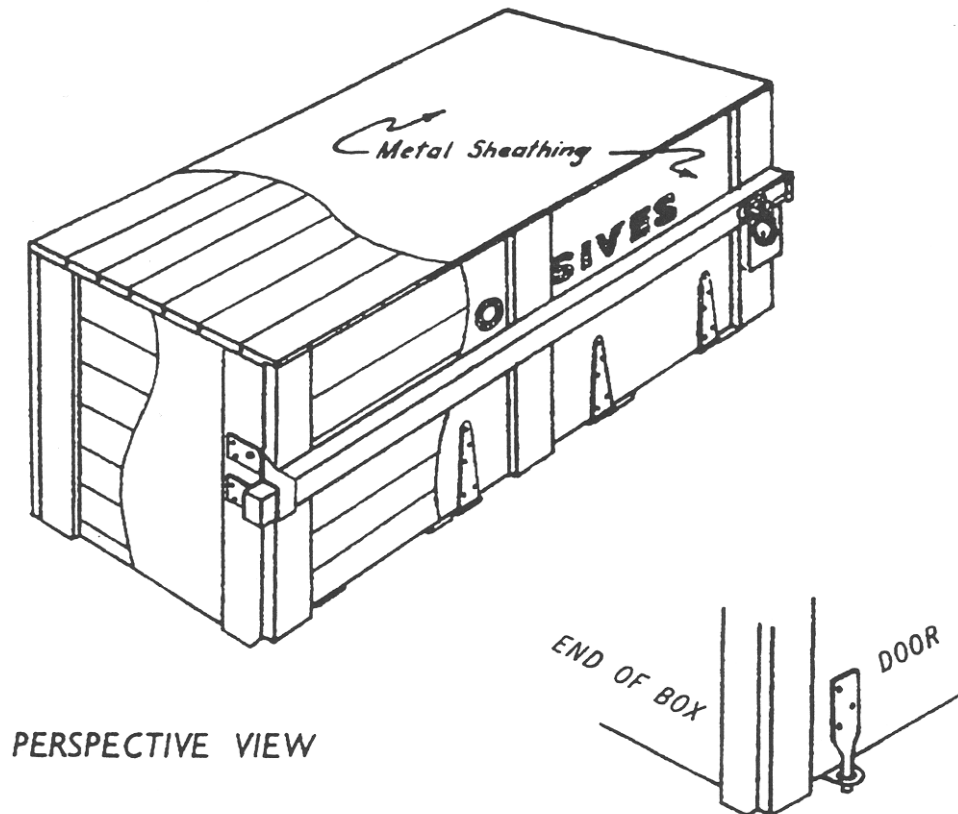
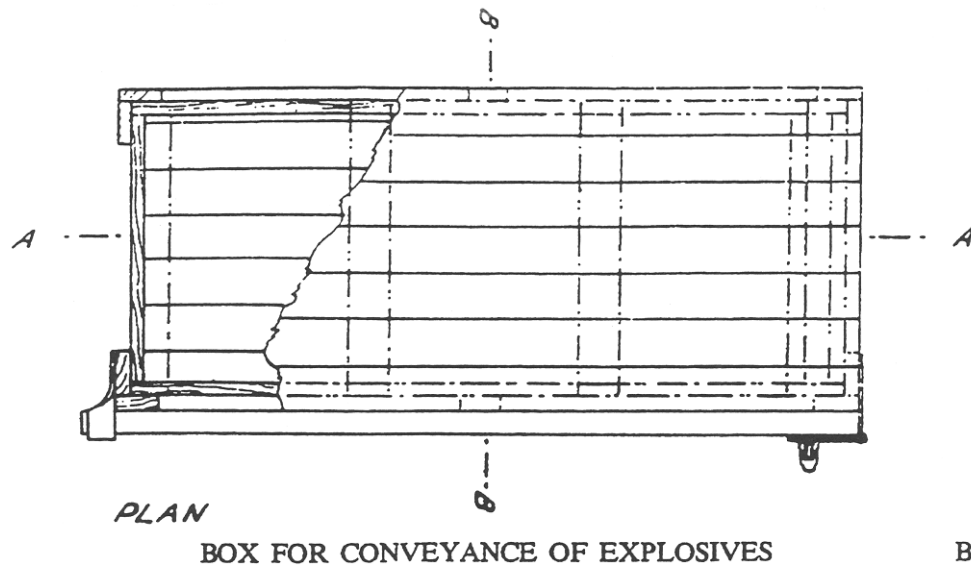
END VIEW



SECTION B-B



SECTION A-A



Instead of using hinges, the door may be held in place by two metal pegs attached to the bottom of the door and fitting into corresponding holes in metal plates fastened to the base of the box as shown above.

**Notes—**

- 1 The actual size of the box will depend on the number and size of cases to be conveyed.
- 2 The box is to be completely covered on the outside with plain galvanised iron or approved non-ferrous metal. Hinges, catches and other fittings to be of approved non-ferrous metal.
- 3 The interior is to be free from exposed iron or steel. All nails, screws and other fastenings used inside are to be countersunk and puttied over.
- 4 Door may be a lid instead of on side, if desired.
- 5 Close stowage to avoid undue movement of cases within the box is essential. If necessary, suitable wooden wedges or other approved means should be used for this purpose.

## Schedule V—Fees

(Section 52, regulation 15.09)

### 1—Classification of explosives (Part 2)

Fee for—

- |   |          |
|---|----------|
| (a) application for classification of explosive | \$152.00 |
| (b) amendment of classification of explosive    | \$86.50  |

### 2—Licensing of factories (Part 3)

Licence fee for a factory to manufacture explosives	\$280.00
---	----------

### 3—Licence to mix and use Ammonium Nitrate mixture (Part 4)

Licence to mix and use Ammonium Nitrate mixture of Classification Code 1.1D—

- |                           |          |
|---------------------------|----------|
| (a) for 1 place only      | \$51.50  |
| (b) for more than 1 place | \$131.00 |

### 4—Licence to carry explosives (Part 7)

Licence fee for a carrier to carry—

- |                                  |          |
|----------------------------------|----------|
| (a) up to 60 kg of explosives    | \$32.75  |
| (b) up to 265 kg of explosives   | \$51.50  |
| (c) up to 1 000 kg of explosives | \$56.00  |
| (d) over 1 000 kg of explosives  | \$164.00 |

### 5—Licence to store on premises (Part 10)

Licence fee for storing explosives on premises in which the quantity of explosives to be stored—

- |   |         |
|---|---------|
| (a) does not exceed 30 kg                   | \$51.50 |
| (b) exceeds 30 kg but does not exceed 60 kg | \$94.00 |

### 6—Licensing of magazines (Part 11)

(1) Licence fee for portable magazine in which the quantity of explosive to be stored—

- |  |          |
|--|----------|
| (a) does not exceed 60 kg                      | \$112.00 |
| (b) exceeds 60 kg but does not exceed 1 000 kg | \$328.00 |
| (c) exceeds 1 000 kg                           | \$568.00 |

(2) Licence fee for any other magazine in which the quantity of explosive to be stored—

- |                              |          |
|------------------------------|----------|
| (a) does not exceed 1 000 kg | \$164.00 |
| (b) exceeds 1 000 kg         | \$284.00 |

### 7—Licence to import explosives (Part 13)

Licence fee to import explosives—

- |   |         |
|---|---------|
| (a) of classification code 1.2G, 1.3G, 1.4G or 1.4S | \$56.00 |
| (b) of another classification code                  | \$94.00 |

### 8—Inspection or testing of explosives

Fee for—

- |  |         |
|--|---------|
| (a) examination of fuse                                      | \$34.00 |
| (b) examination of detonator                                 | \$34.00 |
| (c) physical examination of firework or firework composition | \$34.00 |

(d)	liquefaction test	\$34.00
(e)	exudation test	\$34.00
(f)	heat test	\$34.00

## **Schedule W—Revocation and transitional provisions**

### **1—Revocation of *Explosives Regulations 1996***

The *Explosives Regulations 1996* are revoked.

### **2—Transitional provision**

A licence or permit in force under a provision of the *Explosives Regulations 1996* immediately before the commencement of this clause will be taken to be a licence or permit in force under the corresponding provision of these regulations.

#### **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 25 August 2011

No 208 of 2011

MIR11/012CS

South Australia

## Expiation of Offences Regulations 2011

under the *Expiation of Offences Act 1996*

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### Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Prescribed forms
- 5 Reminder notices
- 6 Expiation enforcement warning notices
- 7 Notices relating to more than 1 offence
- 8 Certificate for enforcement purposes

### Schedule 1—Forms

- 1 Expiation notice
- 2 Expiation reminder notice
- 3 Expiation enforcement warning notice
- 4 Election to be prosecuted

### Schedule 2—Revocation of *Expiation of Offences Regulations 1996*

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#### 1—Short title

These regulations may be cited as the *Expiation of Offences Regulations 2011*.

#### 2—Commencement

These regulations will come into operation on 1 September 2011.

#### 3—Interpretation

In these regulations—

*Act* means the *Expiation of Offences Act 1996*;

*levy* means the levy payable under the *Victims of Crime Act 2001*;

*relevant motor vehicle register* means—

- (a) in the case of a vehicle registered in this State—the register kept under the *Motor Vehicles Act 1959*; or
- (b) in the case of a vehicle registered in another State or a Territory of the Commonwealth—the corresponding register in that State or Territory.

#### 4—Prescribed forms

Schedule 1 prescribes forms for the purposes of the Act.

#### 5—Reminder notices

For the purposes of section 11(3) of the Act, the reminder notice fee is—

- (a) \$46; plus

- (b) if a vehicle was involved in the alleged offence to which the expiation notice relates and a fee incurred for searching the relevant motor vehicle register—the fee for 1 such search.

## **6—Expiation enforcement warning notices**

For the purposes of section 11A of the Act, the warning notice fee is—

- (a) \$46; plus
- (b) if—
  - (i) a vehicle was involved in the alleged offence to which the expiation notice relates and a fee incurred for searching the relevant motor vehicle register; and
  - (ii) an expiation reminder notice has not been issued to the alleged offender, the fee for 1 such search.

## **7—Notices relating to more than 1 offence**

- (1) If an expiation reminder notice relates to more than 1 offence, the issuing authority must not accept payment unless it comprises the reminder notice fee (except if it is waived) plus the expiation fees and levies (if any) for all offences except any for which the alleged offender elects to be prosecuted.
- (2) If an expiation enforcement warning notice relates to more than 1 offence, the issuing authority must not accept payment unless it comprises the warning notice fee (except if it is waived) plus, if a reminder notice fee is payable, the reminder notice fee (except if it is waived) plus the expiation fees and levies (if any) for all offences except any for which the alleged offender elects to be prosecuted.
- (3) However, failure to comply with subregulation (1) or (2) does not affect the authority's right under the Act to enforce the notice in relation to any offence remaining unexpiated.
- (4) If an order for relief is granted under section 9 of the Act in relation to an amount outstanding under an expiation reminder notice that relates to more than 1 offence, instalments paid under the order must be applied first in satisfaction of the reminder notice fee.
- (5) If an order for relief is granted under section 9 of the Act in relation to an amount outstanding under an expiation enforcement warning notice that relates to more than 1 offence, instalments paid under the order must be applied first in satisfaction of the warning notice fee and, if a reminder notice fee is payable, the reminder notice fee.
- (6) For the purposes of an enforcement order made in relation to more than 1 offence, an outstanding reminder notice fee or warning notice fee will be added to the outstanding amount of the expiation fee for the first offence to which the order relates.

## **8—Certificate for enforcement purposes**

For the purposes of section 13(1) of the Act, the certificate to be sent by the issuing authority to the Court must contain the following particulars:

- (a) the identity of the issuing authority;
- (b) the name and address of the alleged offender;
- (c) the date on which the expiation notice was issued and the number of the notice;
- (d) the date on which a reminder notice (if any) was issued;



- (e) the date on which an expiation enforcement warning notice (if any) was issued;
- (f) the date of the certificate;
- (g) for each alleged offence that remains unexpiated—
  - (i) details of the offence, including the location, date and time of the offence and details identifying the category of offence; and
  - (ii) the outstanding amount of the expiation fee (with the outstanding amounts of a reminder notice fee or warning notice fee separately itemised); and
  - (iii) if a levy is payable in respect of the offence—a statement as to whether or not the levy has been paid; and
  - (iv) if the offence involved a vehicle—
    - (A) a statement as to whether the expiation notice was issued to a person in the capacity of registered owner or driver of the vehicle; and
    - (B) the vehicle registration number and the State or Territory in which the vehicle was registered at the time of the offence; and
  - (v) if the expiation notice was issued to a person in the capacity of driver of a vehicle—the class of driver's licence or permit (if any) held by the alleged offender, the number of the licence or permit and the State or Territory in which it was issued.

## Schedule 1—Forms

### 1—Expiation notice

- (1) The prescribed form for an expiation notice is a form that complies with the following requirements:
  - (a) the form must include a heading identifying it as an expiation notice under the *Expiation of Offences Act 1996*;
  - (b) the form must specify—
    - (i) the expiation notice number; and
    - (ii) the date of issue of the expiation notice; and
    - (iii) the name of the issuing officer or a code enabling the issuing authority to identify the issuing officer;
  - (c) the form must contain an allegation that a person committed an offence or offences and specify—
    - (i) —
      - (A) if the notice is to be addressed to the person as the owner or driver of a vehicle without naming or otherwise identifying the person—the vehicle registration number;
      - (B) in any other case—the name and address of the person; and
    - (ii) the general nature of the alleged offence or offences; and
    - (iii) the time or times and date or dates of the alleged offence or offences (but if the time or date is the same as that of the notice, the time and date need not be separately identified); and

- (iv) the place or places at which the alleged offence or offences were committed;
- (d) the form must inform the person that the offence or offences may be expiated and specify—
  - (i) the amount of the expiation fee for each offence; and
  - (ii) if a levy is payable, the amount of the levy for each offence; and
  - (iii) the total amount payable; and
  - (iv) to whom the amount must be paid; and
  - (v) the date by which the amount must be paid;
- (e) the form must include a statement of the choices available to the alleged offender, for example—

**YOUR CHOICES:**

You may on or before the due date for payment—

- Dispute the allegation that you committed the offence(s) (or any of them) and elect to be prosecuted for that offence (or offences).

If you elect to be prosecuted, you may get a summons. The summons will set out when and where to attend court.

- Pay the total amount due for all offence(s) not disputed (including levies).
- Apply to the court to pay the amount of the fee(s) in instalments or for an extension of time in which to pay it.

You may make an application only if you owe \$50 or more in expiation fees (including fees under other notices). Obtain an application form from the Registrar of the Magistrates Court or Youth Court. The Registrar must be satisfied that payment of the fee(s) would cause you or your dependants hardship.

- If you think the offence(s) (or any of them) was trifling—apply to the *[issuing authority]* for a review of the expiation notice (for special meaning of trifling see section 4(2) *Expiation of Offences Act 1996*).

*If applicable:*

- If the offence(s) (or any of them) is a parking or traffic offence and you were not driving at the time of the alleged offence—send the *[issuing authority]* a statutory declaration stating the name and address of the driver or, if you had by the time of the offence transferred ownership of the vehicle, the owner.

- (f) the form must include a statement of the outcome if no choice is made by the alleged offender, for example—

**If no choice is made for an offence, 1 reminder notice will be sent (a reminder fee will apply). After that, you may (without a court hearing) be convicted of the offence and the unpaid fee will be your fine. Court costs will be added.**

- (2) The notice may include payment details, a payment slip for use if the alleged offender wishes to expiate the offence, instructions for completion, contact details for the obtaining of further information, or other information considered relevant by the issuing authority (and the information may be interspersed with the statements required to be included in the notice).

**Note—**

Under section 6(1)(k) of the Act, the expiation notice is required to be accompanied by a notice in the prescribed form by which the alleged offender may elect to be prosecuted for the offence or any of the offences to which the notice relates—see clause 4.

Certain Acts require—

- (a) that an expiation notice given to the registered owner of a motor vehicle must be accompanied by a notice relating to the question of whether the owner was the driver at the time of the alleged offence; and
- (b) that an expiation notice given to a person named as the alleged driver in a statutory declaration must be accompanied by a notice setting out particulars of the statutory declaration that named the person as the alleged driver (excluding the address of the person who provided the statutory declaration).

## **2—Expiation reminder notice**

- (1) The prescribed form for an expiation reminder notice is a form that complies with the following requirements:
- (a) the form must include a heading identifying it as an expiation reminder notice under the *Expiation of Offences Act 1996*;
- (b) the form must specify—
- (i) the expiation notice number; and
  - (ii) the date of issue of the expiation notice; and
  - (iii) the date of the reminder notice;
- (c) the form must contain an allegation that a person committed an offence or offences and specify—
- (i) the name and address of the person; and
  - (ii) if the expiation notice was addressed to the person as the owner or driver of a vehicle without naming or otherwise identifying the person—the vehicle registration number; and
  - (iii) the general nature of the alleged offence or offences; and
  - (iv) the time or times and date or dates of the alleged offence or offences; and
  - (v) the place or places at which the alleged offence or offences were committed;
- (d) the form must inform the person that the offence or offences may be expiated and specify—
- (i) the amount of the expiation fee for each offence; and

- (ii) if a levy is payable, the amount of the levy for each offence; and
  - (iii) the amount of the reminder notice fee; and
  - (iv) the total amount payable; and
  - (v) to whom the amount must be paid; and
  - (vi) the date by which the amount must be paid;
- (e) the form must include a statement of the choices available to the alleged offender, for example—

**YOUR CHOICES:**

You may on or before the due date for payment:

- Dispute the allegation that you committed the offence(s) (or any of them) and elect to be prosecuted for that offence (or offences).

If you elect to be prosecuted, you may get a summons. The summons will set out when and where to attend court.

- Pay the total amount due for all offence(s) not disputed (including levies and reminder notice fees).
- Apply to the court to pay the amount of the fee(s) in instalments or for an extension of time in which to pay it.

You may make an application only if you owe \$50 or more in expiation fees (including fees under other notices). Obtain an application form from the Registrar of the Magistrates Court or Youth Court. The Registrar must be satisfied that payment of the fee(s) would cause you or your dependants hardship.

- If you think the offence(s) (or any of them) was trifling—apply to the *[issuing authority]* for a review of the expiation notice (for special meaning of trifling see section 4(2) *Expiation of Offences Act 1996*).

*If applicable:*

- If the offence(s) (or any of them) is a parking or traffic offence and you were not driving at the time of the offence—send the *[issuing authority]* the enclosed statutory declaration stating the name and address of the driver or, if you had by the time of the offence transferred ownership of the vehicle, the owner.

- (f) the form must include a statement of the outcome if no choice is made by the alleged offender, for example—

**If no choice is made for an offence, you may (without a court hearing) be convicted of the offence and the unpaid fee will be your fine. Court costs will be added.**

- (2) The notice may include payment details, a payment slip for use if the alleged offender wishes to expiate the offence, instructions for completion, contact details for the obtaining of further information, or other information considered relevant by the issuing authority (and the information may be interspersed with the statements required to be included in the notice).

**Note—**

Under section 11(1a)(b) of the Act, the expiation reminder notice is required to be accompanied by—

- (a) a notice in the prescribed form by which the alleged offender may elect to be prosecuted for the offence or any of the offences to which the notice relates—see clause 4; and

- (b) if the notice is issued to the owner of a motor vehicle involved in the alleged offence and the expiation reminder notice is required to be accompanied by a notice relating to the owner sending the issuing authority a statutory declaration—a form suitable for use as a statutory declaration.

### 3—Expiation enforcement warning notice

- (1) The prescribed form for an expiation enforcement warning notice is a form that complies with the following requirements:
  - (a) the form must include a heading identifying it as an expiation enforcement warning notice under the *Expiation of Offences Act 1996*;
  - (b) the form must specify—
    - (i) the expiation notice number; and
    - (ii) the date of issue of the expiation notice; and
    - (iii) the date of the expiation enforcement warning notice;
  - (c) the form must contain an allegation that a person committed an offence or offences and specify—
    - (i) the name and address of the person; and
    - (ii) if the expiation notice was addressed to the person as the owner or driver of a vehicle without naming or otherwise identifying the person—the vehicle registration number; and
    - (iii) the general nature of the alleged offence or offences; and
    - (iv) the time or times and date or dates of the alleged offence or offences; and
    - (v) the place or places at which the alleged offence or offences were committed;
  - (d) the form must inform the person that the offence or offences may be expiated and specify—
    - (i) the amount of the expiation fee for each offence; and
    - (ii) if a levy is payable, the amount of the levy for each offence; and
    - (iii) if a reminder notice has been issued, the amount of the reminder notice fee; and
    - (iv) the amount of the warning notice fee; and
    - (v) the total amount payable; and
    - (vi) to whom the amount must be paid; and
    - (vii) the date by which the amount must be paid;
  - (e) the form must include a statement that the statutory declaration or other document is not accepted by the authority as a defence to the alleged offence or offences, for example—

A statutory declaration or other document has been received from you in accordance with a notice that accompanied the expiation notice or expiation reminder notice for the specified offence(s).

**However, the declaration or other document is not accepted as a defence to the alleged offence(s).**

- (f) the form must include a statement of the choices available to the alleged offender, for example—

**YOUR CHOICES:**

You may on or before the due date for payment—

- Dispute the allegation that you committed the offence(s) (or any of them) and elect to be prosecuted for that offence (or offences).

If you elect to be prosecuted, you may get a summons. The summons will set out when and where to attend court.

- Pay the total amount due for all offence(s) not disputed (including levies, warning notice fees and reminder notice fees).
- Apply to the court to pay the amount of the fee(s) in instalments or for an extension of time in which to pay it.

You may make an application only if you owe \$50 or more in expiation fees (including fees under other notices). Obtain an application form from the Registrar of the Magistrates Court or Youth Court. The Registrar must be satisfied that payment of the fee(s) would cause you or your dependants hardship.

- If you think the offence(s) (or any of them) was trifling—apply to the *[issuing authority]* for a review of the expiation notice (for special meaning of trifling see section 4(2) *Expiation of Offences Act 1996*).

- (g) the form must include a statement of the outcome if no choice is made by the alleged offender, for example—

**If no choice is made for an offence, you may (without a court hearing) be convicted of the offence and the unpaid fee will be your fine. Court costs will be added.**

- (2) The notice may include payment details, a payment slip for use if the alleged offender wishes to expiate the offence, instructions for completion, a statement of the reasons for non-acceptance of the statutory declaration or other document, contact details for the obtaining of further information, or other information considered relevant by the issuing authority (and the information may be interspersed with the statements required to be included in the notice).

**Note—**

Under section 11A(2)(c) of the Act, the expiation enforcement warning notice is required to be accompanied by a notice in the prescribed form by which the alleged offender may elect to be prosecuted for the offence or any of the offences to which the notice relates—see clause 4.

#### **4—Election to be prosecuted**

- (1) The prescribed form for a notice by which an alleged offender may elect to be prosecuted for the offence or any of the offences to which an expiation notice relates is a form that provides for:
- (a) the inclusion of—
    - (i) the name and address of the alleged offender; and
    - (ii) the number of the expiation notice; and
  - (b) a means of identifying the offence or offences for which the alleged offender elects to be prosecuted; and
  - (c) the signing and dating of the notice by the alleged offender.

- (2) The notice—
- (a) may be combined with a payment slip for use if the person wishes to expiate the offence; and
  - (b) may include an invitation to provide reasons for disputing the offence, instructions for completion, or other information considered relevant by the issuing authority.
- (3) For the purposes of section 8 of the Act, the prescribed form is a completed form of the kind referred to in subclause (1).

## **Schedule 2—Revocation of *Expiation of Offences Regulations 1996***

The *Expiation of Offences 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 25 August 2011

No 209 of 2011

AGO0239/11CS

South Australia

# Waterworks Regulations 2011

under the *Waterworks Act 1932*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Waterworks Regulations 2011*.

### 2—Commencement

These regulations will come into operation on 1 September 2011.

### 3—Interpretation

In these regulations—

*Act* means the *Waterworks Act 1932*;

*allotment* has the same meaning as in Part 19AB of the *Real Property Act 1886* but also includes common property and community and development lots within the meaning of the *Community Titles Act 1996* and common property and units within the meaning of the *Strata Titles Act 1988*;

*business day* means every day except Saturday, Sunday or a public holiday;

*capital contribution* means the amount for the time being payable under Part 4 Division 1;

*council* means a council within the meaning of the *Local Government Act 1999*;

*Directions* means the directions published by the Corporation under regulation 13 that are for the time being in force;

*fire service* means a hydrant connected to the waterworks and designed to supply water for fighting fires;

*licensed plumbing contractor* means a person who is the holder of a plumbing contractors licence granted under the *Plumbers, Gas Fitters and Electricians Act 1995*;

*meter* means a meter connected (or that is designed for connection) to the waterworks to measure the quantity of water supplied from the waterworks;

*owner of land* means—

- (a) where the land is unalienated Crown land—the Crown;
- (b) where the land has been alienated from the Crown by grant in fee simple—the holder of an estate in fee simple in the land;
- (c) where the land is held of the Crown by lease or licence—the lessee or licensee;

- (d) where the land is held of the Crown under an agreement to purchase—the person who is entitled to the benefit of the agreement;

*non-urban area* means an area that is not an urban area;

*registered plumbing worker* means a person authorised by registration under Part 3 of the *Plumbers, Gas Fitters and Electricians Act 1995* to carry out water plumbing work;

*standard capital contribution*—see regulation 25;

*the undertaking* means the undertaking defined in the *Sewerage Act 1929*;

*urban area* means an area designated as an urban area in the Urban Service Areas Handbook;

*Urban Service Areas Handbook* means the handbook of that name maintained by the Corporation;

*water connection* in relation to an allotment means—

- (a) the pipes and fittings (excluding a meter) connecting (or installed for the purpose of connecting) the allotment to a main pipe across part of a street, road or other land;
- (b) where the main pipe is situated in the allotment—the fitting (but not a meter) connecting (or installed for the purpose of connecting) the allotment to the main pipe;

*water heater* means an appliance (not being pressure equipment as defined by clause 2 of Schedule 2 of the *Occupational Health, Safety and Welfare Act 1986*) the principal function of which is to heat water for supply to parts of a building by means of pipes.

## Part 2—Design, material and work standards

### Division 1—Design standards

#### 4—Pipes must not lie across allotment boundaries

- (1) Subject to this regulation, a pipe connected to the waterworks must not lie across the boundary between adjoining allotments and accordingly—
- (a) a person must not—
- (i) lay a pipe that is, or is to be, connected to the waterworks across the boundary of adjoining allotments; or
- (ii) connect a pipe that has been laid across the boundary of adjoining allotments to the waterworks;
- (b) if, on the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to the waterworks has been laid, the owner or occupier of each allotment may be directed by the Corporation under this regulation to disconnect the pipe from the waterworks.
- (2) Subregulation (1) does not apply in relation to allotments in the same site under the *Strata Titles Act 1988* or in the same community parcel under the *Community Titles Act 1996*.
- (3) It is a defence to prosecution for an offence against subregulation (1)(a) to prove that the laying or connecting of the pipe was done with the written approval of the Corporation.

- (4) Where a pipe connected to the waterworks lies across the boundary between adjoining allotments (except allotments in the same site under the *Strata Titles Act 1988* or in the same community parcel under the *Community Titles Act 1996*), the Corporation may give written notice to the owner or occupier of each of the allotments directing him or her to disconnect the pipe from the waterworks in the manner and at the point and within the time stated in the notice.
- (5) A person to whom a notice is given under subregulation (4), or a person acting on his or her behalf, is entitled to carry out such work as is reasonably necessary in order to comply with the notice and for that purpose may enter either or both of the allotments or any adjoining land.
- (6) A person who fails to comply with a notice is guilty of an offence.
- (7) If the persons to whom notice has been given fail to comply with it, the Corporation or a person authorised by the Corporation may enter either allotment or any adjoining land and carry out the necessary work and those persons are jointly and severally liable to the Corporation for its costs in carrying out that work.
- (8) The owners of the allotments are jointly and severally liable to—
  - (a) the Corporation for its costs in carrying out work under subregulation (7); and
  - (b) an occupier of either allotment for—
    - (i) the occupier's costs in carrying out work required by a notice given to the occupier under subregulation (4); and
    - (ii) for any amount that the occupier is liable to pay to the Corporation under subregulation (7).

### **5—Allotments etc created by division to be connected to the waterworks**

- (1) Where adjacent land is divided under Part 19AB of the *Real Property Act 1886* or by a plan of community division (not being a strata plan) under the *Community Titles Act 1996* a water connection must be installed in relation to each allotment or community lot created by the division unless the Corporation decides that a water connection is not required.
- (2) Where a standard capital contribution is not payable in relation to an allotment referred to in subregulation (1), the owner and occupier of the allotment are liable to pay to the Corporation a charge calculated by subtracting the charge for installation of a meter under regulation 25 from the charge for installation of a water connection under that regulation.

### **6—Underground meter box**

A meter must not be housed underground in a box without the approval of the Corporation.

### **7—Prohibition of certain connections**

- (1) A person must not without the written approval of the Corporation, connect the waterworks either directly or indirectly to—
  - (a) a pump; or
  - (b) any pipe, fitting, appliance, apparatus, machine or other thing if there is a risk that any solid, liquid or gaseous material will be introduced into water in the waterworks.
- (2) A person must not connect the waterworks either directly or indirectly to—
  - (a) any other water supply or water supply system; or

- (b) the undertaking or any other sewerage or drainage system, except in accordance with the directions or with the approval of the Corporation.
- (3) A person must not lay or install a pipe, fitting, appliance or apparatus that is connected, or is to be connected, to the waterworks—
  - (a) within a pipe or any other part of the undertaking or within any other sewerage or drainage system; or
  - (b) within a pipe connected to the undertaking or to any other sewerage or drainage system; or
  - (c) in proximity to any material that would, if it entered the water in the waterworks, be likely to affect the health of persons using the water.
- (4) A person must not lay or install a pipe, fitting or equipment that is connected, or is to be connected to the undertaking—
  - (a) within a pipe or any other part of the waterworks; or
  - (b) within a pipe connected to the waterworks.

## **Division 2—Material standards**

### **8—Restrictions on the use of pipes, fittings etc**

- (1) A person must not use a pipe, fitting, appliance or apparatus for connection to the waterworks unless—
  - (a) —
    - (i) Standards Australia or a person acting on its behalf has authorised the marking of the pipe, fitting, appliance or apparatus with a StandardsMark, a WaterMark or a TypeTest Mark and the Corporation has authorised the use of pipes, fittings, appliances or apparatus of that type in this State; or
    - (ii) the Corporation has determined that the pipe, fitting, appliance or apparatus is suitable for connection to the waterworks; and
  - (b) the pipe, fitting, appliance or apparatus is free from defects.
- (2) Subregulation (1) does not apply in relation to a pipe, fitting, appliance or apparatus of a type excluded from the operation of this regulation by the Corporation.
- (3) An authorisation given or determination made by the Corporation under subregulation (1) will be subject to such conditions as the Corporation thinks fit.
- (4) The Corporation may vary or revoke—
  - (a) an authorisation given or determination made under subregulation (1); or
  - (b) a condition attached to such an authorisation or determination,at any time.
- (5) A person applying for a determination by the Corporation under subregulation (1) must pay to the Corporation such charges as the Corporation thinks are reasonable for its consideration (including examination and testing) and determination of the application.

- (6) Where the Corporation has made a determination under subregulation (1) the Corporation may, in order to ensure that the original standard is maintained, arrange for the periodical inspection of—
- (a) the premises at which pipes, fittings, appliances or apparatus to which the determination relates are manufactured and the processes used in manufacture;
  - (b) the premises at which pipes, fittings, appliances or apparatus to which the determination relates are stored and the pipes, fittings, appliances and apparatus stored on those premises,
- and the occupier of the premises must pay the Corporation's reasonable costs of inspection.
- (7) A person must not mark a pipe, fitting, appliance or apparatus with a mark that suggests that the pipe, fitting, appliance or apparatus is the subject of a determination by the Corporation under subregulation (1) unless it is the subject of such a determination.

### **Division 3—Work standards**

#### **9—Work to be carried out in a competent manner**

All work comprising, or relating to, the installation, replacement, repair, maintenance or cleaning of pipes, fittings, appliances or apparatus connected to the waterworks must be performed in a competent manner in accordance with the Act, these regulations and the Directions.

#### **10—Water heaters**

- (1) A person must not install, replace, repair or maintain a water heater that is, or is to be, connected to the waterworks or connect the heater to the waterworks unless he or she is a licensed plumbing contractor or registered plumbing worker
- (2) Work of a kind referred to in subregulation (1) must be carried out in a competent manner in accordance with the Directions and, to the extent that the applicable specifications and codes of practice for the time being published by the Standards Association of Australia are not in conflict with the Directions, in accordance with those specifications and codes of practice.
- (3) In an emergency the Corporation or a person authorised by the Corporation may turn off the supply of water and the supply of gas or electricity to a water heater without the consent of the owner or occupier of the land on which the water heater is situated.
- (4) The Corporation or other person incurs no civil liability as a result of acting under subregulation (3).

#### **11—Inspection of work**

- (1) The Corporation or a person authorised by the Corporation is entitled, but is not obliged, to inspect work comprising, or relating to, the installation, replacement, repair, maintenance or cleaning of pipes, fittings or appliances or apparatus connected to the waterworks.
- (2) A person must not cover work of a kind referred to in subregulation (1) or do anything else that will prevent or hinder the inspection of the work unless—
  - (a) the Corporation has informed him or her that the Corporation does not wish to inspect the work or work of that kind; or

- (b) the person has agreed with the Corporation on the time for a person authorised by the Corporation to inspect the work and the same time on the next business day has passed.
- (3) A licensed plumbing contractor or registered plumbing worker who has carried out work of a kind referred to in subregulation (1) must, within 7 days after completing the work, provide the Corporation, and the owner or occupier of the land on which the work was carried out, with a certificate signed by the licensed plumbing contractor or registered plumbing worker certifying that the work has been carried out in accordance with the Act, these regulations and the Directions.
- (4) Subregulations (2) and (3) do not apply in relation to pipes, or fittings, appliances or apparatus connected to pipes, that are 25 millimetres or less in diameter and are not connected, or intended to be connected, to a supply of hot water.

## **12—Defective work**

- (1) If within 12 months after work is completed the Corporation—
  - (a) finds that a pipe, fitting, appliance or apparatus has been installed or connected to the waterworks in contravention of the Act, these regulations or the Directions; or
  - (b) finds that a pipe or fitting connected to the waterworks is defective; or
  - (c) forms the opinion that the work has not been performed to an acceptable standard, the person who performed the work must remedy the defect at his or her expense.
- (2) If a person fails to remedy the defect as required by subregulation (1), the owner of the land on which the work was done must cause the defect to be remedied by a licensed plumbing contractor or registered plumbing worker and may recover the cost from the person who originally performed the work as a debt.

## **Division 4—Directions**

### **13—Directions**

- (1) The Corporation may publish written directions relating to the waterworks and the pipes, fittings, appliances and apparatus connected to it—
  - (a) specifying the nature and quality of the materials from which pipes, fittings, appliances and apparatus connected to the waterworks must be constructed; and
  - (b) specifying the design and size of pipes, fittings, appliances and apparatus that may be connected to the waterworks; and
  - (c) specifying the number of pipes, fittings, appliances and apparatus that may be connected to the waterworks; and
  - (d) specifying the position of pipes, fittings, appliances and apparatus connected to the waterworks; and
  - (e) specifying the procedures to be adopted when installing, replacing, repairing, maintaining, cleaning or connecting pipes, fittings, appliances or apparatus; and
  - (f) specifying performance or other standards that must be met by pipes, fittings, appliances or apparatus that may be connected to the waterworks (and, in so doing, specifying methodologies or other processes or criteria for assessing compliance with those standards, including as to the efficiency, impact or effectiveness of any such pipes, fittings, appliances or apparatus).

- (2) A direction under these regulations may—
  - (a) be of general or limited application;
  - (b) make different provision according to the matters or circumstances to which it is expressed to apply;
  - (c) provide that a matter or thing is to be determined according to the discretion of the Corporation.
- (3) The Corporation may vary or revoke a direction.
- (4) A person who installs, replaces, repairs, maintains or cleans pipes, fittings, appliances or apparatus for connection, or that are connected, to the waterworks or who connects pipes, fittings, appliances or apparatus to the waterworks must comply with the specifications, standards and procedures specified in the Directions.

## **Part 3—Meters**

### **14—Access to meters**

- (1) The owner or occupier of land on which a meter or an associated fitting is situated must ensure that access to the meter or fitting for the purposes of reading, replacement, repair or maintenance is not obstructed.
- (2) If a person fails to comply with subregulation (1), the Corporation may serve written notice on the person requiring him or her to take such action as is specified in the notice to provide access to the meter or fitting.
- (3) If a person on whom notice has been served fails to comply with the notice within 1 month, the Corporation or a person authorised by the Corporation may enter the land and take such action (including altering the position of the meter or fitting) as the Corporation thinks fit to provide access to the meter or fitting.
- (4) The Corporation's costs in taking action under subregulation (3) may be recovered from the person on whom the notice was served as a debt.

### **15—Reading of meters**

- (1) A person authorised by the Corporation is entitled to enter land at any reasonable time to inspect and read a meter situated on the land or to replace, repair or maintain a meter situated on the land.
- (2) If the Corporation is unable for any reason to gain access to a meter or to read a meter it may estimate the quantity of water supplied through the meter and that quantity will be taken for the purpose of the rate or any other amount payable for the supply of the water to be the quantity of water supplied.

### **16—Testing of meters**

- (1) A consumer who is dissatisfied with the measurement by a meter of the quantity of water supplied during a particular period may request the Corporation to test the meter.
- (2) A request under subregulation (1) must—
  - (a) be made in writing; and
  - (b) be lodged with the Corporation—
    - (i) in the case of a consumer who is advised of water use by notice known as a "Notice of Water Use"—within 14 days of the date of the meter reading specified in the notice;



- (ii) in the case of a consumer who is advised of water use by notice known as a "Rate Notice"—before the date specified in the notice on which water rates become due and payable.
- (3) Where a consumer has made a request in accordance with subregulation (2) and has paid the fee prescribed for testing the meter, the Corporation must test the meter.
- (4) Where, on the testing of a meter, the meter shows a measurement greater than 5% above the quantity that has passed through the meter during the test—
  - (a) the fee paid by the consumer (if any) for testing the meter must be refunded by the Corporation; and
  - (b) the Corporation must allow the consumer a proportionate rebate in respect of the consumption year in which the test was conducted; and
  - (c) the Corporation must replace the meter at its expense.
- (5) Where, on testing a meter, the Corporation forms the view that the meter has not accurately measured, is not accurately measuring or will not in the future accurately measure (see section 42 of the Act) the quantity of water supplied through the meter, the Corporation must repair or replace the meter at its expense.

### 17—Damage to meters

The occupier of land on which a meter or associated fitting is situated must inform the Corporation of damage to the meter or associated fitting as soon as practicable after the damage occurs.

## Part 4—Charges

### Division 1—Capital contribution

#### 18—Land in urban area

- (1) An amount is payable to the Corporation in relation to each allotment in an urban area that comprises adjacent land in relation to a main pipe laid after the commencement of this regulation as follows:
  - (a) in the case of an allotment that is not used solely or predominantly for residential purposes and has an area of 1 200 square metres or more—an amount calculated in accordance with the following formula:
 
$$A = SC \times \sqrt{\frac{AA}{1200}}$$
 where—
    - A* is the amount payable
    - SC* is the standard capital contribution
    - AA* is the area of the allotment expressed in square metres;
  - (b) in every other case—the standard capital contribution.
- (2) Subregulation (1) does not apply in relation to allotments created by the division of land in relation to a main pipe laid within the boundaries of that land to service those allotments.
- (3) The amount referred to in subregulation (1) is payable on the date for payment specified in a notice given by the Corporation to the owner or occupier of the land.

- (4) A notice may not be given under subregulation (3) until—
- (a) the land has been connected to the main pipe; or
  - (b) a notice has been published in the Gazette under section 90(1) of the Act in relation to the main pipe.

### 19—Division of land in an urban area

- (1) Where land in an urban area that is adjacent land in relation to a main pipe is divided so as to create additional allotments, an amount is payable to the Corporation in respect of each of those additional allotments as follows:

- (a) in the case of an allotment that will not be used solely or predominantly for residential purposes and will have an area of 1 200 square metres or more—an amount calculated in accordance with the following formula:

$$A = SC \times \sqrt{\frac{AA}{1200}}$$

where—

*A* is the amount payable

*SC* is the standard capital contribution

*AA* is the area of the allotment expressed in square metres;

- (b) in every other case—the standard capital contribution.
- (2) The allotments to be regarded as additional allotments for the purpose of subregulation (1) will be determined as follows:
- (a) for the purposes of the determination *original allotments* will be the allotment or allotments comprising the land before the division being land that comprised adjacent land in relation to the main pipe and *new allotments* will be confined to those allotments created by the division that comprise adjacent land in relation to the main pipe;
  - (b) only new allotments will be regarded as additional allotments and, of those, a number equivalent to the number of original allotments will be rejected in accordance with paragraph (c) or (d);
  - (c) where all of the new allotments are not of the same size—
    - (i) a larger allotment must be rejected before a smaller allotment;
    - (ii) if a group of those allotments are of the same size—an allotment in the group to be used solely or predominantly for residential purposes (a *residential allotment*) must be rejected before a non-residential allotment in the group;
  - (d) where all of the new allotments are of the same size—a residential allotment must be rejected before a non-residential allotment.
- (3) For the purposes of subregulation (2)(a) where the land comprised in a strata plan under the *Strata Titles Act 1988* is to be divided under Part 19AB of the *Real Property Act 1886*, that land will be regarded as the original allotment and the allotments comprised of the strata units and the common property will be disregarded.

## 20—Land in non-urban area

- (1) The following amounts are payable to the Corporation for the extension of a main pipe to an allotment in a non-urban area and for the connection of the pipe to the allotment:
  - (a) capital contribution—estimated cost quoted by the Corporation; and
  - (b) for installation of a meter—see regulation 25.
- (2) Subregulation (1) does not impose any obligation on the Corporation to extend a main pipe.
- (3) The following amounts are payable to the Corporation for the connection of an allotment in a non-urban area to an adjacent main pipe laid after 1 July 1987:
  - (a) standard capital contribution; and
  - (b) fee for installation of a meter—see regulation 25.

## 21—Charge for extension of main pipe in other cases

Where a person applies for the extension of a main pipe in circumstances for which no fee or charge is provided under another provision of this Part, the Corporation may extend the main pipe and charge the applicant an amount that does not exceed the estimated cost quoted by the Corporation.

## 22—Division of land in non-urban area

- (1) Where land that comprises 1 or more allotments in a non-urban area and that constitutes adjacent land in relation to a main pipe is divided so as to create additional allotments, the standard capital contribution is payable to the Corporation in respect of each of a number of allotments determined by subtracting the number of allotments comprising the land before the division from the number of allotments created by the division that constitute adjacent land in relation to that main pipe.
- (2) For the purposes of subregulation (1) where the land comprised in a strata plan under the *Strata Titles Act 1988* is to be divided under Part 19AB of the *Real Property Act 1886*, that land will be regarded as 1 allotment and the allotments comprised of the strata units and the common property will be disregarded.

## Division 2—Other charges

### 23—Information as to rates and charges already paid

- (1) The Corporation must, on application by a person who has paid rates or charges under the Act or these regulations or the *Waterworks Regulations 1996*, provide the person with a statement of the rates or charges paid.
- (2) The Corporation must, on application by a consumer, provide the consumer with a statement of the quantity of water supplied to the consumer in a consumption year.
- (3) The Corporation may, on application by any other person, provide that person with information of the kind referred to in subregulation (1) or (2).
- (4) A charge is not payable to the Corporation for an application under subregulation (1) or (2) if the statement relates only—
  - (a) to rates or charges that became due and were paid in the financial year in which the application is made or in the preceding financial year; or
  - (b) to water consumed in a consumption year in which the application is made or in the preceding consumption year.

- (5) The charge prescribed by regulation 25 is payable for all other statements under subregulation (1) and must be paid when the application is made.
- (6) Where a person applies to the Corporation under the *Sewerage Regulations 2011* and under these regulations at the same time and in relation to the same land for—
- (a) a certificate of rates or charges unpaid; or
  - (b) a statement of rates or charges already paid; or
  - (c) a statement as to encumbrances,

the prescribed charge for the certificates or statements is payable under these regulations or the *Sewerage Regulations 2011* but not under both regulations.

## 24—Certificate as to encumbrance

The Corporation must, on application by an interested person and payment of the charge prescribed by regulation 25, provide the person with a statement as to the existence or non-existence of—

- (a) encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the *Land and Business (Sale and Conveyancing) Act 1994* and the regulations under that Act and that are in favour of the Corporation; and
- (b) back flow prevention devices installed on the land to which the application relates.

## 25—Other charges

- (1) Subject to these regulations, the following charges are payable to the Corporation:

(a)	Standard capital contribution	\$3 116.00
(b)	Installation of water connection (including installation of meter)	
	Nominal diameter:	
	• 20 mm	\$2 177.00
	• 25 mm	\$3 089.00
	• 40 mm	\$4 321.00
	• 50 mm	\$6 039.00
	• greater than 50 mm	estimated cost quoted by Corporation
	<b>Note—</b>	
	A separate fee is payable for installation of a water connection for fire fighting purposes—see item (f).	
(c)	Installation of meter	
	Nominal diameter of connection:	
	• 20 mm	\$294.00
	• 25 mm	\$366.00
	• 40 mm	\$662.00
	• 50 mm	\$1 679.00
(d)	Installation of manifold and meters for each unit in a strata or community scheme (Nominal meter diameter on the manifold: 20 mm)	\$429.00 for each meter connected to manifold

(e)	Installation of manifold and meters for each unit in a strata or community scheme (Nominal meter diameter on the manifold: 25 mm with maximum of 5 meters per manifold)	\$551.00 for each meter connected to manifold
(f)	Installation of water connection for fire fighting purposes Nominal diameter:	
	• 100 mm	\$9 605.00
	• 150 mm	\$12 187.00
	• greater than 150 mm	estimated cost quoted by Corporation
(g)	Installation of additional isolating valve for water connection installed for fire fighting purposes Nominal diameter:	
	• 100 mm	estimated cost quoted by Corporation
	• 150 mm	estimated cost quoted by Corporation
	• 200 mm	estimated cost quoted by Corporation
	• greater than 200 mm	estimated cost quoted by Corporation
(h)	Replacement of meter Nominal diameter of connection:	
	• 15 mm and 20 mm	\$293.00
	• 25 mm	\$359.00
	• 32 mm and 40 mm	\$634.00
	• 50 mm	\$1 596.00
	• greater than 50 mm	Corporation's costs of replacement
(i)	Repair or replacement of fittings other than meters Nominal diameter of connection:	
	• 15 mm and 20 mm	\$200.00
	• 25 mm	\$200.00
	• 32 mm and 40 mm	\$317.00
	• 50 mm	\$359.00
	• greater than 50 mm	Corporation's costs of repair or replacement
(j)	Disconnection of water connection installed for fire fighting purposes	\$4 528.00
(k)	Disconnection of any other water connection 50 mm or less from main pipe	\$507.00
(l)	Disconnection of any other water connection greater than 50 mm from main pipe	estimated cost quoted by Corporation
(m)	Removal of meter	\$93.50

(n)	Provision of permanent overhead standpipe and meter (including connection to main pipe)	estimated cost quoted by Corporation
(o)	Relocation of unmetered 20 mm or 25 mm water connection by 4 m or less and installation of meter	
	Relocation distance:	
	• 0.5 m or less	\$806.00
	• more than 0.5 m but not more than 1 m	\$893.00
	• more than 1 m but not more than 2 m	\$991.00
	• more than 2 m but not more than 3 m	\$1 087.00
	• more than 3 m but not more than 4 m	\$1 186.00
(p)	Relocation of metered 20 mm or 25 mm water connection by 4 m or less	
	Relocation distance:	
	• 0.5 m or less	\$494.00
	• more than 0.5 m but not more than 1 m	\$625.00
	• more than 1 m but not more than 2 m	\$720.00
	• more than 2 m but not more than 3 m	\$853.00
	• more than 3 m but not more than 4 m	\$992.00
(q)	Rotation of 20 mm and 25 mm meter up to 180 degrees	\$158.00
(r)	Rotation of 40 mm meter up to 180 degrees	\$609.00
(s)	Raising or lowering of water connection	
	Nominal diameter of connection:	
	• 15 mm and 20 mm	\$618.00
	• over 20 mm but not exceeding 50 mm	\$1 021.00
	• greater than 50 mm	estimated cost quoted by Corporation
(t)	Shortening of water connection	
	Nominal diameter of connection:	
	• 20 mm and 25 mm	\$847.00
	• 32 mm, 40 mm and 50 mm	\$989.00
	• greater than 50 mm	estimated cost quoted by Corporation
(u)	Extension of water connection	estimated cost quoted by Corporation
(v)	Restoration of water supply following restriction of supply at meter	\$42.75
(w)	Restoration of water supply following restriction of supply at main pipe	estimated cost quoted by Corporation
(x)	Restoration of water supply—where connection pipe in ground and can be used	\$413.00
(y)	Provision and installation of metal underground box to cover meter	
	Nominal diameter:	
	• 20 mm and 25 mm	\$637.00
	• 32 mm, 40 mm and 50 mm	\$1 432.00

	estimated cost quoted by Corporation
• greater than 50 mm	
(z) Testing of meter at request of consumer	\$131.00
(za) Special reading of meter on request	\$14.80
(zb) Provision of certificate of rates or charges unpaid for the purposes of settlement of land transactions	\$8.10
(zc) Provision of statement of existence or non-existence of easements or other encumbrances in favour of the Corporation or back flow prevention devices	\$8.10
(zd) Application fee for authorisation to take water by means of portable hydrant supplied by Corporation	\$146.00
(ze) Hire of portable hydrant—for each period of 3 months or part of such a period	\$66.00
(zf) Additional administrative cost in relation to breach of terms and conditions of hire of portable hydrant	\$125.00
(zg) Additional administrative cost in relation to a dishonoured payment (eg by cheque or direct debit) used to pay a charge or other amount under these regulations	\$21.00
(zh) Additional administrative cost in relation to a charge or other amount due under these regulations but not paid by the date for payment in the notice served on the person liable	\$8.30
(zi) Visit in relation to the non-payment of a charge or other amount to the land in relation to which the charge or amount is payable	\$29.75
(2) A charge for installation of a water connection is not payable in addition to the amount payable under regulation 18, 19, 20 or 22.	
(3) Where the same charge is imposed by this regulation and regulation 34 of the <i>Sewerage Regulations 2011</i> in respect of the same matter, only 1 of those charges is payable.	

## **26—Release from or deferral of charge**

The Corporation or the Minister may, on such conditions as the Corporation or the Minister thinks fit, release a person from, or defer, the obligation to pay part or all of an amount due under these regulations.

## Part 5—Definition of commercial purpose

### 27—Exclusion of purposes from definition of commercial purpose

- (1) The following purposes in relation to the use of land are excluded from the definition of *commercial purpose* in section 65A of the Act:
  - (a) hospital;
  - (b) health centre;
  - (c) sanatorium or convalescent home or rest home;
  - (d) educational institution;
  - (e) quarantine station;
  - (f) research or development;
  - (g) hotel, motel or boarding house or hostel;
  - (h) caravan parks and camping grounds.
- (2) In this regulation—

*educational institution* means—

  - (a) a primary or secondary school; or
  - (b) a trade or technical school; or
  - (c) a college of advanced education, university or other institution at which tertiary education is provided; or
  - (d) a kindergarten; or
  - (e) a child care centre within the meaning of the *Children's Services Act 1985*; or
  - (f) any other educational or training institution approved by the Corporation for the purposes of this definition;

*kindergarten* means an establishment at which pre-school education is provided for children.

**Note—**

Land that has been acquired or is used for the purposes of a State school is exempt from water rates under section 88 of the Act.

## Part 6—Water conservation measures and restrictions

### Division 1—Water conservation measures

#### 28—Water conservation measures

- (1) Subject to this regulation, a person must not use water in contravention of Schedule 1.
- (2) Subregulation (1) does not apply to a person who uses the water under the authority of a permit issued by the Corporation in accordance with these regulations.
- (3) Nothing in this regulation derogates from a restriction on the use of water imposed by a notice by the Corporation under section 33A of the Act.



(4) In this regulation—

*notice* includes a notice published by the Corporation prior to the commencement of this regulation;

*permit* includes a permit issued in relation to a restriction on the use of water imposed by a notice by the Corporation under section 33A of the Act;

*water* means water supplied under the Act by the Corporation.

## **Division 2—Water efficiency plans**

### **29—Application of Division**

- (1) This Division applies to a person, or a class of persons, declared by the Minister by notice in the Gazette to be a person or class of persons to whom this Division applies.
- (2) A declaration made under this regulation may include any exceptions or limitations the Minister thinks fit.
- (3) The Minister may, by notice in the Gazette, vary or revoke a declaration made under this regulation.

### **30—Preparation of water efficiency plans**

- (1) A person to whom this Division applies must prepare and submit to the Minister for approval a draft water efficiency plan in accordance with Schedule 2.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of a natural person—\$5 000.

Expiation fee: \$315.

- (2) The Minister may—
  - (a) approve a draft water efficiency plan submitted under this regulation without alteration or with such alteration as the Minister thinks fit; or
  - (b) refer the draft water efficiency plan back to the person for further consideration in accordance with any requirement determined by the Minister.
- (3) A person who fails to comply with a requirement imposed under subregulation (2)(b) is guilty of an offence.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of a natural person—\$5 000.

Expiation fee: \$315.

- (4) Before making any alterations to the draft water efficiency plan, the Minister must consult with the person who submitted the plan.
- (5) A person who submitted a water efficiency plan may submit to the Minister for approval a substitute water efficiency plan, or a variation of a water efficiency plan, at any time while that water efficiency plan is in force.

- (6) If the Minister approves a draft water efficiency plan, a draft substitute water efficiency plan or a draft variation of a water efficiency plan, the Minister must, by notice in writing given within 14 days after approving the plan or variation, advise the person who submitted the plan or variation—
  - (a) that the Minister has approved the plan or variation (as the case requires); and
  - (b) the day on which the plan or variation (as the case requires) was approved.
- (7) A water efficiency plan approved under this regulation is in force from the day on which the Minister gives notice under subregulation (6), and expires—
  - (a) on the 5th anniversary of that day; or
  - (b) on such earlier day as may be specified by the Minister by notice in writing given to the person who submitted the plan.
- (8) A substitute water efficiency plan, or an amendment to a water efficiency plan, is in force from the day on which the Minister gives notice under subregulation (6) and expires on the same day as the original water efficiency plan.

### **Division 3—Permits**

#### **31—Corporation may issue permits**

- (1) Where, pursuant to—
  - (a) regulation 28; or
  - (b) a notice by the Corporation under section 33A of the Act,a specified use of water is prohibited except under the authority of a permit issued by the Corporation, the Corporation may, on payment of such fee as may be fixed by the Corporation, issue such a permit to a person in accordance with this Division.
- (2) A permit issued under subregulation (1) may authorise the person to whom the permit is issued to engage in the specified use of water at multiple sites.

#### **32—Circumstances in which permit may be issued**

The Corporation may only issue a permit if it is satisfied that—

- (a) good reason exists for allowing the use of water to occur in accordance with the permit; and
- (b) the use of water under the permit (and all other permits issued in accordance with this Division) will not significantly reduce the effectiveness of the measures or restrictions then in force in providing for the conservation or efficient use or management of water.

#### **33—Form and content of permit**

A permit must be in writing in a form determined by the Corporation and must specify—

- (a) the name and address of the holder of the permit; and
- (b) the measure or restriction to which the permit relates; and
- (c) the water use to which the permit relates; and
- (d) other than in the case of a permit that authorises the use of water at multiple sites—the land to which the permit relates; and
- (e) the period for which the permit applies.

### **34—Conditions of permit**

A permit is subject to such conditions as are determined by the Corporation and specified in the permit or subsequently notified to the holder of the permit in accordance with this Division.

### **35—Breach of permit conditions**

Where the holder of a permit, or a person acting in the employment or with the authority of the holder of the permit, contravenes or fails to comply with a condition of the permit, the holder of the permit is guilty of an offence.

### **36—Revocation, variation etc of permit or condition**

The Corporation may, by written notice to the holder of a permit, revoke, suspend or vary a permit, or a condition of a permit, or add a new condition to a permit, if the Corporation is satisfied that—

- (a) it is necessary or expedient to do so for the conservation or efficient use or management of water; or
- (b) the holder of the permit has contravened or failed to comply with a provision of the Act or these regulations or a condition of the permit.

### **37—Application of permit relating to regulation 28**

A permit issued in accordance with this Division in relation to a measure imposed by regulation 28 applies subject to any restriction imposed by a notice by the Corporation under section 33A of the Act (and any permit issued in relation to that notice).

### **38—Permit not transferable**

A permit issued in accordance with this Division is not transferable.

## **Part 7—Miscellaneous**

### **39—Portable hydrants**

- (1) A person must not use a portable hydrant to take water from the waterworks unless the hydrant was supplied to that person by the Corporation or the Minister and the person is authorised by the Corporation to use the hydrant to take water from the waterworks.
- (2) If a person is using a portable hydrant or other fitting to take water from the waterworks without lawful authority or contrary to the terms and conditions on which the Corporation supplied the hydrant, a person authorised by the Corporation may seize the hydrant or other fitting on behalf of the Corporation.
- (3) The Corporation may seize and confiscate a hydrant or other fitting seized under subregulation (2) and may retain it for its own use or sell it and retain the proceeds of the sale.

### **40—Taking water by means of a portable hydrant**

- (1) The Corporation may, on the application of a person and payment of the fee prescribed by regulation 25, authorise the person to take water from the waterworks by means of a portable hydrant supplied by the Corporation.
- (2) The taking of water pursuant to an authorisation under subregulation (1) is subject to—
  - (a) payment at the agreed rate for the water taken and the charge prescribed by regulation 25 for the hire of the hydrant; and

- (b) such terms and conditions relating to the taking of the water or the use of the hydrant as are determined by the Corporation.
- (3) Where a person contravenes, or fails to comply with, a term or condition referred to in subregulation (2)—
  - (a) the person is guilty of an offence; and
  - (b) the Corporation may seize the hydrant.
- (4) A person must not use a portable hydrant supplied by the Corporation in a manner that is likely to damage the hydrant.

#### **41—Fee for hire of portable hydrant**

A charge prescribed by regulation 25 is payable to the Corporation for the hire of a portable hydrant for each 3 months or part of 3 months comprising the period commencing when the hydrant was issued to the person and ending when he or she returns the hydrant to the Corporation.

#### **42—Corporation may estimate quantity of water taken**

Where a person has used a portable hydrant or other fitting to take water from the waterworks without the authority of the Corporation or has failed to return a hydrant issued by the Corporation when required by the Corporation, the quantity of water taken by that person will, for the purposes of regulation 40(2)(a), be taken to be the quantity estimated by the Corporation.

#### **43—Trees etc on public streets or roads**

Trees and shrubs must not be planted in a public street or road closer than 1 metre to any part of the waterworks without the written approval of the Corporation.

#### **44—Killing of trees and shrubs**

- (1) If—
  - (a) a tree or shrub has been planted in contravention of regulation 43; or
  - (b) the Corporation is of the opinion that a tree or shrub is causing, or is likely to cause, damage to any part of the waterworks or a reduction in the efficiency with which the waterworks operates,the Corporation may, by written notice served on the council or other person who owns or has the care, control or management, of the land on which the tree or shrub is situated, direct that the tree or shrub be killed.
- (2) If a person on whom a notice has been served fails to comply with the notice, the Corporation may enter the land and kill the tree or shrub.
- (3) The Corporation may recover its costs in killing the tree or shrub as a debt from the person on whom the notice was served.
- (4) A person is not entitled to compensation for the killing of a tree or shrub under this regulation.

#### **45—Damage caused by trees or shrubs**

The Corporation's costs of repairing damage to the waterworks caused by a tree or shrub may be recovered as a debt by the Corporation from the owner for the time being of the land on which the tree or shrub is, or was, situated.

#### **46—Supply of water by consumer**

- (1) A consumer must not supply water supplied to him or her by the Corporation to another person without the Corporation's written authorisation.
- (2) An authorisation under subregulation (1) may be granted on such terms and conditions as are determined by the Corporation.

#### **47—Using water from fire services etc**

A person must not use water from a fire service or from any other service provided for the purpose of fighting fires for any purpose except fighting fires unless he or she does so with the approval of the Corporation.

#### **48—Exemption**

- (1) The Minister may by notice published in the Gazette exempt a person from any provision of these regulations or the Directions.
- (2) An exemption may be made subject to such limitations and conditions as the Minister thinks fit and sets out in the notice.

#### **49—Interference with property of the Corporation**

A person must not interfere with any property of the Corporation used in, or in connection with, the administration of the Act without the authority of the Corporation.

#### **50—Offences**

A person who contravenes, or fails to comply with, a provision of these regulations is guilty of an offence whether or not the provision states explicitly that the person is guilty of an offence.

Maximum penalty (where no other penalty is specified):

- (a) in the case of a body corporate—\$10 000;
- (b) in any other case—\$5 000.

Expiation fee: \$315.

#### **51—Form of applications and notices**

Applications to the Corporation under the Act or these regulations and notices relating to plumbing work required to be given under these regulations must be in writing in a form approved by the Corporation.

#### **52—Authorised person may make enquiries**

- (1) A person authorised in writing by the Corporation may—
  - (a) require a person who the authorised person reasonably suspects has committed, is committing or is about to commit a contravention of the Act or these regulations, to state the person's full name and current or usual place of residence and to produce evidence of the person's identity;
  - (b) require a person who the authorised person reasonably suspects has knowledge of matters in respect of which information is reasonably required for the administration or enforcement of the Act or these regulations to answer questions in relation to those matters.
- (2) A person must not, without reasonable excuse, fail to comply with a request made by, or fail to answer to the best of the person's knowledge, information and belief a question put by, an authorised person pursuant to this regulation.

- (3) A person is not obliged to answer a question under this regulation if to do so would tend to incriminate the person or make the person liable to a penalty.
- (4) An authorised person must not make a request or ask a question under this regulation unless he or she—
  - (a) has written identification issued by the Corporation stating that he or she is authorised to make such a request or ask such a question; and
  - (b) presents (or makes a genuine attempt to present) the identification for inspection when making the request or asking the question.
- (5) A person must not falsely represent, by word or conduct, that he or she is an authorised person for the purposes of this regulation.

Maximum penalty: \$5 000.

### **53—Determining, levying and collecting water rates on a pro rata basis**

- (1) For the purposes of determining, levying or collecting the water rates to be paid in any case, any component of the water rates that relate to the volume of water supplied to land over any particular period may, depending on—
  - (a) when meters are read; or
  - (b) the form or nature of the component of any of the rates; or
  - (c) the operation or effect of any notice of the Minister published under Part 5 of the Act (including so as to provide for a reduction in water rates over a specified period or until a specified date),be calculated on a pro rata basis.
- (2) In connection with the operation of subregulation (1), any determination, calculation or adjustment of any amount (whether in the nature of a water rate or in relation to the supply of water) over or in respect of any period or on a pro rata basis may assume that water has been supplied at a uniform daily rate over any relevant period.

## **Schedule 1—Water conservation measures**

### **Part 1—Preliminary**

#### **1—Interpretation**

In this Schedule, unless the contrary intention appears—

*drip irrigation system* means an irrigation system (including a micro-spray system that delivers water through water-misting spray heads) that delivers water to plants in drops or other small quantities at a flow rate of not more than 0.5 litres of water per minute per outlet by means of underground or surface pipes or tubes;

*external* means an area outside a building (whether or not the area is sheltered by a roof);

*external area* includes a driveway, path, verandah or entertaining area;

*high pressure low volume water cleaner* means a device, fitted with a trigger nozzle, that forces water, by means of a pump, at high pressure through the trigger nozzle at a flow rate of less than 9 litres per minute;

*new swimming pool* means a swimming pool in relation to which the contract to install the pool is entered into on or after 1 December 2010;

*private garden* means a garden (including lawns) on premises used primarily for residential or business purposes;

*retail garden centre* means premises used for the sale of plants by retail (including where the premises are also used for the sale of other goods);

*trigger nozzle* means a device that automatically shuts off the flow of water through a hose or other item to which it is attached (or of which it forms a part) unless pressure is maintained by hand on a trigger or other mechanism forming part of the device.

## **Part 2—Water conservation measures**

### **2—Cleaning motor vehicles, boats**

- (1) Subject to subclause (2), a person must not use water to clean a motor vehicle or a boat unless the water is applied—
  - (a) from a bucket or watering can; or
  - (b) by a high pressure low volume water cleaner; or
  - (c) from a hand-held hose that is fitted with a trigger nozzle.
- (2) Subclause (1) does not apply to—
  - (a) the cleaning of a motor vehicle or a boat at a commercial car wash or by means of an automatic washing system that recycles water; or
  - (b) the flushing or rinsing of the motor of a boat after use.

### **3—Watering gardens, grounds, retail garden centres etc**

- (1) Subject to subclause (2), a person must not use water to water any external portion of a—
  - (a) public or private garden (including lawns), or retail garden centre; or
  - (b) recreational area, sports ground or other public open space of an area less than or equal to 0.5 hectares,unless the water is applied—
  - (c) by hand (through a hand-held hose that is fitted with a trigger nozzle or from a bucket or watering can); or
  - (d) through a drip irrigation system; or
  - (e) where the watering takes place after 5 p.m. and before 10 a.m.—through a sprinkler system.
- (2) Subclause (1) does not apply to the application of water through a sprinkler system at a retail garden centre between 1 p.m. and 2 p.m. on a day on which the maximum temperature for the locality where the retail garden centre is situated is, according to a forecast issued by the Bureau of Meteorology and applying at 5 a.m. on that day, expected to exceed 30° Celsius.

- (3) A person must not use water to water any external portion of a recreational area, sports ground or other public open space of an area greater than 0.5 hectares.

#### **4—Hosing down external area**

- (1) Subject to subclause (2), a person must not use water to hose down an external area covered by paving, concrete, bitumen or other similar material unless—
- (a) it is necessary to do so—
    - (i) to protect public health; or
    - (ii) to ensure the safety of persons using the area; or
    - (iii) to ensure the health and welfare of animals using the area; and
  - (b) the water is applied—
    - (i) by a high pressure low volume water cleaner; or
    - (ii) from a hand-held hose that is fitted with a trigger nozzle.
- (2) Subclause (1) does not apply to the use of water on an external area if the water is used to deal with a fire, accident or other emergency.
- (3) For the avoidance of doubt, nothing in subclause (1) prevents a person from using water to hose down an external wall or window if the water is applied in accordance with the requirements of subclause (1)(b).

#### **5—Construction sites**

A person must not use water to control dust or other pollutants resulting from building works, or for the purpose of compacting soil or other material in the conduct of building works, unless the water is applied—

- (a) from a hand-held hose fitted with a trigger nozzle; or
- (b) directly from a motor vehicle designed to carry and deposit water.

#### **6—Swimming pools**

A person must not use water to fill for the first time a new swimming pool in any circumstances except under the authority of a permit issued under Part 6 Division 3.

### **Part 3—Areas to which measures apply**

#### **7—Areas to which measures apply**

The measures specified in this Schedule apply throughout the State.

### **Schedule 2—Water efficiency plans**

#### **1—Preparation of water efficiency plans**

A draft water efficiency plan must be prepared and submitted to the Minister for approval—

- (a) in the case of a new water efficiency plan—not later than the date specified by the Minister by notice in the Gazette; or
- (b) in the case of a water efficiency plan that is to replace an expiring plan—not later than the day on which the existing water efficiency plan expires.



## **2—Contents of water efficiency plans**

A draft water efficiency plan must include the following information:

- (a) a description of the person's current water usage;
- (b) a list of water savings measures (expressed in terms of water saved, cost effectiveness and potential benefits) that the person proposes to implement in the 5 year period following approval of the water efficiency plan (including initial set up costs and annual costs for each measure and time frames for implementation);
- (c) any other information required by the Minister by notice in the Gazette, or by notice in writing given to the person.

## **Schedule 3—Revocation of *Waterworks Regulations 1996***

The *Waterworks 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 25 August 2011

No 210 of 2011  
MWA11/0011CS

South Australia

# Sewerage Regulations 2011

under the *Sewerage Act 1929*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Sewerage Regulations 2011*.

### 2—Commencement

These regulations will come into operation on 1 September 2011.

### 3—Interpretation

- (1) In these regulations—

*Act* means the *Sewerage Act 1929*;

*adjacent land* in relation to a sewer means—

- (a) land abutting upon part of a street in, or adjacent to, which a sewer has been laid;  
or
- (b) land abutting upon, or traversed by, a sewer;

*adjacent sewer* in relation to land means a sewer in relation to which the land is adjacent land;

**allotment** has the same meaning as in Part 19AB of the *Real Property Act 1886* but also includes common property and community and development lots within the meaning of the *Community Titles Act 1996* and common property and units within the meaning of the *Strata Titles Act 1988*;

**AWT system** means an advanced wastewater treatment system being a system designed for the treatment of wastewater by means of a septic tank and a secondary treatment process that includes the disinfection of effluent;

**business day** means every day except Saturday, Sunday or a public holiday;

**capital contribution** means the amount for the time being payable under Part 5 Division 1;

**complying AWT system** means an AWT system that—

- (a) was manufactured or constructed in accordance with the Waste Control Regulations; and
- (b) was installed (and, if altered, was altered) in accordance with those regulations; and
- (c) is used and maintained in accordance with those regulations,

and includes an AWT system installed before the commencement of the Waste Control Regulations that was—

- (d) manufactured or constructed; and
- (e) installed (and, if altered, was altered); and
- (f) used until the commencement of the Waste Control Regulations,

in accordance with the law applicable at the time and since the commencement of the Waste Control Regulations has been used and maintained and, if altered, has been altered in accordance with those regulations;

**council** means a council within the meaning of the *Local Government Act 1999*;

**Directions** means the directions published by the Corporation under regulation 15 that are for the time being in force;

**entry point** means a fitting connected to the undertaking to enable a person to enter the pipes, fittings and other works of the undertaking;

**higher rebate**—see regulation 35;

**inspection point** means a fitting designed to provide for inspection of pipes or other fittings or to provide access by means of tools to the inside of pipes or fittings;

**licensed plumbing contractor** means a person who is the holder of a plumbing contractor's licence granted under the *Plumbers, Gas Fitters and Electricians Act 1995*;

**lower rebate**—see regulation 35;

**owner** of land means—

- (a) where the land is unalienated Crown land—the Crown;
- (b) where the land has been alienated from the Crown by grant in fee simple—the holder of an estate in fee simple in the land;
- (c) where the land is held of the Crown by lease or licence—the lessee or licensee;
- (d) where the land is held of the Crown under an agreement to purchase—the person who is entitled to the benefit of the agreement;

**non-complying AWT system** means an AWT system that is not a complying AWT system;

**non-urban area** means an area that is not an urban area;

**registered plumbing worker** means a person authorised by registration under Part 3 of the *Plumbers, Gas Fitters and Electricians Act 1995* to carry out sanitary plumbing or draining work;

**septic tank** means a septic tank that is designed for the collection and treatment of wastewater;

**sewer connection** in relation to an allotment means—

- (a) the pipes and fittings (including an inspection point) connecting (or installed for the purpose of connecting) the allotment to a sewer across part of a street, road or other land;
- (b) where the sewer is situated in the allotment—the fitting (including an inspection point) connecting (or installed for the purpose of connecting) the allotment to the sewer;

**standard capital contribution**—see regulation 34;

**urban area** means an area designated as an urban area in the Urban Service Areas Handbook;

**Urban Service Areas Handbook** means the handbook of that name maintained by the Corporation;

**vent** means a pipe, fitting or equipment connected to the undertaking to ventilate the undertaking or pipes connected to the undertaking;

**Waste Control Regulations** means the *Public and Environmental Health (Waste Control) Regulations 2010* (see *Gazette 22.7.2010 p3595*) as varied from time to time;

**wastewater** means—

- (a) water used to flush human waste into the undertaking or other sewage disposal or treatment system; and
- (b) water used for personal washing; and
- (c) water used for washing clothes or dishes; and
- (d) water used in a swimming pool,

and includes material of the kind and quantity usually dissolved or suspended in, or mixed with, water of any of those kinds.

(2) For the purpose of applying the definition of **adjacent land**—

- (a) where the land comprised in a strata plan under the *Strata Titles Act 1988* is adjacent land in relation to a sewer, the common property and each of the units comprising the land will be taken to be adjacent land in relation to the sewer;
- (b) where land that is a community parcel within the meaning of the *Community Titles Act 1996* is adjacent land in relation to a sewer and is divided by a strata plan under that Act, the common property and each of the strata lots comprising the parcel will be taken to be adjacent land in relation to the sewer;

- (c) where land that is a community parcel within the meaning of the *Community Titles Act 1996* is adjacent land in relation to a sewer and is divided by a community plan (not being a strata plan) under that Act, those parts of the common property and those lots comprising the parcel that are, or are to be, connected to the sewer will be taken to be adjacent land in relation to the sewer.

## Part 2—Design, material and work standards

### Division 1—Design standards

#### 4—Pipes must not lie across allotment boundaries

- (1) Subject to this regulation, a pipe connected to the undertaking must not lie across the boundary between adjoining allotments and accordingly—
  - (a) a person must not—
    - (i) lay a pipe that is, or is to be, connected to the undertaking across the boundary of adjoining allotments; or
    - (ii) connect a pipe that has been laid across the boundary of adjoining allotments to the undertaking;
  - (b) if, upon the division of land, the boundary of adjoining allotments intersects the line on which a pipe connected to the undertaking has been laid, the owner or occupier of each allotment may be directed by the Corporation under this regulation to disconnect the pipe from the undertaking.
- (2) Subregulation (1) does not apply in relation to allotments in the same site under the *Strata Titles Act 1988* or in the same community parcel under the *Community Titles Act 1996*.
- (3) It is a defence to prosecution for an offence against subregulation (1)(a) to prove that the laying or connecting of the pipe was done with the written approval of the Corporation.
- (4) Where a pipe connected to the undertaking lies across the boundary between adjoining allotments (except allotments in the same site under the *Strata Titles Act 1988* or in the same community parcel under the *Community Titles Act 1996*), the Corporation may give written notice to the owner or occupier of each of the allotments directing that the pipe be disconnected from the undertaking in the manner, at the point and within the time stated in the notice.
- (5) A person to whom a notice is given under subregulation (4), or a person acting on his or her behalf, is entitled to carry out such work as is reasonably necessary in order to comply with the notice and for that purpose may enter either or both of the allotments or any adjoining land.
- (6) A person who fails to comply with a notice is guilty of an offence.
- (7) If the persons to whom notice has been given fail to comply with it, the Corporation or a person authorised by the Corporation may enter either allotment or any adjoining land and carry out the necessary work and those persons are jointly and severally liable to the Corporation for its costs in carrying out that work.
- (8) The owners of the allotments are jointly and severally liable to—
  - (a) the Corporation for its costs in carrying out work under subregulation (7); and
  - (b) an occupier of either allotment for—

- (i) the occupier's costs in carrying out work required by a notice given to the occupier under subregulation (4); and
- (ii) for any amount that the occupier is liable to pay to the Corporation under subregulation (7).

### **5—Size of sewer connections**

Sewer connections must be 100 millimetres nominal diameter unless the Corporation requires or authorises the connection to be of some other diameter.

### **6—Allotments etc created by division to be connected to the undertaking**

- (1) Where adjacent land is divided under Part 19AB of the *Real Property Act 1886* or by a plan of community division (not being a strata plan) under the *Community Titles Act 1996* a sewer connection must be installed in relation to each allotment or community lot created by the division unless the Corporation decides that a sewer connection is not required.
- (2) Where a standard capital contribution is not payable in relation to an allotment referred to in subregulation (1), the owner and occupier of the allotment are liable to pay to the Corporation a charge calculated by subtracting the sewer connection application fee under regulation 34 from the installation of sewer connection charge under that regulation.

### **7—Fittings and equipment**

- (1) Where, in the opinion of the Corporation, there is a risk of the backflow of wastewater in pipes, fittings or equipment on land connected to the undertaking the Corporation may direct the owner of the land—
  - (a) to discharge wastewater to the undertaking at a point directed by the Corporation and where necessary to install an ejector pump or other equipment approved by the Corporation for that purpose; or
  - (b) to install reflux fittings in accordance with the Corporation's directions; or
  - (c) to take such other action as the Corporation directs.
- (2) Where the vents connected to a building (*the existing building*) cease to comply with the requirements of these regulations and the Directions because another building (*the new building*) has been erected next to, or in the vicinity of, the existing building, the owner of the existing building must alter the vents so that they comply with those requirements and the cost of doing so may be recovered as a debt by the owner of the existing building from the owner of the new building.
- (3) Subject to the Directions, where a pipe on an allotment is connected by a sewer connection to a sewer having a nominal diameter of 375 millimetres or more and the sewer connection does not incorporate a water seal, a trap or a water seal that blocks the movement of air or other gases must be installed on the allotment as close to the boundary of the allotment as is practicable.
- (4) A grating that complies with the Directions must be used to cover an inlet to a pipe connected to the undertaking (except a toilet or any other fitting or equipment designed to flush wastewater into pipes connected to the undertaking) that would otherwise be open.

### **8—Applications under section 35 of Act**

An application to the Corporation for its authorisation under section 35 of the Act must be in a form approved by the Corporation and should be made at least 7 days before the applicant wishes to commence the proposed work.

## **9—Fittings etc to be flush with road surface**

- (1) Entry points, inspection points and similar fittings situated in a road, footpath or an easement must be flush with the surface of the road, footpath or easement.
- (2) If the surface height of a road, footpath or easement is altered—
  - (a) the council, other authority or person who made the alteration must give notice in writing to the Corporation of the alteration; and
  - (b) the Corporation must, at the cost of the council, other authority or person who made the alteration, alter the height of the entry point, inspection point or other fitting.
- (3) The Corporation may recover its costs as a debt from the council, other authority or person.

## **10—Disconnection of pipe etc from sewer connection**

- (1) A person must not disconnect a pipe or fitting that is directly connected to a sewer connection from the sewer connection unless he or she is authorised to do so by the Corporation.
- (2) If a pipe or fitting that is directly connected to a sewer connection is no longer used to drain wastewater into the undertaking the owner of the land on which the pipe or fitting is situated must inform the Corporation in writing that the pipe or fitting is no longer used.
- (3) The Corporation may direct the owner of land referred to in subregulation (2) to disconnect the land from the sewer connection.
- (4) If a building, or part of a building, that is connected to the undertaking is to be demolished, the owner of the building must inform the Corporation in writing that the building, or part of the building, is to be demolished at least 7 days before the demolition commences.
- (5) The Corporation may direct the owner of the building referred to in subregulation (4) to disconnect the land from the sewer connection or to disconnect the building from the undertaking but leave the land connected to the sewer connection.
- (6) If a person fails to comply with a direction under this regulation, the Corporation, or a person authorised by the Corporation, may take the necessary action (and for that purpose may enter the land or any adjoining land) and the Corporation's costs will be a debt due by the person to the Corporation.
- (7) A person must give the Corporation at least 7 days notice of his or her intention of complying with a direction under this regulation.

## **Division 2—Material standards**

### **11—Restrictions on the use of pipes, fittings etc**

- (1) A person must not use a pipe, fitting or equipment for connection to the undertaking unless—
  - (a) —
    - (i) Standards Australia or a person acting on its behalf has authorised the marking of the pipe, fitting or equipment with a StandardsMark, a WaterMark or a TypeTest Mark and the Corporation has authorised the use of pipes, fittings or equipment of that type in this State; or



- (ii) the Corporation has determined that the pipe, fitting or equipment is suitable for connection to the undertaking; and
  - (b) the pipe, fitting or equipment is free from defects.
- (2) Subregulation (1) does not apply in relation to a pipe, fitting or equipment of a type excluded from the operation of that subregulation by the Corporation.
- (3) An authorisation given, or a determination made, by the Corporation under subregulation (1) will be subject to such conditions as it thinks fit.
- (4) The Corporation may vary or revoke an authorisation given, or a determination made, by it under subregulation (1) at any time.
- (5) A person applying for a determination by the Corporation under subregulation (1) must pay to the Corporation such charges as it thinks are reasonable for its consideration (including examination and testing) and determination of the application.
- (6) Where the Corporation has made a determination under subregulation (1) it may, in order to ensure that the original standard is maintained, arrange for the periodical inspection of—
  - (a) the premises at which pipes, fittings or equipment to which the determination relates are manufactured and the processes used in manufacture;
  - (b) the premises at which pipes, fittings or equipment to which the determination relates are stored and the pipes, fittings and equipment stored on those premises,and the occupier of the premises must pay the Corporation's reasonable costs of inspection.
- (7) A person must not mark a pipe, fitting or equipment with a mark that suggests that the pipe, fitting or equipment is the subject of a determination by the Corporation under subregulation (1) unless it is the subject of such a determination.

### **Division 3—Work standards**

#### **12—Work to be carried out in a competent manner**

All work comprising, or relating to, the installation, replacement, repair, maintenance or cleaning of pipes, fittings or equipment connected to the undertaking must be performed in a competent manner in accordance with the Act, these regulations and the Directions by a licensed plumbing contractor or registered plumbing worker authorised to perform the work under the *Plumbers, Gas Fitters and Electricians Act 1995*.

#### **13—Inspection of work**

- (1) The Corporation, or a person authorised by the Corporation is entitled, but is not obliged, to inspect work comprising, or relating to, the installation, replacement, repair, maintenance or cleaning of pipes, fittings or equipment connected to the undertaking.
- (2) A licensed plumbing contractor or other person must not cover work of a kind referred to in subregulation (1) or do anything else that will prevent or hinder the inspection of the work unless—
  - (a) the Corporation has informed him or her that the Corporation does not wish to inspect the work or work of that kind; or
  - (b) the contractor or other person has agreed with the Corporation on the time for a person authorised by the Corporation to inspect the work and the same time on the next business day has passed,

- and, where the work comprises or includes the installation of pipes, fittings or equipment, the licensed plumbing contractor or other person has made a record of all information needed for the preparation of the drawing referred to in subregulation (3)(b).
- (3) A licensed plumbing contractor who has carried out work of a kind referred to in subregulation (1) must, within 7 days after completing the work, provide the Corporation, and the owner or occupier of the land on which the work was carried out, with—
    - (a) a certificate signed by the contractor certifying that the work has been carried out in accordance with the Act, these regulations and the Directions; and
    - (b) in the case of the installation of pipes, fittings or equipment—a drawing showing the position and dimensions of the work which has been carried out.
  - (4) If the Corporation rejects a drawing, the person required to provide the drawing under subregulation (3) must, within 14 days, provide a new drawing that meets the Corporation's requirements.
  - (5) If the Corporation does not reject a drawing within 7 days after it has been provided, the Corporation will be taken to have accepted it.

#### **14—Defective work**

- (1) If within the prescribed period the Corporation—
  - (a) finds that a pipe, fitting or equipment has been installed in contravention of the Act, these regulations or the Directions; or
  - (b) finds that a pipe or fitting connected to the undertaking is defective; or
  - (c) forms the opinion that the work has not been performed to an acceptable standard,the licensed plumbing contractor or registered plumbing worker must remedy the defect at his or her expense.
- (2) In subregulation (1)—

*the prescribed period* means—

  - (a) if a drawing of the work is required under regulation 13(3)(b)—the period from the completion of the work until the expiration of 12 months after the drawing of the work is accepted by the Corporation; or
  - (b) if a drawing of the work is not required—the period from the completion of the work until the expiration of 12 months after the certificate referred to in regulation 13(3)(a) was provided to the Corporation.
- (3) If a licensed plumbing contractor or registered plumbing worker fails to remedy the defect as required by subregulation (1), the owner of the land on which the work was done must cause the defect to be remedied and may recover the cost from the contractor or worker as a debt.

#### **Division 4—Directions**

##### **15—Directions by the Corporation**

- (1) In order to ensure the safe and proper operation of the undertaking and the pipes, fittings and equipment connected to it, the Corporation may publish written directions—
  - (a) specifying the nature and quality of the materials from which pipes, fittings and equipment connected to the undertaking must be constructed; and

- (b) specifying the design and size of pipes, fittings and equipment that may be connected to the undertaking; and
  - (c) specifying the number of pipes, fittings and equipment that may be connected to the undertaking; and
  - (d) specifying the position of pipes, fittings and equipment connected to the undertaking; and
  - (e) specifying the procedures to be adopted when installing, replacing, repairing, maintaining, cleaning or connecting pipes, fittings or equipment.
- (2) The Corporation may vary or revoke a direction.
- (3) A person who installs, replaces, repairs, maintains or cleans pipes, fittings or equipment for connection or that are connected to the undertaking or who connects or disconnects pipes, fittings or equipment to or from the undertaking must comply with the specifications, standards or procedures specified in the Directions.

## **Part 3—Maintenance of pipes, fittings and equipment**

### **16—Obligations of landowners**

- (1) The owner of land must ensure that the pipes and fittings connected to the undertaking that are situated on the land are properly maintained and repaired and replaced when necessary by a licensed plumbing contractor or registered plumbing worker authorised to perform the necessary work under the *Plumbers, Gas Fitters and Electricians Act 1995*.
- (2) A person must not, without the written approval of the Corporation, introduce any substance into pipes, fittings or equipment connected to the undertaking for the purpose of cleaning, clearing or repairing, or preventing the growth of roots in, pipes or fittings connected to the undertaking.
- (3) Without limiting the manner in which it may give its approval under subregulation (2), the Corporation may give its approval by notice published in the Gazette.
- (4) An approval, whether published in the Gazette or given in any other manner, may be revoked or varied by the Corporation at any time.
- (5) A licensed plumbing contractor or registered plumbing worker may use an inspection point in the undertaking to gain access to pipes or fittings connected to the undertaking.
- (6) The Corporation's costs of repairing any damage caused to the undertaking by a person using an inspection point under subregulation (5) is a debt due by that person to the Corporation.
- (7) A person must not enter the undertaking unless he or she is—
- (a) an employee of the Corporation; or
  - (b) authorised by the Corporation to enter the undertaking.

## **Part 4—Protection of the undertaking**

### **17—Interpretation**

In this Part, unless the contrary intention appears—

*public land* means—

- (a) land vested in, or that is under the care control and management, of a municipal or district council; and

- (b) unalienated land of the Crown;

*trade waste* means material (other than wastewater) that is discharged or otherwise introduced into the undertaking in the course of carrying out an industrial or manufacturing process or carrying on a business of any kind;

*wastewater* does not include material from a septic tank, an AWT system or any other facility for the on site treatment or storage of wastewater.

### **18—What material may be discharged into undertaking**

- (1) A person may discharge the following kinds of material into the undertaking:
- (a) wastewater; and
  - (b) all other kinds of material except those referred to in subregulation (2); and
  - (c) material of a kind referred to in subregulation (2) that the Corporation has authorised the person to discharge into the undertaking.
- (2) Subject to subregulation (1)(c), a person must not discharge into the undertaking material of the following kinds:
- (a) material that is in a solid or gaseous form (except wastewater);
  - (b) material from a septic tank, an AWT system or any other facility for the on site treatment or storage of wastewater;
  - (c) trade waste;
  - (d) rainwater;
  - (e) sea water;
  - (f) blood, urine or any other bodily fluid of an animal (except wastewater);
  - (g) petrol or any other inflammable or explosive material;
  - (h) liquid that is radioactive;
  - (i) any liquid that is likely to—
    - (i) damage the undertaking either directly or indirectly; or
    - (ii) have a detrimental effect on the efficiency with which the undertaking is able to dispose of wastewater; or
    - (iii) be a danger to employees of the Corporation or any other persons engaged in maintaining the undertaking.

### **19—Corporation may authorise the discharge of material**

- (1) A person may apply to the Corporation for its consent to discharge material into the undertaking.
- (2) The Corporation may require the applicant to provide it with such information as it thinks is necessary to consider the application.
- (3) The Corporation may grant the application subject to such conditions (including the payment of a charge for the discharge of the material) as it thinks fit.
- (4) The Corporation may, on giving 1 month's notice in writing to the person who has the benefit of an authorisation under this regulation, revoke the authorisation on the ground—
- (a) that there has been a breach of a condition on which the authorisation was granted; or

- (b) on such other ground as the Corporation thinks fit.

## **20—Damage etc to the undertaking**

If a person—

- (a) causes a partial or total blockage of the undertaking; or
- (b) closes, or obstructs access to, an entry point, inspection point or other similar fitting; or
- (c) causes damage to the undertaking,

the Corporation may recover its costs in clearing the blockage, opening, or removing the obstruction from, the entry point, inspection point or other fitting or repairing the damage as a debt from the person responsible.

## **21—Interference with property of the Corporation**

A person must not interfere with any property of the Corporation used in, or in connection with, the administration of the Act or these regulations without the authority of the Corporation.

## **22—Trees etc on public land**

- (1) Trees and shrubs (except those listed in Schedule 1 and Schedule 2) must not be planted on public land without the written approval of the Corporation.
- (2) The trees and shrubs listed in Schedule 1 must not be planted in a public street or road closer than 2 metres to any part of the undertaking.
- (3) The trees and shrubs listed in Schedule 2 must not be planted in a public street or road closer than 3.5 metres to any part of the undertaking.

## **23—Action in relation to trees and shrubs**

- (1) If—
  - (a) a tree or shrub has been planted in contravention of regulation 22; or
  - (b) the Corporation is of the opinion that a tree or shrub is causing, or is likely to cause, damage to any part of the undertaking or a reduction in the efficiency with which the undertaking operates,

the Corporation may, by written notice served on the council or other person who owns or has the care, control and management, of the land on which the tree or shrub is situated, direct that action specified in the notice (including the killing of the tree or shrub) be taken.

- (2) If a person on whom a notice has been served fails to comply with the notice, the Corporation may enter the land and take the action specified in the notice or such other action as it thinks fit (including the killing of the tree or shrub).
- (3) The Corporation may recover its costs in taking action under subregulation (2) as a debt from the person on whom the notice was served.
- (4) A person is not entitled to compensation for action taken under subregulation (2).

## 24—Damage caused by trees or shrubs

The Corporation's costs of repairing damage to the undertaking caused by a tree or shrub may be recovered as a debt by the Corporation from the owner for the time being of the land on which the tree or shrub is, or was, situated or, in the case of land under the care, control or management of a council, from the council.

## Part 5—Charges

### Division 1—Capital contribution

#### 25—Land in urban area

- (1) An amount is payable to the Corporation in relation to each allotment in an urban area that comprises adjacent land in relation to a sewer laid after the commencement of this regulation as follows:

- (a) in the case of an allotment that is not used solely or predominantly for residential purposes and has an area of 1 200 square metres or more—an amount calculated in accordance with the following formula:

$$A = SC \times \sqrt{\frac{AA}{1200}}$$

Where—

*A* is the amount payable

*SC* is the standard capital contribution

*AA* is the area of the allotment expressed in square metres;

- (b) in every other case—the standard capital contribution.
- (2) Subregulation (1) does not apply in relation to allotments created by the division of land in relation to a sewer laid within the boundaries of that land to service those allotments.
- (3) The amount referred to in subregulation (1) is payable on the date for payment specified in a notice given by the Corporation to the owner or occupier of the land.
- (4) A notice may not be given under subregulation (3) until—
- (a) the land has been connected to the sewer; or
- (b) a notice has been published in the Gazette under section 78(1) of the Act in relation to the sewer.

#### 26—Division of land in an urban area

- (1) Where land in an urban area that is adjacent land in relation to a sewer is divided so as to create additional allotments, an amount is payable to the Corporation in respect of each of those additional allotments as follows:

- (a) in the case of an allotment that will not be used solely or predominantly for residential purposes and will have an area of 1 200 square metres or more—an amount calculated in accordance with the following formula:

$$A = SC \times \sqrt{\frac{AA}{1200}}$$

Where—

*A* is the amount payable

*SC* is the standard capital contribution

*AA* is the area of the allotment expressed in square metres;

- (b) in every other case—the standard capital contribution.
- (2) The allotments to be regarded as additional allotments for the purpose of subregulation (1) will be determined as follows:
- (a) for the purposes of the determination *original allotments* will be the allotment or allotments comprising the land before the division being land that comprised adjacent land in relation to the sewer and *new allotments* will be confined to those allotments created by the division that comprise adjacent land in relation to the sewer;
  - (b) only new allotments will be regarded as additional allotments and of those a number equivalent to the number of original allotments will be rejected in accordance with paragraph (c) or (d);
  - (c) where all of the new allotments are not of the same size—
    - (i) a larger allotment must be rejected before a smaller allotment;
    - (ii) if a group of those allotments are of the same size—an allotment in the group to be used solely or predominantly for residential purposes (a *residential allotment*) must be rejected before a non-residential allotment in the group;
  - (d) where all of the new allotments are of the same size—a residential allotment must be rejected before a non-residential allotment.
- (3) For the purposes of subregulation (2)(a) where the land comprised in a strata plan under the *Strata Titles Act 1988* is to be divided under Part 19AB of the *Real Property Act 1886*, that land will be regarded as the original allotment and the allotments comprised of the strata units and the common property will be disregarded.

## **27—Land in non-urban area**

- (1) The following amounts are payable to the Corporation for the extension of a sewer to an allotment in a non-urban area and for the connection of the sewer to the allotment:
- (a) capital contribution—estimated cost quoted by the Corporation; and
  - (b) sewer connection application fee—see regulation 34.
- (2) Subregulation (1) does not impose any obligation on the Corporation to extend a sewer.
- (3) The following amounts are payable to the Corporation for the connection of an allotment in a non-urban area to an adjacent sewer laid after 1 July 1987:
- (a) standard capital contribution; and
  - (b) sewer connection application fee—see regulation 34.

## **28—Charge for extension of sewer in other cases**

Where a person applies for the extension of a sewer in circumstances for which no fee or charge is provided under this Part, the Corporation may extend the sewer and charge the applicant an amount that does not exceed the estimated cost quoted by the Corporation.

## 29—Rebate for septic tank or AWT system

- (1) Where—
  - (a) at the time at which a capital contribution becomes payable under regulation 25 or 27 in relation to an allotment, there was situated on the allotment 1 or more septic tanks or non-complying AWT systems, the amount payable under that regulation is reduced by the lower rebate;
  - (b) if the owner or occupier of an allotment referred to in regulation 25 or 27 satisfies the Corporation that, at the time at which a capital contribution becomes payable under that regulation in relation to the allotment, there was situated on the allotment 1 or more complying AWT systems with the capacity to properly treat all the wastewater produced on the allotment, the amount payable under that subregulation is reduced by the higher rebate.
- (2) The owner or occupier of an allotment is not entitled to a rebate under both paragraphs (a) and (b) of subregulation (1).

## 30—Division of land in non-urban area

- (1) Where land that comprises 1 or more allotments in a non-urban area and that constitutes adjacent land in relation to a sewer is divided so as to create additional allotments, the standard capital contribution is payable to the Corporation in respect of each of a number of allotments determined by subtracting the number of allotments comprising the land before the division from the number of allotments created by the division that constitute adjacent land in relation to that sewer.
- (2) For the purposes of subregulation (1) where the land comprised in a strata plan under the *Strata Titles Act 1988* is to be divided under Part 19AB of the *Real Property Act 1886*, that land will be regarded as 1 allotment and the allotments comprised of the strata units and the common property will be disregarded.

## 31—Exemption from capital contribution

- (1) Notwithstanding regulation 25 or 27, a capital contribution is not payable in relation to an allotment if—
  - (a) the allotment is not connected to a sewer; and
  - (b) the owner or occupier of the allotment satisfies the Corporation that all the wastewater produced on the allotment is treated by means of a complying AWT system that is situated on the allotment and has the capacity to properly treat the wastewater; and
  - (c) the owner or occupier of the allotment complies with subregulation (5).
- (2) A capital contribution, less the rebate prescribed by subregulation (4), becomes payable in relation to an allotment referred to in subregulation (1) if, at any time in the future, the requirements of paragraph (a) or (c) of subregulation (1) are not satisfied.
- (3) The amount of the capital contribution referred to in subregulation (2) is the amount prescribed by regulation 25 or 27 at the time at which the capital contribution becomes payable under that subregulation.



- (4) A capital contribution that becomes payable in relation to an allotment under subregulation (2) is subject to—
- (a) the higher rebate if it becomes payable within 1 year after notice of the laying of the sewer was published in the Gazette; or
  - (b) the lower rebate in all other cases.
- (5) For the purposes of subregulation (1), the owner or occupier of an allotment referred to in that subregulation, or a person acting on behalf of the owner or occupier, must satisfy the Corporation at 3 monthly intervals that the AWT system situated on the allotment—
- (a) has the capacity to properly treat all the wastewater produced on the allotment; and
  - (b) has been used and maintained in accordance with the Waste Control Regulations during the immediately preceding period of 3 months.
- (6) The owner or occupier of an allotment will be taken to have complied with subregulation (5) if he or she, or a person acting on his or her behalf, satisfies the Corporation of the matters referred to in that subregulation at any time during a period commencing 14 days before and ending 14 days after the time prescribed by that subregulation or the time as extended by the Corporation under subregulation (8).
- (7) The Corporation may release a person who is liable to pay sewerage rates in respect of land from one half (or such lesser proportion as the Corporation thinks fit) of the rates if, at the commencement of the period in respect of which the rates are payable, all the wastewater produced on the land was treated by means of a complying AWT system that is situated on the land and has the capacity to properly treat the wastewater.
- (8) The Corporation may, to avoid or reduce hardship in a particular case, extend—
- (a) the period of 1 year referred to in subregulation (4);
  - (b) a 3 monthly interval referred to in subregulation (5),
- either prospectively or retrospectively.

## **Division 2—Other charges**

### **32—Information as to rates and charges already paid**

- (1) The Corporation must on application by a person who has paid rates or charges under the Act or these regulations or the *Sewerage Regulations 1996* provide the person with a statement of the rates or charges paid.
- (2) The Corporation may on application by any other person provide that person with information of the kind referred to in subregulation (1).
- (3) A charge is not payable to the Corporation on application under subregulation (1) if the statement relates only to rates or charges that became due and were paid in the financial year in which the application is made or in the preceding financial year.
- (4) The charge prescribed by regulation 34 is payable for all other statements under subregulation (1) and must be paid when the application is made.
- (5) Where a person applies to the Corporation under the *Waterworks Regulations 2011* and under this regulation at the same time and in relation to the same land for—
  - (a) a certificate of rates or charges unpaid; or
  - (b) a statement of rates or charges already paid; or

- (c) a statement as to encumbrances,

the prescribed charge for the certificates or statements is payable under these regulations or the *Waterworks Regulations 2011* but not under both regulations.

### 33—Certificate as to encumbrance

The Corporation must on application by an interested person and payment of the charge prescribed by regulation 34, provide the person with a statement as to—

- (a) the existence or non-existence of encumbrances in relation to the land to which the application relates that are prescribed encumbrances for the purposes of the *Land and Business (Sale and Conveyancing) Act 1994* and the regulations under that Act and that are in favour of the Corporation;
- (b) whether the Corporation has, or has not, given its consent under regulation 19 to discharge material into the undertaking from land to which the application relates and, if consent has been given, the conditions (if any) to which the consent is subject.

### 34—Other charges

- (1) Subject to these regulations, the following charges are payable to the Corporation:

(a)	Standard capital contribution	\$6 107.00
(b)	Installation of sewer connection (including sewer connection application fee)	
	Nominal diameter:	
	• 100 mm	\$4 118.00
	• 150 mm or less (but greater than 100 mm)	\$6 545.00
	• greater than 150 mm	estimated cost quoted by Corporation
(c)	Installation of additional or replacement sewer connection off a sewer 450 mm or greater	estimated cost quoted by Corporation
(d)	Disconnection of sewer connection	
	Nominal diameter:	
	• 150 mm or less	\$823.00
	• greater than 150 mm	estimated cost quoted by Corporation
(e)	Sewer connection application fee	
	Nominal diameter:	
	• 100 mm	\$141.00
	• 150 mm or less (but greater than 100 mm)	\$537.00
	• greater than 150 mm	estimated cost quoted by Corporation
(f)	Provision of certificate of rates or charges unpaid for the purposes of settlement of land transactions	\$8.10

(g)	Provision of statement of existence or non-existence of easements or other encumbrances in favour of the Corporation	\$8.10
(h)	Consideration and determination by Corporation of application for authorisation to discharge trade waste into the undertaking <ul style="list-style-type: none"> <li>• if the application is assessed as complex by the Corporation having regard to the number and complexity of activities associated with the discharge, the scale of the discharge, risks associated with the discharge, the need for testing samples and other relevant factors</li> <li>• in any other case</li> </ul>	\$545.00 \$294.00
(i)	Checking of compliance with conditions of authorisation to discharge trade waste into undertaking <ul style="list-style-type: none"> <li>• if the compliance check is assessed as complex by the Corporation having regard to the number and complexity of activities associated with the discharge, the scale of the discharge, risks associated with the discharge, the need for testing samples and other relevant factors</li> <li>• in any other case</li> </ul>	\$121.00 \$99.50
(j)	Additional administrative cost in relation to a dishonoured payment (for example by cheque or direct debit) used to pay a charge or other amount under these regulations	\$21.00
(k)	Additional administrative cost in relation to a charge or other amount due under these regulations but not paid by the date for payment in the notice served on the person liable	\$8.30
(l)	Visit in relation to the non-payment of a charge or other amount to the land in relation to which the charge or amount is payable	\$29.75
(2)	A charge for installation of a sewer connection is not payable in addition to the amount payable under regulation 27, 28, 29 or 32.	
(3)	If the same charge is imposed by this regulation and regulation 25 of the <i>Waterworks Regulations 2011</i> in respect of the same matter, only 1 of those charges is payable.	

### 35—Rebates under Part 5 Division 1

The following rebates are prescribed for the purposes of regulations 29 and 31:

- (a) the lower rebate—\$1 500;
- (b) the higher rebate—\$2 500.

### 36—Release from or deferral of charge

The Corporation or the Minister may, on such conditions as the Corporation or the Minister thinks fit, release a person from, or defer, the obligation to pay part or all of an amount due under these regulations.

## Part 6—Miscellaneous

### 37—Entry points etc must not be permanently closed etc

- (1) A person must not permanently close or permanently obstruct an entry point, inspection point or other similar fitting comprising part of the undertaking.

- (2) The Corporation may open, or remove an obstruction from, an entry point, inspection point or other similar fitting and may recover its costs from the person who closed or obstructed the entry point, inspection point or other similar fitting as a debt.

### **38—Exemption**

- (1) The Minister may by notice published in the Gazette exempt a person from any provision of these regulations.
- (2) An exemption may be made subject to such limitations and conditions as the Minister thinks fit and sets out in the notice.

### **39—Offences**

A person who contravenes, or fails to comply with, a provision of these regulations is guilty of an offence whether or not the provision states explicitly that the person is guilty of an offence.

Maximum penalty: \$2 000.

Expiation fee: \$315.

### **40—Applications and notices**

- (1) All applications to the Corporation under these regulations and all notices relating to plumbing and drainage work required to be given under these regulations must be in writing in a form approved by the Corporation.
- (2) All drawings to be submitted to the Corporation under these regulations must be in a form approved by the Corporation.

### **41—Authorised person may make enquiries**

- (1) A person authorised in writing by the Corporation may—
  - (a) require a person who the authorised person reasonably suspects has committed, is committing or is about to commit a contravention of the Act or these regulations, to state the person's full name and current or usual place of residence and to produce evidence of the person's identity;
  - (b) require a person who the authorised person reasonably suspects has knowledge of matters in respect of which information is reasonably required for the administration or enforcement of the Act or these regulations to answer questions in relation to those matters.
- (2) A person must not, without reasonable excuse, fail to comply with a request made by, or fail to answer to the best of the person's knowledge, information and belief a question put by, an authorised person pursuant to this regulation.
- (3) A person is not obliged to answer a question under this regulation if to do so would tend to incriminate the person or make the person liable to a penalty.
- (4) An authorised person must not make a request or ask a question under this regulation unless he or she—
  - (a) has written identification issued by the Corporation stating that he or she is authorised to make such a request or ask such a question; and
  - (b) presents (or makes a genuine attempt to present) the identification for inspection when making the request or asking the question.

- (5) A person must not falsely represent, by word or conduct, that he or she is an authorised person for the purposes of this regulation.

## Schedule 1—Trees and shrubs to which regulation 22(2) applies

Botanical Name	Common Name
<i>Acacia cultriformis</i>	Knife-leaved Wattle
<i>Acacia cyclops</i>	W.A. Coastal Wattle
<i>Acacia howittii</i>	Sticky Wattle
<i>Acacia iteaphylla</i>	Flinders Range Wattle
<i>Acacia longifolia</i>	Sallow Wattle
<i>Acacia microbotrya</i>	
<i>Acacia retinodes</i>	Wirilda
<i>Acacia sophorae</i>	S.A. Coastal Wattle
<i>Acacia sowdenii</i>	Western Myall
<i>Acacia trineura</i>	Hindmarsh Wattle
<i>Acacia verniciflua</i>	Varnish Wattle
<i>Acacia victoriae</i>	Elegant or Bramble Wattle
<i>Actinostrobus pyramidalis</i>	Swan River Cypress
<i>Bauhinia variegata</i> and forms	Orchid Tree, Bauhinia
<i>Callistemon cirrinus</i> ( <i>C. lanceolatus</i> )	Crimson Bottlebrush
<i>Callistemon "Harkness"</i>	Gawler Hybrid Bottlebrush
<i>Callistemon lilacinus</i> ( <i>C. violaceus</i> )	Lilac Bottlebrush
<i>Callistemon macropunctatus</i> ( <i>C. rugulosus</i> )	S.A. Red Bottlebrush
<i>Callistemon phoeniceus</i>	Fiery Bottlebrush
<i>Callistemon rigidus</i>	Stiff-leaved Bottlebrush
<i>Callistemon salignus</i>	Willow Bottlebrush
<i>Callistemon viminalis</i>	Weeping Bottlebrush
<i>Calothamnus aspera</i>	Rough-leaved Net Bush
<i>Ceanothus</i> species	Ceanothus
<i>Cotoneaster Frigida</i>	Himalayan Cotoneaster
<i>Crataegus lavalleyi</i> ( <i>C. carrieri</i> )	Lavalle Hawthorn
<i>Crataegus oxyacantha</i> and forms	Hawthorn, May Tree
<i>Crataegus phaenopyrum</i> ( <i>C. cordata</i> )	Washington Thorn
<i>Crataegus pubescens</i> ( <i>C. mexicana</i> )	Mexican Hawthorn
<i>Duranta repens</i>	Sky Flower, Duranta
<i>Eucalyptus "Augusta Wonder"</i>	
<i>Eucalyptus caesia</i>	Gungunnu
<i>Eucalyptus calycogona</i>	Square-fruited Mallee
<i>Eucalyptus cosmophylla</i>	S.A. Cup Gum

<b>Botanical Name</b>	<b>Common Name</b>
<i>Eucalyptus crucis</i>	Southern Cross Mallee
<i>Eucalyptus dielsii</i>	Diels Gum
<i>Eucalyptus diversifolia</i>	S.A. Coastal Mallee
<i>Eucalyptus eremophila</i>	Tall Sand Mallee
<i>Eucalyptus erythrocorys</i>	Red-capped Gum
<i>Eucalyptus erythronema</i>	Lindsay Gum
<i>Eucalyptus foecunda (E. leptophylla)</i>	Slender-leaved Mallee
<i>Eucalyptus forrestiana</i>	Fuchsia Gum
<i>Eucalyptus orbifolia</i>	Round-leaved Mallee
<i>Eucalyptus preissiana</i>	Bell-fruited Mallee
<i>Eucalyptus pyriformis</i> subspecies <i>youngiana</i>	Ooldea Mallee
<i>Eucalyptus rodantha</i>	Rose Gum
<i>Eucalyptus rugosa</i>	Kingscote Mallee
<i>Eucalyptus socialis</i>	Red Mallee, Morrel
<i>Eucalyptus stoatei</i>	Pear-fruited Gum
<i>Eucalyptus tetraptera</i>	Four-winged Mallee
<i>Eucalyptus websterana</i>	Webster's Mallee
<i>Euonymus japonicus</i>	Evergreen Spindle Tree
<i>Feijoa sellowiana</i> and forms	Pineapple Guava
<i>Geijera parviflora</i>	Wilga
<i>Hakea elliptica</i>	Oval-leaved Hakea
<i>Hakea laurina</i>	Pincushion Hakea
<i>Hakea petiolaris</i>	Broad-leaf Sea Urchin
<i>Hakea salicifolia (H. saligna)</i>	Willow Hakea
<i>Hakea sulcata</i>	Furrowed Hakea
<i>Hakea undulata</i>	Wavy-leaved Hakea
<i>Hibiscus</i> species	Hibiscus
<i>Homalanthus populifolius</i>	Queenslander Poplar, Bleeding-Heart Tree
<i>Lagerstroemia "Eavesii"</i>	Mauve Crepe-Myrtle
<i>Lagerstroemia indica</i>	Pink Crepe-Myrtle
<i>Leptospermum laevigatum</i>	Victoria Coastal Tea Tree
<i>Malus</i> species	Flowering Crabs and Apples
<i>Melaleuca elliptica</i>	Granite Honey Myrtle
<i>Melaleuca Fulgens</i>	Scarlet Honey Myrtle
<i>Melaleuca Glomerata</i>	
<i>Melaleuca hypericifolia</i>	Hillock Bush
<i>Melaleuca incana</i>	Yellow-Flowered Grey Honey Myrtle

<b>Botanical Name</b>	<b>Common Name</b>
<i>Melaleuca lateritia</i>	Robin Redbreast Bush
<i>Melaleuca nesophila</i>	Western Honey Myrtle
<i>Melaleuca pentagona</i>	
<i>Melaleuca radula</i>	Graceful Honey Myrtle
<i>Melaleuca squamea</i>	
<i>Photinia serrulata</i>	Chinese Hawthorn
<i>Pittosporum crassifolium</i> and variegated form	Karo
<i>Pittosporum phylliraeoides</i>	Native Apricot, Weeping Pittosporum
<i>Pittosporum tenuifolium</i>	New Zealand Kohuhu
<i>Pittosporum tenuifolium</i> "Pirpureum"	
<i>Prunus</i> species	Flowering Almonds, Plums, Apricots, Cherries, Peaches
<i>Pyracantha coccines</i> "Lalandei"	Lalande Firethorn
<i>Pyracantha crenulata</i>	Nepal Firethorn
<i>Pyracantha rogersiana</i>	Yellow-Berry Firethorn
<i>Sophora tetraptera</i>	Yellow Kowhai
<i>Spartium junceum</i>	Spanish Broom
<i>Stenolobium alatum</i> ( <i>Tecoma smithii</i> )	Winged Yellow-Trumpet
<i>Stenolobium stans</i> ( <i>Tecoma stans</i> )	Florida Yellow-Trumpet
<i>Syzygium Coolminianum</i>	Blue Lilly Pilly
<i>Viburnum tinus</i>	Laurustinus
<i>Vitex agnus-castus</i>	Lilac Chaste Tree

## **Schedule 2—Trees and shrubs to which regulation 22(3) applies**

<b>Botanical Name</b>	<b>Common Name</b>
<i>Acacia acuminata</i>	Raspberry Jam Wattle
<i>Acacia cyanophylla</i>	Orange Wattle
<i>Acacia pendula</i>	Weeping Myall
<i>Acacia salicina</i>	Broughton Willow or Wattle
<i>Acacia terminalis</i> ( <i>A. elata</i> )	Cedar Wattle
<i>Acer negundo</i>	Box Elder
<i>Agonis Flexuosa</i>	W.A. Willow Myrtle or Peppermint
<i>Albizia julibrissin</i>	Silk Tree
<i>Amygdalus pollardii</i>	Flowering Almond
<i>Angophora cordata</i>	Dwarf or Scrub Apply Myrtle
<i>Angophora costata</i>	Smooth-barked Apply Myrtle
<i>Arbutus unedo</i>	Irish Strawberry
<i>Bauhinia carronii</i>	Queensland Bean or Ebony Tree
<i>Berberis</i> species	Barberry, Berberis

<b>Botanical Name</b>	<b>Common Name</b>
<i>Betula pendula</i> ( <i>B. alba</i> )	Silver Birch
<i>Brachychiton acerifolium</i>	Flame Tree
<i>Brachychiton discolor</i>	Queensland Lace Bark
<i>Brachychiton acerifolium x populneum</i> ( <i>B. Hybridum</i> )	Hybrid Flame Tree
<i>Brachychiton populneum</i>	Kurrajong
<i>Callitris columellaris</i>	White Cypress Pine
<i>Callitris preissii</i>	Slender Cypress Pine
<i>Casuarina cristata</i>	Black Oak, Belah
<i>Casuarina stricta</i>	Weeping Sheoak
<i>Casuarina torulosa</i>	Rose Sheoak
<i>Celtis australis</i>	Southern Hackberry, Celtis
<i>Celtis occidentalis</i>	American Hackberry, Celtis
<i>Cercis siliquastrum</i>	Judas Tree
<i>Citharexylum</i> species	Fiddlewood
<i>Cotoneaster serotina</i>	Cotoneaster
<i>Cupressus glabra</i>	Arizona Cypress
<i>Erythrina "Indica"</i>	Hybrid Indian Coral Tree
<i>Eucalyptus behriana</i>	Broad-leaved Box
<i>Eucalyptus campaspe</i>	Silver Gimlet
<i>Eucalyptus Cinerea</i>	Mealy Stringybark, Argyle Apple
<i>Eucalyptus cneorifolia</i>	Kangaroo Island Narrow-leaved Gum
<i>Eucalyptus conglobata</i>	S.A. Coastal Gum
<i>Eucalyptus dundasii</i>	Dundas Blackbutt
<i>Eucalyptus "Ericoides"</i>	
<i>Eucalyptus Ficifolia</i>	W.A. Scarlet Flowering Gum
<i>Eucalyptus flocktoniae</i>	Merrit
<i>Eucalyptus gardneri</i>	Blue Mallett
<i>Eucalyptus gracilis</i>	Yorrell
<i>Eucalyptus incrassata</i>	Ridge-fruited Mallee
<i>Eucalyptus intertexta</i>	Smooth-barked Coolibah
<i>Eucalyptus landsdowneana</i>	Port Lincoln Gum
<i>Eucalyptus lehmanni</i>	Bushy Yate
<i>Eucalyptus le souefii</i>	Le Souef's Blackbutt
<i>Eucalyptus leucoxylon "Rosea"</i>	Pink-flowering Blue Gum
<i>Eucalyptus megacornuta</i>	Warty Yate
<i>Eucalyptus nutans</i>	Nodding Gum
<i>Eucalyptus oleosa</i>	Red Mallee



<b>Botanical Name</b>	<b>Common Name</b>
<i>Eucalyptus pileata</i>	Ravensthorpe Mallee
<i>Eucalyptus platypus</i>	Round-leaved Moort
<i>Eucalyptus "Pterocarpa"</i>	
<i>Eucalyptus pulverulenta</i>	Silver-leaved Mountain Gum
<i>Eucalyptus salubris</i>	Gimlet Gum
<i>Eucalyptus sargentii</i>	Salt or Sargent's Mallet
<i>Eucalyptus sideroxylon</i>	Manna Red Ironbark, Mugga
<i>Eucalyptus spathulata</i>	Swamp Mallee
<i>Eucalyptus steedmanii</i>	Steedman's Gum
<i>Eucalyptus stricklandii</i>	Yellow-flowering Gum
<i>Eucalyptus torquata</i>	Coral or Coolgardie Gum
<i>Eucalyptus "Torwood"</i>	Hybrid Coral gum
<i>Eucalyptus "Urrbrae Gum"</i>	
<i>Eucalyptus viridis</i>	Green Mallee
<i>Eucalyptus woodwardii</i>	Lemon-flowering Gum
<i>Eugenia smithii (Acmena smithii)</i>	Lilly Pilly
<i>Ficus rubiginosa "Variegata"</i>	Variegated Rusty Fig
<i>Fraxinus excelsior "Aurea"</i>	Golden Ash
<i>Fraxinus ornus</i>	Manna Ash
<i>Hakea kippistiana</i>	
<i>Hakea suaveolens</i>	Sweet Hakea
<i>Harpephyllum caffrum</i>	Kaffir Plum
<i>Hymenosporum flavum</i>	Woolum, Native Frangipani
<i>Jacaranda</i> species	Jacaranda
<i>Juniperus sheppardii</i> var. <i>pyramidalis</i> (" <i>J.africans</i> ")	Juniper
<i>Koelreuteria paniculata</i>	Varnish Tree
<i>Laburnum</i> species	Laburnum
<i>Lagunaria patersonii</i>	Pyramid Tree
<i>Ligustrum japonicum</i> and forms	Japanese Privet
<i>Ligustrum lucidum</i> and forms	Glossy Privet
<i>Liquidambar styraciflua</i>	Liquidambar
<i>Melaleuca alternifolia</i>	Alternate-leaved Honey Myrtle
<i>Melaleuca armillaris</i>	Bracelet Honey Myrtle
<i>Melaleuca halmaturorum</i>	S.A. Swamp paper Bark
<i>Melaleuca huegelii</i>	Chenile Honey Myrtle
<i>Melaleuca Lanceloata (M. pubescens)</i>	Dry Land Tea Tree
<i>Melaleuca linariifolia</i>	Flax-leaved Honey Myrtle
<i>Melaleuca styphelioides</i>	Prickly Paperbark
<i>Melia axedarach</i>	White Cedar

<b>Botanical Name</b>	<b>Common Name</b>
<i>Metrosideros excelsa (M. tomentosa)</i>	New Zealand Christmas Tree
<i>Myoporum insulare</i>	Boobialla
<i>Myoproum montanum</i>	Water Bush
<i>Nerium oleander</i>	Oleander
<i>Parkinsonia aculeata</i>	Jerusalem Thorn
<i>Pittosporum rhombifolium</i>	Queensland Pittosporum
<i>Pittosporum undulatum</i>	Sweet Pittosporum
<i>Pittosporum undulatum "Variegatum"</i>	Variegated Sweet Pittosporum
<i>Quercus ilex</i>	Holm Oak
<i>Sophora japonica</i>	Pagoda Tree
<i>Sorbus aucuparia</i>	Rowan, Mountain Ash
<i>Syzygium paniculatum</i>	Brush Cherry
<i>Tamarix juniperina</i>	Flowering Tamarisk
<i>Tristania conferta</i>	Brush Box

### **Schedule 3—Revocation of *Sewerage Regulations 1996***

The *Sewerage 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 25 August 2011

No 211 of 2011

MWA11/0011CS

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CITY OF MOUNT GAMBIER  
TAXI REGULATION BY-LAW 2011

*By-law No. 6 of 2011*

A by-law to regulate taxi services within the Council's area.

PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Taxi Regulation By-law 2011 and is By-law No. 6 of the City of Mount Gambier.

2. *Authorising Law*

This by-law is made under Section 246 of the Local Government Act 1999 and Sections 667 (1), 3.XX, XXIV, LIV and 9.XVI of the Local Government Act 1934, as amended.

3. *Purpose*

The objectives of this by-law are to regulate taxi services within the Council's area:

- 3.1 to require taxi operators to be licensed;
- 3.2 to ensure taxi drivers are properly accredited;
- 3.3 to regulate the number of taxis in operation; and
- 3.4 for the good rule and government of the area.

4. *Expiry*

- 4.1 This by-law will expire on 1 January 2019.<sup>1</sup>

Note:

<sup>1</sup> Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

5. *Application*

- 5.1 This by-law operates subject to the Council's Permits and Penalties By-law No. 1 of 2010.
- 5.2 This by-law operates throughout the Council area.

PART 2—REGULATION

6. *Licensing*

- 6.1 No person shall, within the Council area, use any vehicle for the purpose of plying for hire or for the carrying of passengers for hire, or cause or suffer any vehicle to be so used, without Council permission in the form of a licence.
- 6.2 For the purposes of this by-law, a person will be taken to ply for hire with a vehicle if:
  - 6.2.1 the person drives it in a public street, road or place within the Council area while a sign on the vehicle indicates that the vehicle is available for hire; or
  - 6.2.2 it is used to commence or complete a journey within the Council area which involves the carriage of a passenger for fee or reward; or
  - 6.2.3 the person drives it to or places it at a designated taxi-stand within the Council area; or
  - 6.2.4 the person drives it to a place within the Council area to pick up passengers to be carried for fee or reward.

Note:

The Council's permission is in the form of a licence which may be issued by the Council upon application.

7. *Accreditation*

Any person to whom permission is granted under Clause 6 must ensure that any driver of a vehicle used by them to ply for hire, holds current accreditation as a driver under the Passenger Transport Act 1994.

8. *Fares*

No person shall refuse to pay or otherwise evade payment of the fare or fee in relation to the hire of any vehicle for which the operator has permission pursuant to Clause 6.

9. *Exemptions*

9.1 Clauses 6, 7 and 8 do not apply:

- 9.1.1 to the act of driving a vehicle while it is being used to ply for hire or for the carrying of passengers for hire, provided that the person who operates the vehicle hire business holds current permission under this by-law and the driver holds current accreditation as a driver for the kind of vehicle in question under the Passenger Transport Act 1994; or
- 9.1.2 unless the vehicle is of a kind which, but for this by-law, would require licensing under Part 6 of the Passenger Transport Act 1994; or
- 9.1.3 where the vehicle is licensed to ply for hire by another Local Government Authority or, is otherwise licensed as a taxi or accredited as a country taxi under the Passenger Transport Act 1994 and it has entered the Council's area with a passenger who commenced his or her journey outside of the Council area; provided that (subject to the Passenger Transport Act 1994) no additional passengers are included in the journey while that vehicle is in the Council area.

PART 3—ENFORCEMENT

10. *Orders*

If a person fails to comply with an order of an authorised person made pursuant to Section 262 of the Act in respect of a breach of this by-law, the Council may recover its costs of any action taken under Section 262 (3) of the Act from the person to whom the order was directed.

Note:

Section 262 (1) of the Act states:

- (1) If a person (the offender) engages in conduct that is a contravention of this Act or a by-law under this Act, an authorised person may order the offender:
  - (a) if the conduct is still continuing—to stop the conduct; and
  - (b) whether or not the conduct is still continuing—to take specified action to remedy the contravention.

Subsections (2) and (3) of Section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land;
- dismantle and remove a structure erected on Local Government land without permission.

This by-law was duly made and passed at a meeting of the City of Mount Gambier held on 16 August 2011, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

G. MULLER, Chief Executive Officer

CITY OF ONKAPARINGA

*Exclusion of Land from Classification as Community Land*

NOTICE is hereby given pursuant to Section 193 (6) (a) of the Local Government Act 1999, that the Council of the City of Onkaparinga resolved pursuant to Section 193 (4) (a) of the Local Government Act 1999, at its meeting held on 5 July 2011, that the following land be excluded from Classification as Community Land:

Allotments 101 and 102 in Deposited Plan 54392, Certificate of Title Volume 5800, Folio's 781 and 782 (respectively).

J. TATE, Chief Executive Officer

## DISTRICT COUNCIL OF ELLISTON

*Appointment of Presiding Member for the  
Development Assessment Panel*

NOTICE is hereby given that at a meeting of the Council held on 16 August 2011, pursuant to Section 56A of the Development Act 1993, the following member was appointed to the District Council of Elliston Development Assessment Panel as the Presiding Member for a period of two years:

Robert Pearce

S. WOOLLEY, Acting Chief Executive Officer

## DISTRICT COUNCIL OF ELLISTON

*Adoption of Valuation and Declaration of Rates*

NOTICE is hereby given that the District Council of Elliston, at its meeting held on Tuesday, 9 August 2011, resolved as follows:

*Adoption of Valuations*

Pursuant to Section 167 (2) (a) of the Local Government Act 1999, the most recent valuations of the Valuer-General available to the Council of the capital value of land within the Council's area are adopted for rating purposes for the financial year ending 30 June 2012.

*Adoption of Rates*

Pursuant to Section 152 (1) (c) of the Local Government Act 1999, the general rate in respect of rateable land within the area of the Council declares for the financial year ending 30 June 2012, consisting of the following:

- 0.3864 cents in the dollar on the capital value of all rateable land within the area of the Council; and
- a fixed charge of \$190 to apply equally to each separate piece of rateable land in the Council area.

*Adoption of Natural Resources Management Levy*

Pursuant to Section 95 of the Natural Resources Management Act 2004 and Section 154 of the Local Government Act 1999, in order to reimburse to the Council amounts contributed to the Eyre Peninsula Natural Resources Management Board totalling \$57 440.40 a separate rate based on a fixed charge of \$60.40 is declared for the year ending 30 June 2012, on all rateable land in the Council's area and in the area of the Board.

*Annual Service Charges**Waste Management Service Charge*

1. Pursuant to Section 155 of the Local Government Act 1999, the Council declares an annual service charge for the financial year ending 30 June 2012, on land within the Council's area to which the Council provides or makes available the prescribed service of the collection, treatment and disposal of waste based upon the level of usage of the service and varied according to category of land use as follows:

- that vacant allotments within the kerbside collection route be charged the same amount as residential allotments within the kerbside collection route;
- that single farm enterprises and adjoining allotments are only charged the annual service charge in respect of the assessment constituting their principal place of residence.

*Residential, Primary Production, Vacant and Other land use outside the kerbside collection route and outside the bin bank zone:*

- 0-0.3 m<sup>3</sup> of waste per week on average \$228 per annum.

*Residential and Vacant land use within the kerbside collection route:*

- 0-0.3 m<sup>3</sup> of waste per week on average \$292 per annum.

*Residential, Primary Production, Vacant and Other land use within 1.6 km of the Bramfield Bin Bank and within 0.5 km of the Elliston Fringe Bin Bank:*

- 0-0.3 m<sup>3</sup> of waste per week on average \$256 per annum.

*Commercial—Shop, Commercial—Office, Commercial—Other, Industry—Light, Industry—Other and Other land use within the kerbside collection route:*

- 0-0.3 m<sup>3</sup> of waste per week on average \$292 per annum;
- 0.3-0.6 m<sup>3</sup> of waste per week on average \$560 per annum;
- greater than 0.6 m<sup>3</sup> of waste per week on average \$876 per annum.

*Water Supply*

2. Pursuant to Section 155 of the Local Government Act 1999, the Council declares an annual service charge for the financial year ending 30 June 2012, on land within the Council's area in the township of Port Kenny and Sections 21, 72 and 102, Hundred of Wright to which the Council provides or makes available the prescribed service known as the Port Kenny Water Supply Service based upon the level of usage of the service of \$5.50 per kilolitre;

*Community Wastewater Management System (CWMS)*

3. Pursuant to Section 155 of the Local Government Act 1999, the Council declares an annual service charge based on the nature of the service for the financial year ending 30 June 2012, of \$322 on all land within the Council's area to which it provides or makes available the prescribed service known as the Lock Community Wastewater Management System (CWMS).

*Payment of Rates*

Pursuant to Section 181 (2) of the Local Government Act 1999, resolves that all rates (including charges) are payable in four equal or approximately equal instalments as follows:

- first instalment, payable on 30 September 2011;
- second instalment, payable on 16 December 2011;
- third instalment, payable on 16 March 2012; and
- fourth instalment, payable on 15 June 2012.

Ratepayers, however, may elect to pay the total 2011-2012 rates in full by 16 December 2011, subject to Council receiving written advice prior to 23 September 2011, from the ratepayer of their intention to utilise this option.

S. WOOLLEY, Acting Chief Executive Officer

## DISTRICT COUNCIL OF GRANT

## FIRE AND EMERGENCY SERVICES ACT 2005

*Schedule 11—Regulation 34 Declaration*

NOTICE is hereby given of the 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 Fire and Emergency Services Act 2005, the District Council of Grant 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:

1. Willow Vale Camping Park, Part Section 439, Hundred of Gambier, Princes Highway, Glenburnie.
2. Pine Country Caravan Park, Lot 102 in DP14360 (Part Section 548), Hundred of Blanche, Kilsby Road, Moorak.
3. Port MacDonnell Foreshore Tourist Park, Part Section 684, Hundred of MacDonnell, Eight Mile Creek Road, Port MacDonnell.
4. Foreshore Reserve from Hammonds Drain to the western end of Tenterden Reserve, Hundred of MacDonnell, Sea Parade, Port MacDonnell.
5. Lions Park Reserve, Lot 3 in DP51387 (Part Section 817), Hundred of MacDonnell, corner of Sea Parade and Compton Street, Port MacDonnell.
6. Port MacDonnell Sporting Grounds, Section 866, Hundred of MacDonnell, Elizabeth Street, Port MacDonnell.
7. Donovans Landing between the Boat Ramp and Boat Slipway, Sections 875 and 877, Hundred of Caroline, Donovans.
8. Unger Recreation Reserve, Section 612, Hundred of Kogorong, Hammer Parade, Blackfellows Caves.

9. Kongorong Sports Grounds, Lot 2 in DP62872 (Part Section 519) and Sections 530 and 537, Hundred of Kongorong, School Road, Kongorong.

10. Tarpeena Sports Grounds, Lot 2, Part Section 374, Hundred of Mingbool, Edward Street, Tarpeena.

This notice operates 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.

R. J. PEATE, Chief Executive Officer

#### DISTRICT COUNCIL OF MOUNT REMARKABLE

##### *Adoption of Valuations and Declaration of Rates*

NOTICE is hereby given that the District Council of Mount Remarkable at a special meeting held on 17 August 2011, adopted for rating purposes for the financial year ending 30 June 2012, pursuant to Section 167 (2) (a) of the Local Government Act 1999, the Valuer-General's most recent valuations of land available to the Council, being the site valuations of land totalling \$361 499 880 and specified that the 17 August 2011, shall be the day as and from when the Valuer-General's valuation shall become the valuation of the Council.

##### *Declaration of Rates*

In order to raise the amount of \$2 025 132 that is required to be raised in rates, the Council declared:

1. That differential general rates pursuant to Section 156 (1) (c) of the Local Government Act 1999, be declared as follows:

- (a) in respect of land situated outside of townships as follows:
  - (i) 0.333 cents in the dollar on rateable land of Category 1 use;
  - (ii) 2.4 cents in the dollar on rateable land of Categories 2 and 3 uses;
  - (iii) 4.8 cents in the dollar on rateable land of Category 4 use;
  - (iv) 5.7 cents in the dollar on rateable land of Categories 5 and 6 uses;
  - (v) 0.332 cents in the dollar on rateable land of Categories 7 and 8 uses; and
  - (vi) 10.18 cents in the dollar on rateable land of Category 9 use;
- (b) in respect of land uses within townships as follows:
  - (i) in the township of Appila:
    - 3.9 cents in the dollar on rateable land of Categories 1, 7 and 8 uses;
    - 3.0 cents in the dollar on rateable land of Categories 2, 3, 4, 5 and 6 uses; and
    - 8.0 cents in the dollar on rateable land of Category 9 use;
  - (ii) in the township of Booleroo Centre:
    - 1.9 cents in the dollar on rateable land of Categories 1, 7 and 8 uses;
    - 3.3 cents in the dollar on rateable land of Categories 2 and 3 uses;

- 2.3 cents in the dollar on rateable land of Category 4 use;
  - 3.2 cents in the dollar on rateable land of Categories 5 and 6 uses; and
  - 4.6 cents in the dollar on rateable land of Category 9 use;
- (iii) in the townships of Bruce, Hammond, Mookra and Willowie:
    - 1.4 cents in the dollar on rateable land of Categories 1, 7 and 8 uses;
    - 3.0 cents in the dollar on rateable land of Categories 2, 3, 4, 5 and 6 uses; and
    - 15.0 cents in the dollar on rateable land of Category 9 use;
  - (iv) in the township of Melrose:
    - 0.625 cents in the dollar on rateable land of Categories 1, 7 and 8 uses;
    - 1.15 cents in the dollar on rateable land of Categories 2 and 3 uses;
    - 2.6 cents in the dollar on rateable land of Categories 4, 5 and 6 uses; and
    - 3.2 cents in the dollar on rateable land of Category 9 use;
  - (v) in the township of Murray Town:
    - 1.2 cents in the dollar on rateable land of Categories 1, 7 and 8 uses;
    - 3.0 cents in the dollar on rateable land of Categories 2, 3, 4, 5 and 6 uses; and
    - 6.2 cents in the dollar on rateable land of Category 9 use;
  - (vi) in the township of Port Flinders:
    - 0.43 cents in the dollar on all rateable land;
  - (vii) in the township of Port Germein:
    - 0.52 cents in the dollar on rateable land of Categories 1, 7 and 8 uses;
    - 0.9 cents in the dollar on rateable land of Categories 2 and 3 uses;
    - 1.05 cents in the dollar on rateable land of Categories 4, 5 and 6 uses; and
    - 1.8 cents in the dollar on rateable land of Category 9 use;
  - (viii) in the township of Wirrabara:
    - 2.55 cents in the dollar on rateable land of Categories 1, 7 and 8 uses;
    - 3.5 cents in the dollar on rateable land of Categories 2 and 3 uses;
    - 4.0 cents in the dollar on rateable land of Category 4 use;
    - 6.0 cents in the dollar on rateable land of Categories 5 and 6 uses; and
    - 7.0 cents in the dollar on rateable land of Category 9 use;
  - (ix) in the township of Wilmington:
    - 0.92 cents in the dollar on rateable land of Categories 1, 7 and 8 uses;
    - 1.7 cents in the dollar on rateable land of Categories 2 and 3 uses;
    - 3.9 cents in the dollar on rateable land of Categories 4, 5 and 6 uses; and
    - 3.3 cents in the dollar on rateable land of Category 9 use.

2. That a fixed charge component of the general rate of \$235 be imposed upon each assessment in accordance with Section 152 (1) (c) of the Local Government Act 1999.

#### *Separate Rates*

##### *Natural Resources Management Levy*

Pursuant to the provisions of Section 95 of the Natural Resources Management Act 2004 and Section 154 of the Local Government Act 1999, Council declared a separate rate of 0.121 cents in the dollar on the site value of all rateable land in the area of the Council to raise the amount of \$79 958 payable to the Northern and Yorke Natural Resources Management Board.

Pursuant to the provisions of Section 95 of the Natural Resources Management Act 2004 and Section 158 of the Local Government Act 1999, that Council fixes a minimum amount payable by way of this separate rate of \$37.50.

##### *Hall Separate Rate*

That for a period of one year (being the third of a total of five years), Council declared a separate rate pursuant to Section 154 of the Local Government Act 1999, for the purpose of maintaining the structural stability and improving the building maintenance program of District Halls within the townships of Appila, Booleroo Centre, Bruce, Hammond, Melrose, Murray Town, Port Germein, Willowie, Wilmington and Wirrabara.

A fixed charge of \$13 was declared for this purpose on all rateable land in the area of the Council with the following parts of the Council area being excluded:

- the township of Port Flinders;
- that part of the Hundred of Winninowie, north of the Microwave Tower Road and west of the eastern boundaries of Sections 227, 60, 70, 133, 231, 52, 46, 214, 131, 41 and 44; and
- that part of the Hundred of Woolundunga, east of the western boundary of Sections 264, 267, 23, 928, 24, 281, 611, 295, 294, 241 and 355.

#### *Annual Service Charges*

1. Pursuant to Section 155 of the Local Government Act 1999 and in accordance with the CWMS Property Units Code as provided at Regulation 9A of the Local Government (General) Regulations 1999, declared an annual service charge for the collection, treatment and disposal of wastewater in respect of all assessments within the townships of Wilmington, Melrose and Booleroo Centre to which Council makes available a Community Wastewater Management Scheme and for each of the seven assessments of land associated with the Port Germein mini Community Wastewater Management Scheme. The Service Charges shall be:

Wilmington:

\$400 per unit on each assessment of land;

Melrose:

\$400 per unit on each assessment of land;

Booleroo Centre:

\$400 per unit on each assessment of occupied land;

Port Germein:

\$400 per unit on each of the seven assessments of land.

2. Pursuant to Section 155 of the Local Government Act 1999, Council declares an annual service charge of \$157.60 for waste management, on:

(a) all occupied properties in the defined townships of Appila, Booleroo Centre, Hammond, Melrose, Murray Town, Port Germein, Port Flinders, Willowie, Wilmington and Wirrabara; and

(b) all land outside of the townships abutting the defined collection route on which a habitable dwelling exists.

3. Pursuant to Section 155 of the Local Government Act 1999, Council declares an annual service charge of \$272 per annum on each assessment of land within the township of Port Flinders to which Council makes available the Port Flinders Water Supply and Council declares a service charge of \$2.75 per kilolitre for each kilolitre of water supplied, and that these service charges also apply to non-rateable land to which the service is made available.

#### *Payment of Rates*

Pursuant to Section 181 (2) (a) of the Local Government Act 1999, Council declared that all rates will be payable in four equal or approximately equal instalments and that the due date for those instalments will be 29 September 2011, 15 December 2011, 15 March 2012 and 14 June 2012.

S. R. CHERITON, Chief Executive Officer

#### NORTHERN AREAS COUNCIL COUNCIL DEVELOPMENT ASSESSMENT PANEL

#### *Appointment of Public Officer*

NOTICE is hereby given that pursuant to Section 56A (22) of the Development Act 1993, Northern Areas Council at its meeting held on 16 August 2011, appointed Roger Crowley, Chief Executive Officer, as Public Officer of the Council Development Assessment Panel.

Public Officer contact details:

P.O. Box 120  
Jamestown, S.A. 5491  
Telephone: (08) 8664 1139

R. CROWLEY, Chief Executive Officer

#### DISTRICT COUNCIL OF ROBE

#### *Assignment of Road Name*

NOTICE is hereby given that a meeting of the District Council of Robe held on Tuesday, 9 August 2011, Council pursuant to Section 219 of the Local Government Act 1999, assigned the following road name:

Maddison Court—the road running south-west of O'Halloran Street, Robe.

B. HENDER, Chief Executive Officer

#### DISTRICT COUNCIL OF YORKE PENINSULA DEVELOPMENT ACT 1993

#### *Yorke Peninsula Council Development Plan Better Development Plan (BDP) and General Development Plan Amendment— Draft For Public Consultation*

NOTICE is hereby given that the Yorke Peninsula Council Better Development Plan (BDP) and General Development Plan Amendment (DPA) has been prepared by Council under the provisions of the Development Act 1993 and is now available for comment.

The draft Development Plan Amendment (DPA) amends the existing Development Plan in order to bring the Plan into line with the Better Development Plan (BDP) format released by the Department of Planning and Local Government. The DPA will result in a re-created Development Plan that will be easier to navigate and comprehend and thereby help improve the clarity and understanding of its policy.

The policy content of the current Development Plan has been compared against the equivalent BDP Planning Policy Library modules to ensure that the adopted BDP-based Development Plan is reflective of, and captures, the substance of the existing Development Plan's policy framework.

The DPA also introduces limited land use/zoning boundary changes largely as a result of re-creating the existing Development Plan policy into BDP format. However, the draft proposes some new re-zoning, namely the deletion of most of the existing Home Industry Zone and the creation of a new Coastal Settlement Zone.

The draft Development Plan Amendment and Investigations will be available for public inspection from Thursday, 25 August 2011 until Friday, 28 October 2011, during normal office hours at the Yorke Peninsula Council Offices, Maitland (8 Elizabeth Street), Minlaton (18 Main Street), Yorketown (15 Edithburgh Road) and at Warooka (Player Street), as well as being accessible on Council's website at [www.yorke.sa.gov.au](http://www.yorke.sa.gov.au). A copy of the Development Plan Amendment can be downloaded free of cost from Council's website or a hard copy purchased from the Council office at Minlaton only for \$150 (full colour) or for \$50 (black-and-white only), or a CD-ROM copy purchased for \$5.

Written submissions regarding the draft amendment will be accepted by the Council until 5 p.m. on Friday, 28 October 2011. All submissions should be addressed to Council's Chief Executive Officer, District Council of Yorke Peninsula, P.O. Box 88, Minlaton, S.A. 5575. The written submission should clearly indicate whether you will wish to speak at the public meeting on your submission.

Copies of all written submissions received will be available for inspection by interested persons at the Council office at Minlaton only from Monday, 31 October 2011 until the date of the public meeting. A public meeting may be held if required at the Minlaton Town Hall, 57 Main Street, Minlaton on Wednesday, 2 November 2011 commencing at 7 p.m.

The public meeting may not be held if no submission indicates an interest in speaking at the public hearing.

Dated 25 August 2011.

A. CAMERON, Chief Executive Officer

#### PARTNERSHIP ACT 1891-1975

##### *Notice of Discontinuance of Partnership*

TAKE notice that as from 12 August 2011, the partnership of Guillaume Blanc, c/o bbs Lawyers, Level 4, 420 King William Street, Adelaide, S.A. 5000 and Eun-Sun Kim, c/o Harry Alevizos, Barrister & Solicitor, P.O. Box 309, Goodwood, S.A. 5034 who traded as Au Matin Calme was dissolved.

Eun-Sun Kim has retired from the partnership.

Guillaume Blanc will continue to operate the business under the name of Au Matin Calme and shall be responsible for all debts and liabilities thereof.

Dated 12 August 2011.

EUN-SUN KIM

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

*Bridger, Betty Jean*, late of 5 Atlanta Street, Elizabeth East, retired battery maker, who died on 8 June 2011.

*Brown, Gordon John*, late of Old Princes Highway, Blakiston, retired police officer, who died on 23 May 2011.

*Dixon, Jean Susan*, late of 55-61 Kintore Street, Mile End, home duties, who died on 26 March 2011.

*Elwood, Gary Charles*, late of 13-15 Ballater Avenue, Campbelltown, of no occupation, who died on 11 March 2011.

*Grimes, Cora*, late of 25 Roopena Street, Ingle Farm, of no occupation, who died on 27 May 2011.

*Hawke, Gisela*, late of Supple Road, Waterloo Corner, home duties, who died on 25 April 2011.

*Holly, Tasma*, late of 17 Sheringa Avenue, Ingle Farm, home duties, who died on 31 January 2011.

*Jarrad, Gerald*, late of 111 Jubilee Highway West, Mount Gambier, retired stacker, who died on 29 May 2011.

*Morris, Lily Sophia Lee*, late of Grainger Road, Somerton Park, married woman, who died on 14 June 2011.

*Robinson, Alfred Ebenezer*, late of 18 Cross Road, Myrtle Bank, retired foundry manager, who died on 12 June 2011.

*Siciliano, Adalgisia*, late of 565 Lower North East Road, Campbelltown, retired tailoress, who died on 8 April 2011.

*Smith, George Raymond*, late of 53 Swanport Road, Murray Bridge, of no occupation, who died on 25 March 2000.

*Stone, David John*, late of 21A Galway Crescent, Salisbury Downs, of no occupation, who died on 16 January 2011.

*Wing, Dulcie Mena*, late of 61 Silkes Road, Paradise, widow, who died on 31 May 2011.

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 Office of Public Trustee, G.P.O. Box 1338, Adelaide, S.A. 5001, full particulars and proof of such claims, on or before 23 September 2011, otherwise they will be excluded from the distribution of the said estates; and notice is also hereby given that all persons 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 same to the Public Trustee.

Dated 25 August 2011.

D. A. CONTALA, Public Trustee

#### SALE OF PROPERTY

Auction Date: Thursday, 6 October 2011 at 12 p.m.

Location: Evans & Clarke, 616 Torrens Road, Woodville North.

NOTICE is hereby given that on the above date at the time and place stated, by virtue of Orders for Sale issued by the Fines Payment Unit of South Australia, Penalty No. EXREG 11/28026-1 and others, are directed to the Sheriff of South Australia in an action wherein Angelo Svigos is the Defendant, I, Mark Stokes, Sheriff of the State of South Australia, will by my auctioneers, Evans & Clarke make sale of the following:

Semi Tipper Trailer  
Registration Number: VDJ 259

Dog Semi Trailer  
Registration Number: TDW 889

#### SALE OF PROPERTY

Auction Date: Saturday, 17 September 2011 at 10 a.m.

Location: Auctionblue, 15 Kingston Avenue, Richmond.

NOTICE is hereby given that on the above date at the time and place stated, by virtue of Orders for Sale issued by the Fines Payment Unit of South Australia, Penalty No. EXREG 02/46112-1 and others, are directed to the Sheriff of South Australia in an action wherein Ernst Abraham Siewertsz van Reesema is the Defendant, I, Mark Stokes, Sheriff of the State of South Australia, will by my auctioneers, Auctionblue make sale of the following:

2002 Daewoo Nubria Sedan  
Registration Number: S649 AKF



# 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.

For any corrections to your notice please phone 8207 1045 or Fax 8207 1040 **before** 4 p.m. on Wednesday.

If we do not receive any communication by 10 a.m. on Thursday (day of publication) we will presume the notice is correct and will print it as it is.

**Remember**—the onus is on you to inform us of any corrections necessary to your notice.

**NOTE: Closing time for lodging new copy (electronically, fax or hard copy) is 4 p.m. on Tuesday preceding the day of publication.**

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