



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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

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ADELAIDE, THURSDAY, 17 NOVEMBER 2016

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## GOVERNMENT GAZETTE NOTICES

Notices for publication in the *South Australian Government Gazette* should be emailed to [governmentgazette@dpc.sa.gov.au](mailto:governmentgazette@dpc.sa.gov.au). Content should be sent as Word format attachment(s). Covering emails should include the date the notice is to be published and to whom the notice will be charged. *Closing time for lodgement is 4 p.m. on the Tuesday preceding the regular Thursday publication.* Gazette enquiries to: *Phone 8207 1045.* The *Government Gazette* is available online at: [www.governmentgazette.sa.gov.au](http://www.governmentgazette.sa.gov.au).

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Department of the Premier and Cabinet  
Adelaide, 17 November 2016

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

Member: (from 17 November 2016 until 16 November 2019)  
Eva Balan-Vnuk.

By command,

KYAM JOSEPH MAHER, for Premier

ASACAB006-02

Department of the Premier and Cabinet  
Adelaide, 17 November 2016

HER Excellency the Governor's Deputy 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 17 November 2016 until 16 November 2019)  
John Irving.

Presiding Member: (from 17 November 2016 until 16 November 2019)  
John Irving.

By command,

KYAM JOSEPH MAHER, for Premier

ASACAB005-11

Department of the Premier and Cabinet  
Adelaide, 17 November 2016

HER Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Training Centre Review Board, pursuant to the provisions of the Young Offenders Act 1993:

Member: (from 17 November 2016 until 16 November 2019)  
Tiffany Downing.

Deputy Member: (from 17 November 2016 until 16 November 2019)  
Fiona Jane Curnow (Deputy to Downing).

Deputy Member: (from 17 November 2016 until 7 August 2019)  
Jasmine Tonkin (Deputy to Reid).

By command,

KYAM JOSEPH MAHER, for Premier

AGO0135/16CS

Department of the Premier and Cabinet  
Adelaide, 17 November 2016

HER Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Ian Keith Hunter, MLC, Minister for Sustainability, Environment and Conservation, Minister for Water and the River Murray and Minister for Climate Change to be also as Acting Minister for Education and Child Development and Acting Minister for Higher Education and Skills for the period from 17 December 2016 until 24 December 2016 inclusive, during the absence of the Honourable Susan Elizabeth Close, MP.

By command,

KYAM JOSEPH MAHER, for Premier

DPC16/097CS

Department of the Premier and Cabinet  
Adelaide, 17 November 2016

HER Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Martin Leslie James Hamilton-Smith, MP, Minister for Investment and Trade, Minister for Small Business, Minister for Defence Industries and Minister for Veterans' Affairs to be also as Acting Minister for Regional Development and Acting Minister for Local Government for the

period from 19 December 2016 until 15 January 2017 inclusive, during the absence of the Honourable Geoffrey Graeme Brock, MP.

By command,

KYAM JOSEPH MAHER, for Premier

DPC16/097CS

Department of the Premier and Cabinet  
Adelaide, 17 November 2016

HER Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Peter Bryden Malinauskas, MLC, Minister for Police, Minister for Correctional Services, Minister for Emergency Services and Minister for Road Safety to be also as Acting Minister for Transport and Infrastructure and Acting Minister for Housing and Urban Development for the period from 23 December 2016 until 15 January 2017 inclusive, during the absence of the Honourable Stephen Campbell Mullighan, MP.

By command,

KYAM JOSEPH MAHER, for Premier

DPC16/097CS

Department of the Premier and Cabinet  
Adelaide, 17 November 2016

HER Excellency the Governor's Deputy in Executive Council has been pleased to appoint the Honourable Leesa Anne Vlahos, MP, Minister for Disabilities and Minister for Mental Health and Substance Abuse to be also Acting Minister for Investment and Trade, Acting Minister for Small Business, Acting Minister for Defence Industries and Acting Minister for Veterans' Affairs for the period from 20 November 2016 to 26 November 2016 inclusive, during the absence of the Honourable Martin Leslie James Hamilton-Smith, MP.

By command,

KYAM JOSEPH MAHER, for Premier

16MINT/845CS

Department of the Premier and Cabinet  
Adelaide, 17 November 2016

HER Excellency the Governor's Deputy in Executive Council has been pleased to appoint Kathleen Patricia McEvoy to the position of Presiding Commissioner of the Public Sector Grievance Review Commission for a term commencing on 17 November 2016 and expiring on 23 November 2017, pursuant to Schedule 2 of the Public Sector Act 2009.

By command,

KYAM JOSEPH MAHER, for Premier

MPS0029/16CS

Department of the Premier and Cabinet  
Adelaide, 17 November 2016

HER Excellency the Governor's Deputy in Executive Council has been pleased to appoint the people listed as sessional Ordinary Members of the South Australian Civil and Administrative Tribunal for a period of three years commencing on 17 November 2016 and expiring on 16 November 2019, pursuant to the provisions of the South Australian Civil and Administrative Tribunal Act 2013:

Richard Mark Armour  
Candida Jane D'Arcy  
Ashley David Files  
Timothy David Griffin  
Marten Thomas Kennedy  
Richard Roland Schroeder  
Edward Stratton-Smith

By command,

KYAM JOSEPH MAHER, for Premier

AGO0136/16CS

Department of the Premier and Cabinet  
Adelaide, 17 November 2016

HER Excellency the Governor's Deputy in Executive Council has been pleased to appoint, by Notice in the *Government Gazette* the people listed in the Notice as Justices of the Peace for South Australia, upon the terms and conditions set out in the Notice, pursuant to Section 4 of the Justices of the Peace Act 2005.

NOTICE OF APPOINTMENT OF JUSTICES OF THE PEACE FOR  
SOUTH AUSTRALIA

*Pursuant to Section 4 of the Justices of the Peace Act 2005*

I, the Governor's Deputy in Executive Council, hereby appoint the people listed as Justices of the Peace for South Australia for a period of ten years commencing from 17 November 2016 and expiring on 16 November 2026, it being a condition of appointment that the Justices of the Peace must take the oaths required of a Justice under the Oaths Act 1936 and return the oaths form to the Justice of the Peace Services within three months of the date of appointment.

Joanne Rosalie Arnold  
Ashley Wayne Bennett  
Julie Anne Brown  
Jenny Louise Bruce  
Annette Ruth Bryan  
Emily Anne Buddle  
Kiera Leanne Butterworth  
John Bruno Carbine  
Simon De Bortoli  
Kay Louise Digby  
Mia Nicole Dohnt  
Stewart Anthony Duncan  
Dale Ross Elliott  
Terry Arthur Francis  
Thomas James Garland  
Kimberley Jane Gestl  
Jarred Luke Gilbert  
Philip Adrian Greco  
Nanette Halliday  
Christopher Edward Hare  
Anthony Wing Cheong Houey  
Suzanne Maree Horsnell  
Mieke Isabel  
Marija Lee  
Jason Andrew McArthur  
Lisa Nicole Martin  
Jessica Anne O'Keefe  
Stella Chigoziri Okoro  
Rodney Kenneth Parnell  
Bennett Andreas Alexander Reisinger  
Brian Joseph Roberts  
Maninderbir Singh  
Angela Candida Penelope Smith  
Denise Ann Walker  
Ian Douglas Wallage  
Sheryn Leanne Whitfield  
Thomas Samuel Judd Whittenbury  
Danny Gordon Wood

By command,

KYAM JOSEPH MAHER, for Premier

JP16/022CS

AGRICULTURAL AND VETERINARY PRODUCTS  
(CONTROL OF USE) REGULATIONS 2004

*Approval of Quality Assurance Schemes*

NOTICE is hereby given that pursuant to Regulation 7 (2) of the Agricultural and Veterinary Products (Control of Use) Regulations 2004, the Quality Assurance Scheme listed in Column A is approved by the Minister for Agriculture, Food and Fisheries for the specified crop listed opposite in Column B. A person is an accredited participant of a particular scheme only if he or she satisfies the requirements specified in Column C.

Column A	Column B	Column C
A scheme established by the Freshcare Food Safety & Quality Edition 4—Code of Practice (FSQ4), published by Freshcare Ltd, N.S.W. Australia.	Carrot	A current certification of Freshcare for the supply of a crop of a kind for which the scheme is approved, issued by Freshcare Ltd.

Dated 15 November 2016.

N. SECOMB, Acting Chief Inspector,  
(Plant Health Act 2009) for and on behalf of  
LEON BIGNELL, Minister for  
Agriculture, Food and Fisheries

FISHERIES MANAGEMENT ACT 2007

NOTICE is hereby given pursuant to Section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by Officers of the Department of Primary Industries and Regions SA, Fisheries and Aquaculture at Semaphore Jetty on 9 November 2016:

2 Crab Drop nets, with rope attached.

The above items were suspected to have been used, or intended to be used, in contravention of the Fisheries Management Act 2007, and were taken into possession at Semaphore Jetty.

After the expiration of one month from the date of this notice the items listed above shall, on the order of the Minister for Agriculture, Food and Fisheries, be forfeited to the Crown and shall be either disposed of by sale or destruction.

The above items may be viewed at the Largs North office of the Department of Primary Industries and Regions SA, Fisheries and Aquaculture.

Dated 15 November 2016.

B. BALMER, Prosecutions Co-ordinator

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to Section 115 of the Fisheries Management Act 2007, Damien Wilksch of 137 Dunk Road, Cadell, S.A. 5321 (the 'exemption holder'), holder of River Fishery Licence Number R03, is exempt from Sections 53 (2) and 70 of the Fisheries Management Act 2007 and Regulation 7 and Clause 6 of Schedule 6 and Schedule 7 of the Fisheries Management (General) Regulations 2007, but only insofar as he may use the device described in Schedule 1 to take Carp, Bony Bream and other non-native species in the areas specified in Schedule 2 for the purpose of trade or business (the 'exempted activity'), subject to the conditions set out in Schedule 3, from 8 November 2016 until 8 November 2017, unless varied or revoked earlier.

SCHEDULE 1

'Carp net'—a gill net with a ply greater than 5, having a maximum length of 50 metres and a minimum mesh size of 10 centimetres and a maximum mesh size not exceeding 18 centimetres.

SCHEDULE 2

- (1) Subject to paragraph (2), the licence holder of licence R03 may conduct fishing activities pursuant licence R03 in all backwaters of the River Murray excluding the following areas during the corresponding period set out in the following table:

Area Excluded	Period of Closure
Lake Littra and outflow channel	Permanent—all year
Clover Lake	Permanent—all year
Coombool Swamp	Permanent—all year
Lake Limbra and outflow channel	Permanent—all year
Lake Woolpolool	Permanent—all year
Ral Ral Creek below Chaffey Pump and entrance waters to Lake Merreti	Permanent—all year
Katarapko Creek and Eckert Creek, including The Splash	Permanent—all year

<i>Area Excluded</i>	<i>Period of Closure</i>
Bulyong Creek	Permanent—all year
Pilby Creek	Permanent—all year
Hancock Creek	Permanent—all year
Mundic Creek	Permanent—all year
Pike River	Permanent—all year
Punkah Creek	Permanent—all year
Slaney Creek	Permanent—all year
Loch Luna	Permanent—all year
Cobdogla Swamp	1 August to 30 April (inclusive)
Loveday Swamp/Mussel lagoons	1 August to 30 April (inclusive)
Lake Merreti	1 August to 31 January (inclusive)

- (2) The holder of licence R03 may conduct fishing operations within the closure areas and periods listed above if given written approval by the Director of Fisheries and Aquaculture Policy to undertake specified carp eradication work in a specified area for a specified period.

#### SCHEDULE 3

1. The exemption holder must not use more than thirty (30) carp nets at any one time in permitted backwaters of the River Murray.

2. The exemption holder must not have more than 30 carp nets in his possession at any time when deploying carp nets in the backwaters of the River Murray.

3. The exemption holder may only engage in the exempted activity while fishing pursuant to River Fishery licence number R03, and may only use a boat to engage in the exempted activity if that boat is registered by endorsement on River Fishery licence number R03.

4. The exemption holder must not cause or permit a person to act as his agent when engaging in the exempted activity unless that person may lawfully act as an agent for the exemption holder in relation to River Fishery licence number R03.

5. All native fish (excluding Bony Bream and Yabbies) taken in the course of the exempted activity must be immediately returned to the water.

6. Immediately prior to commencing the exempted activity, the exemption holder must contact the PIRSA Fishwatch on 1800 065 522 and provide the following details:

- The licence number and person(s) conducting the activity.
- The exact location(s) of the fishing activities.
- The number of carp nets being used.
- Exemption number ME9902890.

7. The exemption holder must ensure that the carp nets are checked and all fish removed at least once during each 24 hour period.

8. When the exemption holder moves the carp nets more than 3 kilometres from the reported location of the nets under Condition 6, or removes the nets from the river completely, the exemption holder must again report to PIRSA Fishwatch on 1800 065 522 and provide either details, as required under Condition 6 of this exemption notice, or report that fishing with carp nets has ceased.

9. 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 Fisheries Officer as requested.

10. 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 7 November 2016.

S. SLOAN, Director,  
Fisheries and Aquaculture Policy

#### FISHERIES MANAGEMENT ACT 2007: SECTION 115

##### *Exemption Number ME9902902*

TAKE notice that pursuant to Section 115 of the Fisheries Management Act 2007, Mohammad Sadequr Rahman Khan, 3/27 Macdonald Street, Lakemba, N.S.W. 2195, (the 'exemption holder'), or a person acting as his agent, is exempt from Section 70 of the Fisheries Management Act 2007, Regulation 7 and Clause 118 of Schedule 6 of the Fisheries Management (General) Regulations 2007 but only insofar as the exemption holder shall not be guilty of an offence when engaging in the taking of cushion sea stars (*Parvulastra parvivipara*) from rocky reef areas of the waters specified in Schedule 1 (the 'exempted activity') subject to the conditions specified in Schedule 2, from 12 November 2016 until 12 November 2017, unless varied or revoked earlier.

#### SCHEDULE 1

In the intertidal zone contained within and bounded by a line at a radius of 2 km from the following navigation points:

- longitude 133°44'11.3"E, latitude 32°12'27.4"S (Whittlebee Point);
- longitude 133°40'46.4"E, latitude 32°12'11.2"S (Cape Vivonne);
- longitude 133°56'44.9"E, latitude 32°22'57.1"S (Smoky Bay);
- longitude 133°52'03.0"E, latitude 32°32'13.1"S (Point Brown); and
- longitude 134°12'06.5"E, latitude 32°47'46.5"S (Streaky Bay).

#### SCHEDULE 2

1. A maximum number of 100 individual cushion sea stars (*Parvulastra parvivipara*) are permitted to be collected, pursuant to this exemption, with a maximum of 50 specimens to be collected from any one site, depending on abundance.

2. The specimens collected are for research purposes only and must not be sold.

3. Any protected species taken incidentally while undertaking collection under this exemption must be returned to the water as soon as possible.

4. Cushion sea stars (*Parvulastra parvivipara*) taken pursuant to this notice must not be released in any waters of the state if they have been kept separate to their natural environment.

5. The Exemption holder may be assisted by the following nominated agents for the purposes of this exemption:

- Professor Michael B. Thompson; and
- Liz McTaggart.

6. Within 14 days of the collection of organisms pursuant to this notice, the exemption holder must provide a report in writing to the Director Fisheries and Aquaculture Policy, (G.P.O. Box 1625, Adelaide, S.A. 5001), giving the following details:

- the date and time of collection;
- the name and number of each species taken, including any mortalities resulting from collecting or containment;
- locations of collected fish; and
- details of suspected or confirmed disease outbreaks, if any, and of all steps taken in this regard including mandatory reporting.

7. Failure to submit a report as per Condition 7 may result in further exemptions not being supported.

8. At least one hour before conducting research under this exemption, the exemption holder must contact PIRSA Fishwatch on 1800 065 522 and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of this notice in their possession 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 permit holders undertaking the exempted activity and other related questions.

9. The nominated agents of the exemption holder must have a signed copy of this notice when undertaking the exempted activity and be able to produce it to a Fisheries Officer if requested.

10. The exemption holders or a person acting as an agent 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.

This notice does not purport to override the provisions or operation of any other Act including, but not limited to, the Marine Parks Act 2007.

Dated 11 November 2016.

S. SLOAN, Director,  
Fisheries and Aquaculture Policy

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## 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:

Comprising an estate in fee simple in that piece of land being portion of Allotment 2 in Filed Plan No. 11023 comprised in Certificate of Title Volume 5887 Folio 599, being the whole of the land identified as Allotment 11 in D114281 lodged in the Lands Titles Office, subject only to the following in the said Certificate of Title; existing easement(s) as provided for by Section 9 of the Natural Gas Authority Act 1967 and over the land marked 'A' to the Natural Gas Authority of South Australia (T 2989296).

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.

#### *Enquiries*

Enquiries should be directed to:

Carlene Russell,  
G.P.O. Box 1533,  
Adelaide, S.A. 5001  
Telephone: (08) 87424 7031

Dated 14 November 2016.

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

M. ELGAZZAR, Manager,  
Portfolio and Acquisition Services,  
(Authorised Officer)  
Department of Planning,  
Transport and Infrastructure

DPTI 2015/17755/01

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## NATIONAL ELECTRICITY LAW

THE Australian Energy Market Commission (AEMC) gives notice under the National Electricity Law as follows:

Under s 95, Ausgrid, Endeavour Energy and Essential Energy have requested the *Participant derogation—NSW DNSPs Revenue Smoothing* (Ref. ERC0210) proposal. The proposal seeks to allow any revenue adjustment following the Tribunal's decision to be recovered over two regulatory control periods. Submissions must be received by **15 December 2016**.

Under s 95, ActewAGL have requested the *Participant derogation—ACT DNSP Revenue Smoothing* (Ref. ERC0216) proposal. The proposal seeks to allow any revenue adjustment following the Tribunal's decision to be recovered over two regulatory control periods. Submissions must be received by **15 December 2016**.

Submissions can be made via the AEMC's website. Before making a submission, please review the AEMC's privacy statement on its website. Submissions should be made in accordance with the AEMC's *Guidelines for making written submissions on Rule change proposals*. The AEMC publishes all submissions on its website, subject to confidentiality.

Documents referred to above are available on the AEMC's website and are available for inspection at the AEMC's office.

Australian Energy Market Commission  
Level 6, 201 Elizabeth Street,  
Sydney, N.S.W. 2000  
Telephone: (02) 8296 7800  
[www.aemc.gov.au](http://www.aemc.gov.au)

17 November 2016.

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## NATIONAL GAS LAW

THE Australian Energy Market Commission (AEMC) gives notice under the National Gas Law as follows:

Under s 308, the making of a draft determination and related draft rule on the *Gas day harmonisation* (Ref. GRC0036) proposal. Written requests for a pre-determination hearing must be received by **24 November 2016**. Submissions must be received by **12 January 2017**.

Submissions can be made via the AEMC's website. Before making a submission, please review the AEMC's privacy statement on its website. Submissions should be made in accordance with the AEMC's *Guidelines for making written submissions on Rule change proposals*. The AEMC publishes all submissions on its website, subject to confidentiality.

Written requests should be sent to [submissions@aemc.gov.au](mailto:submissions@aemc.gov.au) and cite the reference in the title. Before sending a request, please review the AEMC's privacy statement on its website.

Documents referred to above are available on the AEMC's website and are available for inspection at the AEMC's office.

Australian Energy Market Commission  
Level 6, 201 Elizabeth Street,  
Sydney, N.S.W. 2000  
Telephone: (02) 8296 7800  
[www.aemc.gov.au](http://www.aemc.gov.au)

17 November 2016.

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## NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2016

### *National Parks and Wildlife Reserves—Fire Restrictions*

PURSUANT to Regulation 15 of the National Parks and Wildlife (National Parks) Regulations 2016, I, Grant Anthony Pelton, as Director, Regional Programs, Parks and Regions, formerly entitled Director, Regional Co-ordination, Partnerships and Stewardships, authorised delegate of the Director of National Parks and Wildlife, impose the following fire restrictions for Deep Creek Conservation Park, located in the South Australian Country Fire Service Mount Lofty Ranges Fire Ban District:

All wood fires or solid fuel fires are prohibited from 18 November 2016 to 30 April 2017.

The purpose of this fire restriction is to ensure the safety of the public using the Park and in the interests of protecting it and neighbouring properties.

Dated 11 November 2016.

G. A. PELTON, Director,  
Regional Programs, Parks and Regions,  
Department of Environment, Water and Natural Resources

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## NATURAL RESOURCES MANAGEMENT ACT 2004

*Notice of Intent to Revoke the Proclamation of Underground Water in the Noora Proclaimed Region, Pursuant to Section 125 of the Natural Resources Management Act 2004*

I, IAN HUNTER, Minister for Sustainability, Environment and Conservation in the State of South Australia, hereby give notice that I propose to recommend to the Governor that he revoke by regulation, pursuant to Section 125 of the Natural Resources Management Act 2004, the proclamation of the Noora Proclaimed Region, published in the *Gazette* on 9 January 1986.

It is proposed to revoke the proclamation of the Noora Proclaimed Region (also known as the Noora Prescribed Wells Area) because it is no longer necessary for the proper management of the resource to which it applies. This is because the purposes of the Water Allocation Plan for the Noora Prescribed Wells Area are proposed to be achieved through amendments to the water management provisions of the South Australian Murray Darling Basin Natural Resources Management Plan.

I invite all interested persons to make written submissions to me in relation to this proposal. The closing date for submissions is 24 February 2017.

All submissions and enquiries should be addressed to:

The Hon Ian Hunter MLC,  
Minister for Sustainability, Environment and Conservation,  
c/o Lisa Stribley,  
Principal Policy Officer,  
Water and Climate Change Branch,  
Department of Environment, Water and Natural Resources,  
G.P.O. Box 1047,  
Adelaide, S.A. 5001.  
Telephone: (08) 8463 7947  
Email: [DEWNR.Water@sa.gov.au](mailto:DEWNR.Water@sa.gov.au)  
Web: [www.naturalresources.sa.gov.au/noora-WAP](http://www.naturalresources.sa.gov.au/noora-WAP)

Dated 14 November 2016.

IAN HUNTER, Minister for Sustainability,  
Environment and Conservation

## NOTICE TO MARINERS

No. 35 OF 2016

*South Australia—River Murray Locks and Weirs—Navigation Changes and Hazards*

SA WATER advises mariners of the need to operate with caution in the vicinity of locks and weirs on the River Murray. A number of the weirs now have their navigation passes opened in response to the current higher flow conditions. Mariners are advised to use caution when traversing the navigation passes as flow rates will typically increase in the vicinity of the weir and currents may influence boat handling. Where the navigation pass is opened for vessels, the lock chamber gates will also be fully opened for water flows but should not be used for vessel traffic.

As flow rates in the River Murray reduce the navigation passes will be reinstated with the locks being returned to service following the reinstatement works.

More information on individual lock and weir navigation can be obtained from: <http://www.sawater.com.au/community-and-environment/the-river-murray>

Adelaide 9 November 2016.

STEPHEN MULLIGHAN,  
Minister for Transport and Infrastructure

DPTI 2016/01670/01  
[www.dpti.sa.gov.au](http://www.dpti.sa.gov.au)

## PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Temporary Cessation of Suspension  
Petroleum Exploration Licence—PEL 494*

PURSUANT to Section 90 of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the suspension of PEL 494 dated 16 March 2016, has been temporarily ceased under the provisions of the Petroleum and Geothermal Energy Act 2000, for the period 1 November 2016 to 30 November 2016 inclusive, pursuant to delegated powers dated 21 March 2012.

The expiry date of PEL 494 remains as 23 March 2021.

Dated 9 November 2016.

N. PANAGOPOULOS,  
Acting Executive Director,  
Energy Resources Division,  
Department of State Development,  
Delegate of the Minister for Mineral Resources and Energy

[REPUBLISHED]

IN *Government Gazette* No. 72, dated 10 November 2016, on page 4370 in column 7, 'Metro' *should* have read 'Regional'. Please replace this notice with the following notice.

ENVIRONMENT PROTECTION ACT 1993

*Approval of Additional Collection Depot*

I, ANDREA KAYE WOODS, Delegate of the Environment Protection Authority ('the Authority'), pursuant to Section 69 of the Environment Protection Act 1993 (SA) ('the Act') hereby:

*Approval of Additional Collection Depot*

(i) *Approval of Additional Collection Depot:*

Approve the collection depot identified by reference to the following matters, to receive all containers belonging to a class of containers which is, at or subsequent to, the date of this Notice, approved as Category B Containers:

- (a) the name of the collection depot described in Column 1 of Schedule 1 of this Notice;
- (b) the name of the proprietor of the depot identified in Column 2 of Schedule 1 of this Notice;
- (c) the name of the proprietor of the depot identified in Column 3 of Schedule 1 of this Notice; and
- (d) the location of the depot described in Columns 4-7 of Schedule 1 of this Notice.

(ii) *Conditions of Approval:*

Impose the following conditions of these approvals:

- (a) If the Approval Holder's name or postal address (or both) changes, then the Approval Holder must inform the Authority in writing, within 28 days of the change occurring.
- (b) If the collection depot is sold to another party, the Approval Holder must inform the Authority in writing, within 28 days of settlement.
- (c) The Approval Holder who wishes to cease operation of the depot shall notify the Authority in writing no less than 14 days from the date of closing.
- (d) The Approval Holder, or a person acting on his or her behalf, must not pay a refund on, or seek reimbursement for, containers that the Approval Holder, or the person acting on his or her behalf, knows were not purchased in South Australia.
- (e) The Approval Holder must ensure that prominent signage is displayed, detailing the offence and the penalties under Section 69 of the Act, for presenting interstate containers for refund.

SCHEDULE 1

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
Depot Name	Company/Trading Name	Proprietors	Depot Location Street	Depot Location Suburb	Certificate of Title No. Volume/Folio No.	Collection Area
Morgan Recyclables	Morgan Recyclables	Scott Napper and Colleen Anderson-Peters	11 High Street	Morgan	5750/324	Regional

## HOUSING IMPROVEMENT ACT 1940

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

Address of House	Allotment, Section, etc.	Certificate of Title		Date and page of <i>Government Gazette</i> in which notice declaring house to be substandard published
		Volume	Folio	
Flour Mill Road, Aldinga, S.A. 5173 (also known as Lot 50 Main South Road) (previously known as Lot 43, Aldinga Road)	Allotment 51 in Deposited Plan 87801, Hundred of Willunga	5847 6094	491 482	27.7.06, page 2380
112 Park Terrace, Salisbury Plain, S.A. 5109	Allotment 34 in Deposited Plan 7474, Hundred of Yatala	5297	864	20.10.16, page 4052
12 Dodd Place, Ingle Farm, S.A. 5098	Allotment 144 in Deposited Plan 9515, Hundred of Yatala	5279	74	19.5.16, page 1470
145 Julian Road, Macdonald Park, S.A. 5121 (also known as 32)	Allotment 189 in Deposited Plan 23889, Hundred of Munno Para	5910	753	17.12.15, page 5296
Dated at Adelaide, 17 November 2016.		P. REARDON, Director, Property and Contract Management, Housing SA (Delegate SAHT)		

## HOUSING IMPROVEMENT ACT 1940

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

Address of House	Allotment, Section, etc.	Certificate of Title		Date and page of <i>Government Gazette</i> in which notice declaring house to be substandard published	Maximum rental per week payable in respect of each house \$
		Volume	Folio		
62 Coglein Street, Brompton, S.A. 5007	Allotments 29 and 30 in Deposited Plan 795, Hundred of Yatala	3951 5480 5480	181 43 44	1.12.1977, page 2131	153.00
34 Cummins Street, Port Augusta, S.A. 5700	Allotment 4 in Filed Plan 39139, Hundred of Davenport	5665	865	19.8.10, page 4304	286.00
415 North East Road, Hillcrest, S.A. 5086	Allotment 332 in Deposited Plan 4909, Hundred of Yatala	5126	163	3.11.16, page 4298	128.00
14 Kauri Road, Hawthorndene, S.A. 5051	Allotments 93 and 94 in Deposited Plan 3385, Hundred of Adelaide	5719	986	22.9.16, page 3781	298.00
Dated at Adelaide, 17 November 2016.		P. REARDON, Director, Property and Contract Management, Housing SA (Delegate SAHT)			

## HOUSING IMPROVEMENT ACT 1940

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

Address of House	Allotment, Section, etc.	Certificate of Title	
		Volume	Folio
7 Carlow Street, Salisbury Downs, S.A. 5108	Allotment 423 in Deposited Plan 6139, Hundred of Yatala	5627	914
20 Cawrse Street, Davoren Park, S.A. 5113	Allotment 643 in Deposited Plan 7655, Hundred of Munno Para	5280	170
19 Norongo Street, O'Sullivan Beach, S.A. 5166	Allotment 85 in Deposited Plan 7932, Hundred of Noarlunga	5583	568
Dated at Adelaide, 17 November 2016.		P. REARDON, Director, Property and Contract Management, Housing SA (Delegate SAHT)	



South Australia

## Liquor Licensing (Dry Areas) Notice 2016

under section 131(1a) of the *Liquor Licensing Act 1997*

### 1—Short title

This notice may be cited as the *Liquor Licensing (Dry Areas) Notice 2016*.

### 2—Commencement

This notice comes into operation on 31 December 2016.

### 3—Interpretation

(1) In this notice—

*principal notice* means the *Liquor Licensing (Dry Areas) Notice 2015* published in the Gazette on 5.1.15, as in force from time to time.

(2) Clause 3 of the principal notice applies to this notice as if it were the principal notice.

### 4—Consumption etc of liquor prohibited in dry areas

- (1) Pursuant to section 131 of the Act, the consumption and possession of liquor in the area described in the Schedule is prohibited in accordance with the provisions of the Schedule.
- (2) The prohibition has effect during the periods specified in the Schedule.
- (3) The prohibition does not extend to private land in the area described in the Schedule.
- (4) Unless the contrary intention appears, the prohibition of the possession of liquor in the area does not extend to—
  - (a) a person who is genuinely passing through the area if—
    - (i) the liquor is in the original container in which it was purchased from licensed premises; and
    - (ii) the container has not been opened; or
  - (b) a person who has possession of the liquor in the course of carrying on a business or in the course of his or her employment by another person in the course of carrying on a business; or
  - (c) a person who is permanently or temporarily residing at premises within the area or on the boundary of the area and who enters the area solely for the purpose of passing through it to enter those premises or who enters the area from those premises for the purpose of leaving the area.

## **Schedule—Semaphore Area 4**

### **1—Extent of prohibition**

The consumption of liquor is prohibited and the possession of liquor is prohibited.

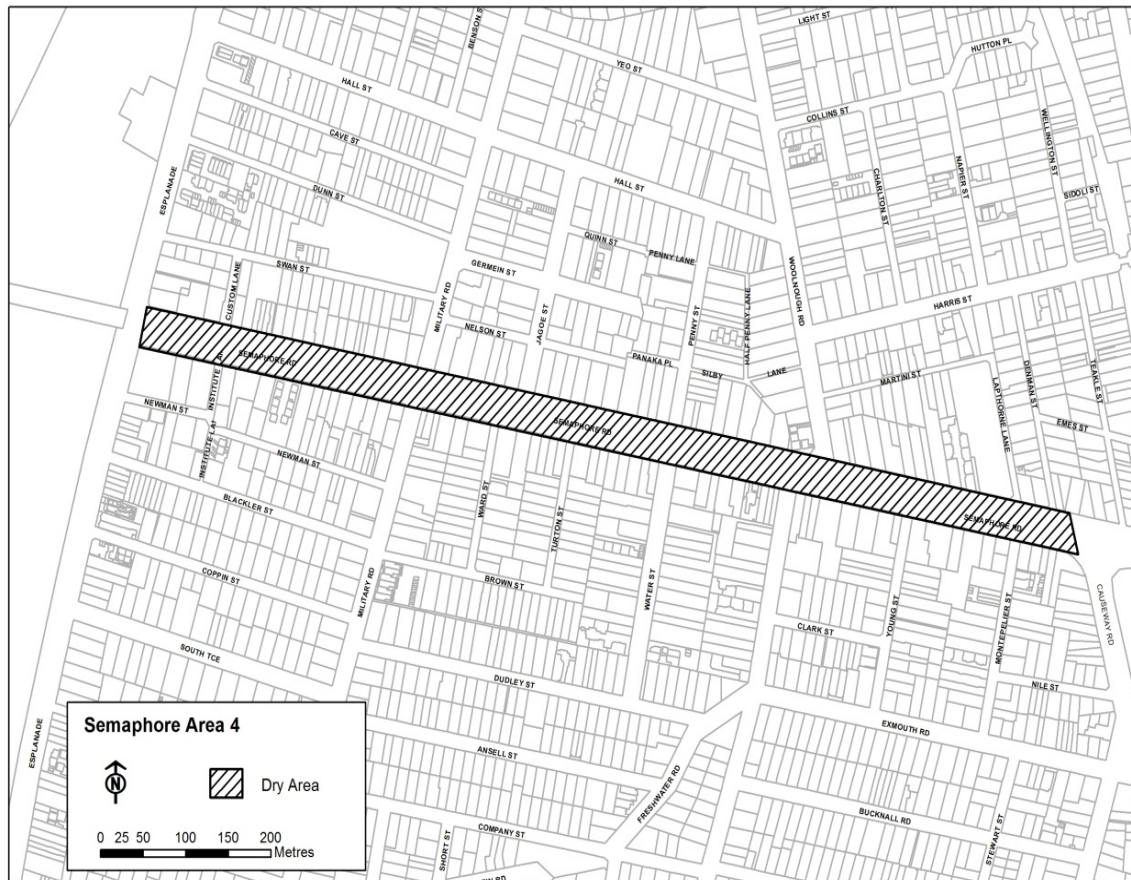
### **2—Period of prohibition**

The prohibition applies during the following periods:

- (a) from 12 noon on 31 December 2016 to 12 noon on 1 January 2017;
- (b) from 12 noon on 26 January 2017 to 12 noon on 27 January 2017.

### **3—Description of area**

The area in Semaphore and Exeter comprising Semaphore Road between the eastern boundary of the Esplanade and the prolongation in a straight line of the marked centre line of Causeway Road.



**Made by the Liquor and Gambling Commissioner**  
on 11 November 2016.

## LOCAL GOVERNMENT ACT 1999

THE Constituent Councils of the Southern Region Waste Resource Authority, a regional subsidiary established, pursuant to Section 43 of the Local Government Act 1999, have resolved to amend the Charter. The amended Charter is as follows:

**Fleurieu Regional Waste Authority**  
**CHARTER—8 November 2016**

**1. INTRODUCTION****1.1 Name**

The name of the subsidiary is the Fleurieu Regional Waste Authority (referred to as ‘the Authority’ in this Charter).

**1.2 Definitions**

‘the Act’ means the Local Government Act 1999 and includes all regulations made thereunder;

‘Administration Costs’ has the same meaning as in the LGA Accounting Regulations and AAS27 accounting standards;

‘Annual General Meeting’ means an annual general meeting of the Board held pursuant to Clause 3.8;

‘the Authority’ means the Fleurieu Regional Waste Authority;

‘the Board’ means the Board of Management of the Authority set out at Clause 3;

‘Board Member’ includes a Constituent Council Board Member and the Independent Chairperson of the Board appointed pursuant to Clause 3.2.1;

‘Constituent Council’ means those councils identified at Clause 1.4;

‘Business Plan’ means the business plan adopted by the Authority pursuant to Clause 5.2;

‘Constituent Council Board Member’ means a member of the Board appointed to Clause 3.2.1.1;

‘Date of Withdrawal’ means the date a Constituent Council’s withdrawal from the Authority becomes effective pursuant to Clause 8.2.2;

‘Deputy Board Member’ means a person appointed to act as a deputy to a Constituent Council Board Member pursuant to Clause 3.2.2;

‘Deputy Executive Officer’ means the person appointed pursuant to Clause 6.1.4.4 as Deputy Executive Officer;

‘Executive Officer’ means the person appointed pursuant to Clause 6.1 as the Executive Officer of the Authority;

‘Financial Year’ means 1 July in each year to 30 June in the subsequent year;

‘Independent Chairperson of the Board’ or ‘Chairperson’ means the member of the Board appointed pursuant to Clause 3.2.1.2;

‘Long Term Financial Plan’ means the long term financial plan prepared by the Authority and approved by the Constituent Councils pursuant to Clause 4.6.1;

‘Minister’ means the Minister for State/Local Government Relations;

‘Net Assets’ means total assets (current and non-current) less total liabilities (current and non-current) of the Authority as reported in the annual audited financial statements of the Authority;

‘Operating Costs’ means expenses incurred in the delivery of the Authority’s services excluding Administration Costs;

‘Region’ means the collective areas of the Constituent Councils;

‘Strategic Plan’ means the strategic plan adopted by the Authority pursuant to Clause 5.1;

‘Treasury Policy’ means the treasury policy prepared by the Authority and approved by the Constituent Councils pursuant to Clause 4.6.2; and

‘Waste’ has the same definition as in the Environment Protection Act 1993.

**1.3 Interpretation**

In this Charter, unless the context otherwise requires:

1.3.1 headings do not affect interpretations;

1.3.2 singular includes plural and plural includes singular;

1.3.3 words of one gender include any gender;

1.3.4 a reference to a person includes a partnership, corporation, association, government body and any other entity;

1.3.5 a reference to legislation includes any amendment to it, any legislation substituted for it, and any subordinate legislation made under it;

1.3.6 an unenforceable provision or part of a provision may be severed, and the remainder of this Charter continues in force, unless this would materially change the intended effect of this Charter;

1.3.7 the meaning of general words is not limited by specific examples introduced by ‘including’, ‘for example’ or similar expressions; and

1.3.8 a reference to a ‘Clause’ means a Clause of this Charter.

**1.4 Establishment**

The Authority is a regional subsidiary established under Section 43 of the Act by the:

1.4.1 City of Victor Harbor;

1.4.2 Alexandrina Council;

1.4.3 Kangaroo Island Council; and

1.4.4 District Council of Yankalilla.

**1.5 Local Government Act 1999**

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

## 1.6 National Competition Policy

The Authority does not undertake any commercial activities which constitute a significant business activity of the Authority to which the principles of competitive neutrality must be applied.

## 1.7 Objects and Purposes

1.7.1 The Authority is established for the following objects and purposes:

- 1.7.1.1 to educate, engage and motivate the Constituent Councils' communities to achieve the practical reduction of Waste through reuse and recycling initiatives;
- 1.7.1.2 to facilitate and co-ordinate the management of Waste on behalf of the Constituent Councils including collection, treatment, disposal and recycling within the Region;
- 1.7.1.3 to facilitate and coordinate the management of Waste outside the Region for which the Authority is or may become responsible including the collection, treatment, disposal and recycling of Waste;
- 1.7.1.4 to develop and implement policies designed to improve the management of waste and recycling programmes and practices within the Region;
- 1.7.1.5 to regularly review the Region's management of waste and recycling practices and policies;
- 1.7.1.6 to provide and operate a place or places in the Region or outside the Region for the treatment, recycling and disposal of waste collected by the Authority, including operating transfer stations;
- 1.7.1.7 to develop further co-operation between the Constituent Councils in the collection, treatment, recycling and disposal of waste for which the Constituent Councils are or may become responsible;
- 1.7.1.8 to minimise the volume of waste collected in the areas of the Constituent Councils which is required to be disposed of by landfill; and
- 1.7.1.9 to provide a forum for discussion and/or research for the ongoing improvement of the management of waste.

1.7.2 The Authority must in the performance of its objects and purposes and in all of its plans, policies, and activities give due weight to economic, social and environmental considerations.

## 1.8 Powers

1.8.1 The powers, functions and duties of the Authority are to be exercised in the performance and furtherance of the Authority's objects and purposes. The Authority has the following powers, functions and duties;

- 1.8.1.1 subject to Clauses 1.9 and 1.10 to purchase, sell, lease, hire, rent or otherwise acquire or dispose of any real property or interests therein in or outside the Region;
- 1.8.1.2 subject to Clause 1.9 to institute, initiate and carry out legal proceedings provided that any litigation is subject to an immediate urgent report to the Constituent Councils by the Executive Officer;
- 1.8.1.3 subject to Clause 1.9 to enter into any kind of contract or arrangement;
- 1.8.1.4 to borrow funds and incur expenditure in accordance with Clause 1.9;
- 1.8.1.5 to enter into agreements with the Constituent Councils or any other person, body or council for the purpose of the collection, treatment, recycling and disposal of waste and operating and managing transfer stations and other sites in and outside the Region for the treatment, recycling and disposal of Waste;
- 1.8.1.6 to raise finance for all purposes relating to the collection, treatment, recycling and disposal of waste;
- 1.8.1.7 to determine the types of waste which will be collected or received and the method of collection, treatment, recycling and disposal of waste;
- 1.8.1.8 to adopt and use a trading name provided that the Authority must first register the trading name with the Office of the Consumer and Business Affairs in accordance with the Business Names Act 1996;
- 1.8.1.9 subject to Clause 1.9 to agree to undertake a project in conjunction with any council or government agency or authority and in doing so to participate in the formation of a trust, partnership or joint venture with any council or government agency or authority to give effect to the project;
- 1.8.1.10 to employ, engage, determine conditions of employment/engagement, remunerate, remove, suspend or dismiss/terminate the Executive Officer of the Authority;
- 1.8.1.11 to open and operate bank accounts;
- 1.8.1.12 to make submissions for and accept grants, subsidies and contributions to further its objects and purposes;
- 1.8.1.13 subject to Clause 4.5.2 below to charge whatever fees, charges, imposts, or levies the Authority considers appropriate for services rendered to any person, body, or council (other than a Constituent Council) provided that such fees charged by the Authority shall be sufficient to at least cover the cost of the Authority of providing the services;
- 1.8.1.14 subject to Clause 4.5.2 below to charge the Constituent Councils fees, charges, imposts or levies for services that (as a minimum) cover the cost to the Authority of providing the services;
- 1.8.1.15 to accumulate surplus funds for investment purposes;
- 1.8.1.16 to distribute all or any surplus funds and/or make payment of a dividend to the Constituent Councils provided that such distribution or payment will be made to the Constituent Councils in the proportions of their equitable interest in the Authority as set out in Clause 8.4;
- 1.8.1.17 to invest any funds of the Authority in any investment authorised by the Trustee Act 1936 or with the Local Government Finance Authority provided that;
  - (a) in exercising this power of investment the Authority must exercise the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons; and
  - (b) the Authority must avoid investments that are speculative or hazardous in nature;
- 1.8.1.18 to employ, engage or retain professional advisers to the Authority;
- 1.8.1.19 to establish a reserve fund(s) clearly identified for the upkeep and/or replacement of fixed assets of the Authority or meeting any deferred liability of the Authority;

- 1.8.1.20 to act outside the areas of the Constituent Councils for the purpose of collecting, treating, recycling and disposing of Waste including operating and managing transfer stations and other sites for the treatment, recycling and disposal of waste;
  - 1.8.1.21 to do anything else necessary or convenient for, or incidental to, the exercise, performance or discharge of its powers, functions or duties;
  - 1.8.1.22 to undertake all manner of things relating and incidental to the collection, treatment, recycling and disposal of waste; and
  - 1.8.1.23 such other powers, functions and duties as are delegated to the Authority by the Constituent Councils from time to time.
- 1.8.2 Notwithstanding any other Clause or provision in this Charter, the Authority may not act outside the areas of the Constituent Councils unless the Constituent Councils have, prior to the Authority so acting, granted approval to the Authority to act outside the area of the Constituent Councils on the basis that the Constituent Councils consider it necessary or expedient to the performance of the Constituent Councils' or Authority's functions.

### 1.9 Borrowings and Expenditure

- 1.9.1 The Authority has the power to incur expenditure as follows:
- 1.9.1.1 in accordance with a budget adopted by the Authority and approved by the Constituent Councils as required by the Act or this Charter; or
  - 1.9.1.2 with the prior approval of all the Constituent Councils; or
  - 1.9.1.3 in accordance with the Act, and in respect of the expenditure not contained in the budget adopted by the Authority and approved by the Constituent Councils as required by the Act and this Charter, for a purpose of genuine emergency or hardship.
- 1.9.2 Subject to Clause 1.9.3 the Authority has the power to borrow money as follows:
- 1.9.2.1 in accordance with a budget adopted by the Authority and approved by the Constituent Councils as required by the Act or this Charter; or
  - 1.9.2.2 in respect of borrowings not contained in a budget adopted by the Authority and approved by the Constituent Councils as required by the Act and this Charter, up to a maximum amount not exceeding the net financial ratio stated in the Authority's Long Term Financial Plan and supported within the Authority's Treasury Policy; or
  - 1.9.2.3 with the prior approval of all the Constituent Councils.
- 1.9.3 Unless otherwise approved by all the Constituent Councils, all borrowings taken out by the Authority;
- 1.9.3.1 must be used for the purpose of funding operational costs;
  - 1.9.3.2 must be from the Local Government Financial Authority or a registered bank or financial institution within Australia; and
  - 1.9.3.3 must be drawn down within a period of 24 months from the date of the approval.

### 1.10 Property

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

## 2. STRUCTURE

- 2.1 The Authority is a body corporate and is governed by the Act and this Charter. The Board is the Authority's governing body and has the responsibility for the administration of the affairs of the Authority ensuring that the Authority acts in accordance with this Charter and all relevant legislation including the Act.
- 2.2 All meetings of the Authority shall be meetings of the Board.
- 2.3 The Authority will be entitled to make decisions in accordance with the powers and functions of the Authority specified in this Charter.

## 3. THE BOARD OF MANAGEMENT

The Board is responsible for managing all of the activities and affairs of the Authority and ensuring that the Authority acts in accordance with this Charter and all relevant legislation including the Act.

### 3.1 Functions of the Board

- 3.1.1 In addition to the functions of the Board set out in the Act, the functions of the Board include:
- 3.1.1.1 the formulation of strategic and business plans in accordance with Clause 5 and the development of strategies aimed at improving the business of the Authority;
  - 3.1.1.2 to provide professional input and policy direction to the Authority;
  - 3.1.1.3 monitoring, overseeing and measuring the performance of the Executive Officer of the Authority;
  - 3.1.1.4 ensuring that ethical behaviour and integrity is established and maintained by the Authority, the Board and the Board Members in all activities undertaken by the Authority;
  - 3.1.1.5 exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons;
  - 3.1.1.6 developing and giving effect to policies that reflect the Authority's responsibilities under the Competition and Consumer Act 2010 (if applicable) and the Trade Practices Act (Cth) 1974; and
  - 3.1.1.7 ensuring that the Authority operates in accordance with this Charter and all relevant legislation.

### 3.2 Membership

- 3.2.1 The Board shall consist of nine Board Members appointed as follows:
- 3.2.1.1 Constituent Council Board Members
- (a) Each Constituent Council shall appoint on such conditions as the Constituent Council may determine one (1) elected member of the Constituent Council to be a Board Member and may at any time terminate or revoke this appointment and appoint another elected member of the Constituent Council to be a Board Member; and
  - (b) Each Constituent Council shall appoint on such conditions as the Constituent Council may determine one (1) staff member of the Constituent Council to be a Board Member and may at any time terminate or revoke that appointment and appoint another staff member to the Constituent Council to be a Board Member;
- 3.2.1.2 Independent Chairperson of the Board
- (a) The Constituent Councils shall jointly and unanimously appoint on such conditions as the Constituent Councils may determine one (1) person with relevant professional expertise who is neither an elected member nor officer of any of the Constitutional Councils to be the Chairperson of the Board;
  - (b) the Independent Chairperson of the Board shall be selected from a list of persons provided to the Constituent Councils with such list being determined by a panel comprising the Mayors and Chief Executive Officers of the Constituent Councils; and
  - (c) the Constituent Councils may, at any time by a joint resolution of all of the Constituent Councils, terminate or revoke the appointment of the Independent Chairperson of the Board and appoint another person to be the Independent Chairperson of the Board.
- 3.2.2 Each Constituent Council will appoint an elected member of the Constituent Council and a staff member of the Constituent Council to be Deputy Board Members who may act in place of the Constituent Council's Board Members if the respective Board Member for whom the elected member or staff member (as the case may be) is appointed as a deputy Board Member is unable for any reason to be present at a meeting of the Board and may at any time terminate or revoke that appointment and appoint another elected member or officer (as the case may require) of the Constituent Council to be a Deputy Board Member.
- 3.2.3 In the absence of a Board Member, the Deputy Board Member of that Board Member will be deemed to be the Board Member and may exercise all rights, privileges and obligations of that Board Member during the absence of that Board Member.
- 3.2.4 Each Constituent Council must give notice in writing to the Authority of its appointment of Board Members and Deputy Board Members, the term of appointment if applicable and of any termination or revocation of those appointments. A notice in writing signed by the Chief Executive Officer of the Constituent Council will be sufficient evidence of an appointment, termination or revocation of an appointment and will constitute notice as required by this Clause 3.2.4.
- 3.2.5 The Independent Chairperson will be eligible for an allowance from the funds of the Authority as determined by the Constituent Councils.

### 3.3 Term of Office

- 3.3.1 Subject to Clause 3.3.3, the term of office of a Constituent Council Board Member and Deputy Board Member, shall be for a term determined by the Constituent Council appointing that Board Member. At the conclusion of a Constituent Council Board Member's term of office such Board Member will be eligible for re-appointment.
- 3.3.2 Subject to Clause 3.3.3, the term of office of the Independent Chairperson of the Board shall be for a period of two (2) years. At the conclusion of the term of office of the Independent Chairperson of the Board, the Independent Chairperson will be eligible for re-appointment.
- 3.3.3 The office of a Board Member, including where applicable the office of Independent Chairperson of the Board, will become vacant:
- 3.3.3.1 if any of the grounds or circumstances set out in the Act as to when a Board Member's office becomes vacant arises; or
  - 3.3.3.2 in relation to a Constituent Council Board Member, upon:
    - (a) the Constituent Council who appointed the Board Member terminating or revoking the Board Member's appointment;
    - (b) the Constituent Council who appointed the Board Member ceasing to be a Constituent Council;
    - (c) the Board Member ceasing to be an elected member of the Constituent Council that appointed him or her;
    - (d) the Board Member ceasing to be a staff member of the Constituent Council that appointed him or her; or
    - (e) the conclusion of the next periodic local government election following their appointment;
  - 3.3.3.3 in relation to the Independent Chairperson of the Board upon the Constituent Councils jointly and unanimously terminating or revoking Independent Chairperson of the Board's appointment; or
  - 3.3.3.4 upon the happening of any other event through which the Board Member would be ineligible to remain as a Board Member.
- 3.3.4 The office of a Deputy Board Member will become vacant in the same way as the office of a Board Member will become vacant as set out in Clause 3.3.3.
- 3.3.5 The Board may by a majority vote of the Board Members present (excluding the Board Member subject to this Clause) make a recommendation to a Constituent Council that it terminate the appointment of a Constituent Council Board Member appointed by that Constituent Council or the Independent Chairperson of the Board in the event of any behaviour of that Board Member which in the opinion of the Board amounts to:
- 3.3.5.1 impropriety;
  - 3.3.5.2 serious neglect of duty in attending to the responsibilities as a Board Member;
  - 3.3.5.3 breach of fiduciary duty to the Board or a Constituent Council;
  - 3.3.5.4 breach of any of the legislative obligations and duties of a Board Member including the conflict of interest provisions of the Act;

- 3.3.5.5 breach of the duty of confidentiality to the Board and/or the Constituent Councils; or
- 3.3.5.6 any other behaviour which may discredit the Board, the Authority or the Constituent Councils.
- 3.3.6 Where, for any reason, the office of a Constituent Council Board Member becomes vacant the Constituent Council which appointed the Board Member will be responsible for appointing a replacement Board Member and in the case of the Independent Chairperson of the Board the Constituent Councils will jointly be responsible for appointing a replacement Board Member.
- 3.3.7 If any vacancy occurs in the membership of the Board it must be filled in the same manner as the original appointment under Clause 3.2.1. The person appointed to fill the vacancy will be appointed for the balance of the term of the original appointment and at the expiry of that term shall be eligible for reappointment.

#### 3.4 Independent Chairperson of the Board

The Independent Chairperson of the Board shall preside at all meetings of the Board and in the event of the Chairperson being absent from a meeting the Board shall appoint a Board Member present to be the Chairperson for that meeting.

#### 3.5 Proceedings of the Board

- 3.5.1 The provisions of Part 2 of the Local Government (Procedures at Meetings) Regulations 2013 shall, insofar as the same may be applicable and not inconsistent with this Charter, apply to proceedings at and conduct of meetings of the Board.
- 3.5.2 Ordinary meetings of the Board will be held at such times and places as determined by the Board except for the first ordinary meeting of the Board following the establishment of the Authority which shall be determined by the Executive Officer of the Authority. There must be at least one ordinary meeting of the Board every four months.
- 3.5.3 An ordinary meeting of the Board will constitute an ordinary meeting of the Authority. The Board shall administer the business of the Authority at the ordinary meeting.
- 3.5.4 For the purposes of this Clause 3.5, the contemporary linking together by telephone, audio-visual or other instantaneous means ('telecommunications meeting') of the Board Members provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board Members taking part in the telecommunications meetings, must at all times during the telecommunications meeting be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting, each Board Member must announce his/her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunications meeting by disconnecting his/her telephone, audio-visual or other communication equipment, unless that Board Member has previously notified the Chairperson of the meeting.
- 3.5.5 A proposed resolution in writing and given to all Board Members in accordance with proceedings determined by the Board will be a valid decision of the Board where a majority of Board Members vote in favour of the resolution by signing and returning the resolution to the Executive Officer or otherwise giving written notice of their consent and setting out the terms of the resolution to the Executive Officer. The resolution shall thereupon be as valid and effectual as if it had been passed at a meeting of the Board duly convened and held.
- 3.5.6 Any Constituent Council, the Chairperson or three (3) Board Members may by delivering a written request to the Executive Officer require a special meeting of the Board to be held. The written request must be accompanied by the agenda for the special meeting and if an agenda is not provided the request has no effect.
- 3.5.7 On receipt of a written request pursuant to Clause 3.5.6, the Executive Officer must send a notice to all Board Members at least twenty four (24) hours prior to the commencement of the special meeting.
- 3.5.8 Subject to Clause 3.5.9, notice of an ordinary meeting of the Board will be given by the Executive Officer to each Board Member not less than three (3) clear days prior to the holding of the meeting.
- 3.5.9 The Executive Officer must, in relation to a notice of meeting of the Board for the purpose of considering the making of a recommendation to the Constituent Councils to wind up the Authority, provide the notice to all Board Members at least four (4) months before the date of the meeting.
- 3.5.10 Notice of meeting of the Board must:
  - 3.5.10.1 be in writing;
  - 3.5.10.2 set out the date, time and place of the meeting;
  - 3.5.10.3 be signed by the Executive Officer; and
  - 3.5.10.4 contain, or be accompanied by, the agenda for the meeting.
- 3.5.11 The Executive Officer must, insofar as is reasonably practicable:
  - 3.5.11.1 ensure that items on an agenda given to Board Members are described with reasonable particularity and accuracy; and
  - 3.5.11.2 supply to each Board Member at the time that notice of a meeting is given a copy of any documents or reports that are to be considered at the meeting (so far as this is practicable).
- 3.5.12 Notice of a meeting of the Board may be given to a Board Member:
  - 3.5.12.1 personally;
  - 3.5.12.2 by delivering the notice (whether by post or otherwise) to the usual place of residence of the Board Member or to another place authorised in writing by the Board Member;
  - 3.5.12.3 in the case of a Constituent Council Board Member by leaving the notice for the Board Member at an appropriate place at the principal office of the Constituent Council which appointed the Board Member; or
  - 3.5.12.4 by a means authorised in writing by the Board Member as being an available means of giving notice.
- 3.5.13 A notice that is not given in accordance with Clause 3.5.12 is taken to have been validly given if the Executive Officer considers it impracticable to give the notice in accordance with that Clause and takes action the Executive Officer considers reasonably practicable in the circumstances to bring the notice to the attention of the Board Member.
- 3.5.14 The Executive Officer must maintain a record of all notices of Board meetings given under Clause 3.5.10 to Board Members.
- 3.5.15 Subject only to the special provisions of this Clause, a meeting of the Board must not commence until a quorum of Board Members is present and a meeting must not continue if there is not a quorum of Board Members present. A quorum of Board Members will comprise one half of the Board Members in office, ignoring any fraction, plus one.



- 3.5.16 Meetings of the Board must be open to the public unless the Board resolves to consider a matter in confidence in accordance with the provisions of Chapter 6, Part 3 of the Act in which case the provisions of Chapter 6 Part 3 of the Act will apply as though the Authority were a council. Where an order is made under this Clause 3.5.16, a note must be made in the minutes of the meeting of the making of the order and of the grounds on which it was made.
- 3.5.17 Where the Board has considered any information or matter in confidence under Clause 3.5.16 it may subsequently resolve to keep the minutes and/or documents considered during that part of the meeting confidential in accordance with Section 91 of the Act.
- 3.5.18 All matters for decision at a meeting of the Board will be decided by a simple majority of the Board Members present and entitled to vote on the matter. All Board Members including the Chairperson present and entitled to vote on a matter are required to vote. All Board Members including the Chairperson are entitled to a deliberative vote and if the votes are equal the Chairperson or other Board Member presiding at the meeting does not have a second or casting vote.
- 3.5.19 All Board Members must at all times keep confidential all documents and any information provided to them for their consideration prior to a meeting of the Board.
- 3.5.20 The Executive Officer must cause minutes to be kept of the proceedings at every meeting of the Board and ensure that the minutes are presented to the next ordinary meeting of the Board for confirmation and adoption. Where the Executive Officer is absent or excluded from attendance at a meeting of the Board pursuant to Clause 3.5.16, the person presiding at the meeting shall cause the minutes to be kept.
- 3.5.21 The Executive Officer must, within five (5) days after a meeting of the Board provide to each Board Member a copy of the minutes of the meeting of the Board.
- 3.6 Propriety of Members of the Board**
- 3.6.1 All provisions governing the propriety and duties of elected members of a council and public officers under the Act and other South Australian legislation apply to Board Members.
- 3.6.2 Board Members will not be required to submit returns under Chapter 5, Part 4, Division 2 of the Act.
- 3.6.3 The provisions regarding conflict of interest described in the Act apply to all Board Members as if they were elected members of a council and the Authority were a council.
- 3.6.4 A Board Member must at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties, including honesty and the exercise of reasonable care and diligence with respect to the performance and discharge of official functions and duties as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Schedule 2, Part 2 of the Act.
- 3.7 Committees**
- 3.7.1 The Authority may from time to time as it sees fit establish committees for the purpose of assisting it in the performance of its functions. A committee established by the Authority under this provision may be comprised of such persons that the Authority determines.
- 3.7.2 The Authority will determine the procedure, terms of reference, reporting requirements and other matters applicable to a committee at the time of establishing the committee.
- 3.7.3 A committee established by the Authority under this provision is not required to hold meetings in public.
- 3.8 Annual General Meeting**
- 3.8.1 An Annual General Meeting of the Board must be held on or before 31 October in each year at a place and time determined by a resolution of the Board.
- 3.8.2 The business to be conducted at the Annual General Meeting shall be of a general nature aimed at reviewing the progress and direction of the Authority and shall include the following:
- 3.8.2.1 Chairperson's report;
- 3.8.2.2 receiving the audited financial statements for the preceding financial year; and
- 3.8.2.3 consideration of any other matters or business as determined by the Board.
- 4. BUDGETS AND CONTRIBUTIONS**
- 4.1 Annual Budget**
- 4.1.1 The Authority must by March 31 of each year prepare and submit to the Constituent Councils a draft annual budget for the ensuing financial year in accordance with the Act and the Local Government (Financial Management) Regulations 2011 for approval by the Constituent Councils.
- 4.1.2 The Authority must adopt after 31 May and before 30 June of each year an annual budget in accordance with the Act and the Local Government (Financial Management) Regulations 2011 for the ensuing financial year as approved by the Constituent Councils pursuant to Clause 4.1.1.
- 4.1.3 The Authority must provide a copy of its annual budget to each Constituent Council within five (5) business days after the annual budget is adopted by the Authority.
- 4.1.4 The Authority must reconsider its annual budget at least three times at intervals of not less than three months between 30 September and 31 May (inclusive) in the relevant financial year and may with the unanimous approval of the Constituent Councils amend its annual budget for a financial year at any time before the year ends.  
(See Clause 25, Part 2, Schedule 2 to the Act for the contents of the budget)
- 4.1.5 Reports summarising the financial position and performance of the Authority against the annual budget shall be prepared and presented to the Board at each ordinary meeting of the Board and copies provided to the Chief Executive Officer of each Constituent Council.
- 4.2 Financial Contributions**
- The Authority will determine annually and will include within the annual budget provided to the Constituent Councils the funds required by the Authority to enable the Authority to operate and to fulfil its objects and purposes.
- 4.3 Administration Contributions**
- 4.3.1 The Authority will determine annually and will include within the budget provided to the Constituent Councils for approval the administrative funds required by the Authority to enable it to function ('Administration Costs').

- 4.3.2 Each Council will contribute monies to the Administration Costs set out in the adopted budget of the Authority on the following basis:
- 4.3.2.1 50% of the budgeted Administration Costs will be split into equal shares with one share being paid by each Constituent Council; and
  - 4.3.2.2 50% of the budgeted Administration Costs will be allocated to Constituent Councils on a pro-rated basis reflecting each Constituent Council's respective use of the Authority's services.
- 4.3.3 The Administration Costs will be paid by each Constituent Council in advance by monthly instalments.
- 4.3.4 The Authority may during any Financial Year for purposes of genuine emergency or hardship determine that additional contributions to the Administration Costs are required for the continuing function of the Authority.
- 4.3.5 Any additional contributions to the Administration Costs will be paid in the proportions attributable to each Constituent Council under Clause 4.3.2.2 in the manner and at the time determined by the Board.

#### 4.4 Operating Contributions

- 4.4.1 The Board will determine annually and include in the adopted budget the Operating Costs. Each Constituent Councils will contribute monies towards the Operating Costs on the following basis:
- 4.4.1.1 through the collection of fees, charges, imposts or levies determined under Clause 4.5; and
  - 4.4.1.2 to the extent that the Operating Costs are not met under Clause 4.4.2.1 these costs will be allocated to Constituent Councils on a pro-rated basis reflecting each Constituent Council's respective use of the Authority's services.
- 4.4.2 The Board may during any year for purposes of genuine emergency or hardship determine that additional contributions to the Operating Costs are required for the continuing function of the Authority. The Constituent Councils shall contribute additional monies to the additional Operating Costs in such amounts as may reasonably be determined by the Authority.
- 4.4.3 Any contributions to Operating Costs shall be made by each Constituent Council within sixty (60) days of notice in writing being given by the Authority to the Chief Executive Officer of the Constituent Council, provided that if the Board so decides such payments must be made in advance by monthly instalments.

#### 4.5 Fees and Charges

The Authority will adopt appropriate procedures and policies to ensure transparency and fairness among the Constituent Councils in the setting of fees, charges, imposts or levies payable for services provided by the Authority.

- 4.5.1 Subject to Clause 4.5.2 the Authority may fix fees, charges, imposts or levies payable for services provided by the Authority, including the collection, treatment, disposal and recycling of waste.
- 4.5.2 Where a Constituent Council or Constituent Councils fix a fee, charge, impost or levy for a service provided by the Authority, the Authority will collect the fee, charge, impost or levy so fixed for that service.
- 4.5.3 The Authority will adopt appropriate procedures to ensure transparency and fairness among the Constituent Councils in the setting of fees, charges, imposts or levies payable for services provided by the Authority.

#### 4.6 Long Term Financial Plan and Treasury Policy

- 4.6.1 The Authority must prepare and submit to the Constituent Councils for their approval a Long Term Financial Plan covering a period of at least ten (10) years.
- 4.6.2 The Authority must prepare and submit to the Constituent Councils for their approval a Treasury Policy.

### 5. MANAGEMENT

#### 5.1 Strategic Plans

The Authority must:

- 5.1.1 subject to Clause 5.1.3 prepare and adopt a Strategic Plan covering a ten (10) year period for the conduct of its business which will identify its objectives over the period of the Strategic Plan and the principal activities that the Authority intends to undertake to achieve its objectives;
- 5.1.2 in consultation with the Constituent Councils, review the Strategic Plan at any time but must undertake a comprehensive review at least once every four years; and
- 5.1.3 submit the Strategic Plan to the Constituent Councils for their approval.

#### 5.2 Business Plans

The Authority must:

- 5.2.1 subject to Clause 5.2.3 prepare and adopt a Business Plan covering the period of three (3) years in accordance with the Act linking the core business activities of the Authority to strategic, operational and organisational requirements with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period of the Business Plan;
- 5.2.2 in consultation with the Constituent Councils review the Business Plan annually; and
- 5.2.3 submit the Business Plan to the Constituent Councils for their unanimous approval prior to being adopted by the Authority.

(See Clause 24, Part 6, Schedule 2 of the Act for the contents of the Business Plan).

#### 5.3 Reporting

- 5.3.1 The Authority must submit to the Constituent Councils, by 30 September in each year a report on the work and operations of the Authority for the preceding financial year detailing achievement of the aims and objectives of its Business Plan and incorporating the audited financial statements of the Authority for the relevant financial year and any other information or reports as required by the Constituent Councils or prescribed by the Act.

### 6. ADMINISTRATIVE MATTERS

#### 6.1 Executive Officer and Staff

- 6.1.1 The Authority must appoint an Executive Officer on such terms and conditions as determined by the Board. The Executive Officer will be appointed in accordance with Section 98 of the Act as though the Authority were a council and the Executive Officer a Chief Executive Officer of a council.

- 6.1.2 The Executive Officer is responsible for the implementation of decisions of the Authority in a timely and efficient manner for the efficient and effective management of the affairs of the Authority.
- 6.1.3 The Authority shall delegate responsibility for the day-to-day management of the Authority to the Executive Officer, who will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the Authority.
- 6.1.4 The functions of the Executive Officer will be specified in the terms and conditions of employment and will include but are not limited to:
- 6.1.4.1 carrying out such duties as the Board may direct;
  - 6.1.4.2 attending to all meetings of the Board unless excluded by resolution of the Board;
  - 6.1.4.3 providing information to assist the Board to assess the Authority's performance against its Strategic and Business Plans;
  - 6.1.4.4 appointing, managing, suspending and dismissing all other employees of the Authority including with the concurrence of the Board, a Deputy Executive Officer;
  - 6.1.4.5 determining the conditions of employment of all other employees of the Authority, within budgetary constraints set by the Board;
  - 6.1.4.6 providing advice and reports to the Board on the exercise and performance of its powers and functions under this Charter or any Act;
  - 6.1.4.7 ensuring that the assets and resources of the Authority are properly managed and maintained;
  - 6.1.4.8 ensuring that records required under the Act or any other legislation are properly kept and maintained;
  - 6.1.4.9 exercising, performing or discharging other powers, functions or duties conferred on the Executive Officer by or under the Act or any other legislation or this Charter, and performing other functions lawfully directed by the Board;
  - 6.1.4.10 achieving financial and other outcomes in accordance with adopted plans and budgets of the Authority; and
  - 6.1.4.11 efficiently and effectively managing the operations and affairs of the Authority.
- 6.1.5 The Executive Officer shall comply with Section 107 of the Act as though the Authority were a council and the Executive Officer were a Chief Executive Officer of a council.
- 6.1.6 In the absence of the Executive Officer for any period exceeding three (3) weeks the Deputy Executive Officer will act in the office of the Executive Officer and in the absence of the Executive Officer and Deputy Executive Officer, the Executive Officer may after consultation with the Authority appoint a suitable person to act in the position of Executive Officer for the period of absence of the Executive Officer or Deputy Executive Officer.
- 6.1.7 The Executive Officer may delegate or sub-delegate to an employee of the Authority or a committee comprising employees of the Authority, any power or function vested in or delegated to the Executive Officer. Such delegation or sub-delegation may be subject to any conditions or limitations as determined by the Executive Officer.
- 6.1.8 Where a power or function is delegated to an employee, the employee is responsible to the Executive Officer for the efficient and effective exercise or performance of that power or function.
- 6.1.9 A written record of all delegations and sub-delegations must be kept by the Executive Officer at all times.
- 6.2 Auditor and Other Professionals**
- 6.2.1 The Authority must appoint an Auditor in accordance with the Local Government (Financial Management) Regulations 2011 on such terms and conditions as determined by the Authority.
- 6.2.2 The audit of financial statements together with the accompanying report from the Auditor shall be submitted to both the Board and the Constituent Councils.
- 6.2.3 The Authority may engage professional consultants and it may authorise the Executive Officer to so engage professional consultants to provide services to the Authority to ensure the proper execution of its decisions, the efficient and effective management of the operations and affairs of the Authority, and for giving effect to the general management objectives and principles of personnel management prescribed by the Charter.
- 6.2.4 The Authority will establish an audit committee as required by Clause 30, Schedule 2 of the Act unless exempted in accordance with Clause 30 (2) of the Act.
- 6.3 Common Seal**
- 6.3.1 The Authority shall have a common seal which may be affixed to documents and must be attested by the signatures of two Board Members.
- 6.3.2 The common seal must not be affixed to a document except in pursuance of a decision of the Board. The Executive Officer will maintain a register which records the resolutions of the Board giving authority to affix the common seal and details of the documents to which the common seal has been affixed with the particulars of the person who attested the fixing of the seal and the date thereof.
- 7. FINANCE**
- 7.1 Financial Management**
- 7.1.1 The Authority shall keep proper books of accounts in accordance with the requirements of the Local Government (Financial Management) Regulations 2011.
- 7.1.2 The Authority's books of accounts must be available for inspection by any Board Member or authorised representative of any Constituent Council at any reasonable time.
- 7.2 Banking**
- 7.2.1 The Authority must establish and maintain a bank account(s) in such banking facilities and at a bank to be determined by the Board.
- 7.2.2 The Executive Officer must act prudently in the handling of all financial transactions for the Authority and must provide quarterly financial and corporate reports to the Board and the Constituent Councils.

## 8. MISCELLANEOUS MATTERS

### 8.1 Alteration to Charter

- 8.1.1 Subject to the Act, a Constituent Council, a Board Member, or the Executive Officer may be the giving of not less than two (2) months' notice of the proposed changes to all Constituent Councils and the Board request that this Charter be amended.
- 8.1.2 Before the Constituent Councils vote on a proposal to amend the Charter they must take into account any recommendations of the Board.
- 8.1.3 This Charter may only be amended with the unanimous agreement of the Constituent Councils expressed by resolution.

### 8.2 Withdrawal of a Constituent Council

- 8.2.1 A Constituent Council may with the Minister's consent withdraw from the Authority by giving not less than six (6) months written notice of its intention to do so, subject to Clause 8.2.2, to the Board and to the other Constituent Councils.
- 8.2.2 In any event, a withdrawal will not become effective until 30 June following the expiry of the six (6) months written notice period referred to in Clause 8.2.1. Until a withdrawal becomes effective the Constituent Council proposing withdrawal from the Authority will remain liable for all financial contributions up to the Date of Withdrawal, and through its Board Members and Deputy Board Members retains responsibility for ensuring the continued proper conduct of the affairs of the Authority during that time.
- 8.2.3 Upon withdrawal taking effect and subject to Clause 8.2.4 a Constituent Council will be entitled at the discretion of the Board to be paid not more than 80% of the Constituent Council's equity interest in the Net Assets of the Authority as at the Date of Withdrawal. The withdrawing Constituent Council will be entitled to receive that sum by quarterly instalments to be paid over a period of two (2) years with the first instalment being due on the 1<sup>st</sup> day of January following the Date of Withdrawal.
- 8.2.4 A Constituent Council withdrawing from the Authority will not be entitled to be paid any amount in respect of any reserve fund established under Clause 1.8.1.19.
- 8.2.5 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council for the payment of its contribution towards any actual or contingent deficiency in the Net Assets of the Authority at the end of the Financial Year in which such withdrawal occurs.
- 8.2.6 The withdrawal of any Constituent Council does not extinguish the liability of that Constituent Council to contribute to any loss or liability incurred by the Authority at any time before or after the Date of Withdrawal in respect of any act or omission by the Authority prior to such date.
- 8.2.7 Any payment to be made by the Withdrawing Council to the Authority pursuant to Clause 8.2.2 must be made within twelve months of the Date of Withdrawal.

### 8.3 Addition of New Member

Subject to the provisions of the Act and in particular to obtaining the Minister's approval a council may become a Constituent Council by agreement of all the Constituent Councils and this Charter may be amended to provide for the admission of a new Constituent Council(s).

### 8.4 Equitable Interest

- 8.4.1 The equitable interest of the Constituent Councils in the Authority is agreed as follows:
- (i) Victor Harbor Council 35%;
  - (ii) Alexandrina Council 35%;
  - (iii) Kangaroo Island Council 15%; and
  - (iv) Yankalilla Council 15%.
- 8.4.2 The equitable interest of the Constituent Councils in the Authority as set out in Clause 8.4.1 may be varied by agreement of the Constituent Councils.

### 8.5 Winding Up

- 8.5.1 The Authority may be wound up in accordance with the Act.
- 8.5.2 In the event of there being Net Assets upon dissolution and after realisation of all assets and meeting all liabilities, the Net Assets will be distributed to the Constituent Councils at that time on the basis of their equitable interest in the Authority at the date of dissolution.
- 8.5.3 In the event of there being any unfunded liabilities of the Authority at the time of a winding up or otherwise the Constituent Councils acting in accordance with their obligations under the Act will be responsible to meet those liabilities on the basis of their equitable interest in the Authority at the date of dissolution.

### 8.6 Insurance and Superannuation Requirements

- 8.6.1 The Authority shall register with the Local Government Mutual Liability Scheme and the Local Government Workers Compensation Scheme and comply with the Rules of those Schemes.
- 8.6.2 The Authority shall advise the Local Government Risk Management Services of its insurance requirements relating to the Local Government Special Risks including buildings, structures, vehicles and equipment under the management, care and control of the Authority.
- 8.6.3 The Authority shall register with the Local Government Superannuation Scheme and comply with the Rules of that Scheme (where applicable).

### 8.7 Non-Derogation and Direction by Constituent Councils

- 8.7.1 The establishment of the Authority does not derogate from the power of any of the Constituent Councils to act independently in relation to a matter within the jurisdiction of the Authority.
- 8.7.2 Provided that the Constituent Councils have all first agreed to the action to be taken, the Constituent Councils may direct and control the Authority.
- 8.7.3 For the purpose of Clause 8.7.2, any direction given by the Constituent Councils must be given in writing to the Executive Officer of the Authority.

- 8.7.4 Where the Authority is required pursuant to the Act or this Charter to obtain the approval of one or more of the Constituent Councils that approval must only be granted and must be evidenced by a resolution of the Constituent Council granting such approval.
- 8.7.5 Unless otherwise stated in this Charter where the Authority is required to obtain the consent or approval of the Constituent Councils this means the unanimous consent or approval of all the Constituent Councils.

#### 8.8 Review of Charter

- 8.8.1 This Charter will be reviewed by the Constituent Councils acting in concurrence at least once in every four years.
- 8.8.2 This Charter may be amended with the unanimous approval of all the Constituent Councils.
- 8.8.3 The Executive Officer must ensure that the amended Charter is published in the *Gazette* and a copy of the amended Charter provided to the Minister.
- 8.8.4 Before the Constituent Councils vote on the proposal to alter this Charter they must take into account any recommendation of the Board.

#### 8.9 Disputes Between Constituent Councils

##### 8.9.1 General

- 8.9.1.1 Where a dispute arises between the Constituent Councils which relates to this Charter or the Authority, ('the Dispute') the Constituent Councils will use their best endeavours to resolve the Dispute and to act at all times in good faith.
- 8.9.1.2 If the Constituent Councils are unable to resolve the Dispute within seven (7) days, any Constituent Council may notify, in writing, the other Constituent Councils of the Dispute giving details of the Dispute ('the Notice').
- 8.9.1.3 Within seven (7) days of the Notice the Constituent Councils must refer the Dispute to the Chief Executive Officer of the Constituent Councils.
- 8.9.1.4 The Chief Executive Officer of the Constituent Councils must meet to resolve the Dispute within seven (7) days of the Dispute being referred to them in accordance with Clause 8.9.1.3, or, if the Dispute is not referred to them within fourteen (14) days of the Notice and must be sufficiently authorised to resolve the Dispute without detailed reference to any other person.

##### 8.9.2 Mediation

- 8.9.2.1 A Constituent Council is not entitled to initiate arbitration or court proceedings (except proceedings seeking urgent equitable or injunctive relief) in respect of a Dispute unless it has complied with this Clause 8.9.2.
- 8.9.2.2 If the Constituent Councils or the Chief Executive Officers of the Constituent Councils are unable to resolve the Dispute the Constituent Councils must refer the Dispute for mediation in accordance with the Mediation Rules of the Law Society of South Australia Incorporated, within seven (7) days of a written request by any Constituent Council to the other Constituent Councils that the Dispute be referred for mediation, to:
- (a) a mediator agreed by the Constituent Councils; or
- (b) if the Constituent Councils are unable to agree on a mediator within five (5) days after the initial period, a mediator nominated by the then President of the Law Society or the President's successor.
- 8.9.2.3 In the event the Constituent Councils fail to refer the matter for mediation in accordance with Clause 8.9.2.2, one or more Constituent Councils may refer the matter for mediation in accordance with the Mediation Rules of the Law Society of South Australia Incorporated to a mediator nominated by the then President of the Law Society or the President's successor.
- 8.9.2.4 The role of any mediator is to assist in negotiating a resolution of the dispute. A mediator may not make a decision that is binding on a Constituent Council unless that Constituent Council has so agreed in writing.
- 8.9.2.5 If mediation does not resolve the Dispute within twenty eight (28) days of referral of the Dispute for mediation or such longer period agreed unanimously by the Constituent Councils as evidenced by resolutions of each of the Constituent Councils, any Constituent Council may then refer the Dispute to Arbitration in accordance with Clause 8.9.3.

##### 8.9.3 Arbitration

- 8.9.3.1 An arbitrator may be appointed by agreement between the Constituent Councils.
- 8.9.3.2 Failing agreement as to an arbitrator the then Chairperson of the South Australian Chapter of the Institute of Arbitrators or his successor shall nominate an Arbitrator pursuant to these conditions.
- 8.9.3.3 A submission to arbitration shall be deemed to be a submission to arbitration within the meaning of the Commercial Arbitration Act 1985 (South Australia).
- 8.9.3.4 Upon serving a notice of arbitration the Constituent Councils serving the notice shall lodge with the arbitrator a deposit by way of security for the cost of the arbitration proceedings.
- 8.9.3.5 Upon each submission to arbitration, the costs of and incidental to the submission and award shall be at the discretion of the arbitrator who may in his or her sole discretion determine the amount of costs, how costs are to be proportioned and by whom they are to be paid.

- 8.9.4 Whenever reasonably possible performance of the obligations of the Constituent Councils pursuant to this Charter shall continue during the mediation or arbitration proceedings and no payment by either Constituent Council shall be withheld on account of the mediation and arbitration proceedings.

#### 8.10 Circumstances Not Provided For

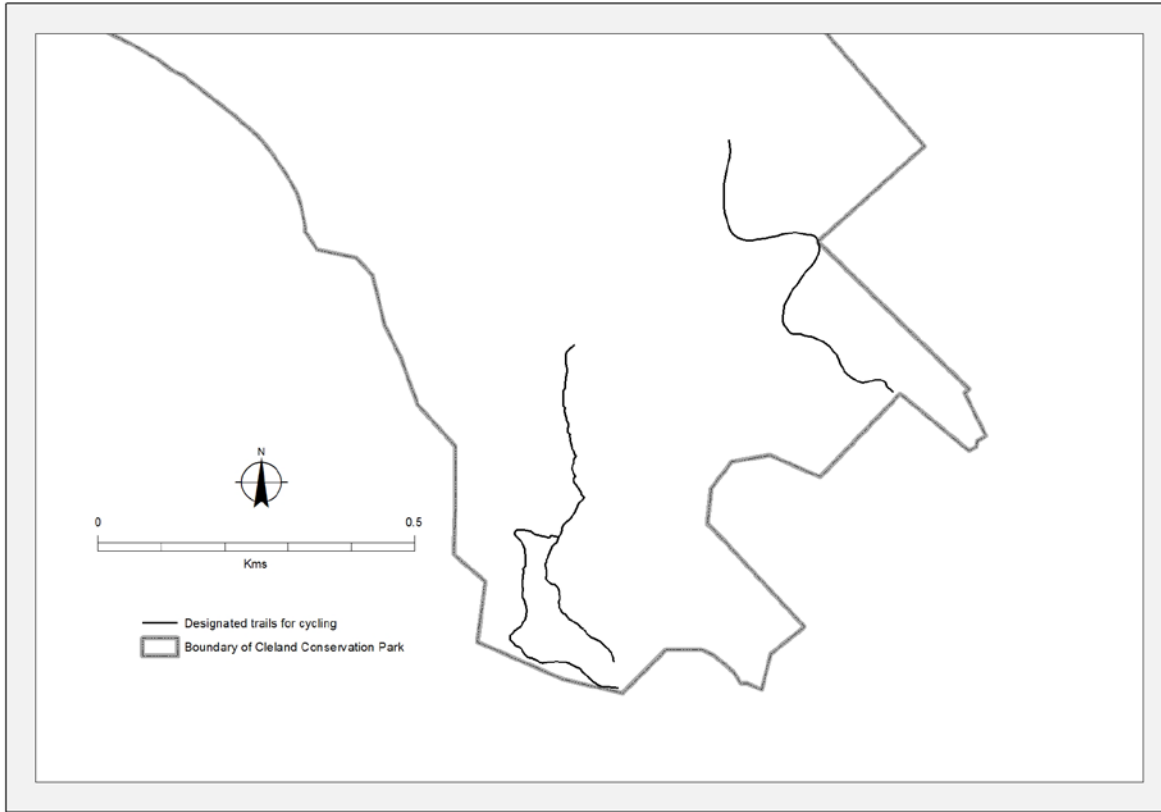
- 8.10.1 If any circumstances arise about which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions, the Chairperson may decide the action to be taken to ensure achievement of the objects and purposes of the Authority and its effective administration.
- 8.10.2 The Board shall report any such decision to the Constituent Councils.

NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2001

*Cycling Within Reserves*

PURSUANT of Regulations 10 and 11 (1) of the National Parks and Wildlife (National Parks) Regulations 2001, I, John Erwin Schutz, Director of National Parks and Wildlife, hereby grant permission for the riding of bicycles on the designated trails (in addition to those designated on 20 December 2012) within Cleland Conservation Park, proclaimed under the National Parks and Wildlife Act 1972.

Designated trails are shown in the map below.



Dated 3 November 2016.

J. E. SCHUTZ, Director of National Parks and Wildlife

South Australia

## **Health Care (Miscellaneous) Amendment Act (Commencement) Proclamation 2016**

### **1—Short title**

This proclamation may be cited as the *Health Care (Miscellaneous) Amendment Act (Commencement) Proclamation 2016*.

### **2—Commencement of Act**

- (1) Subject to subclause (2), the *Health Care (Miscellaneous) Amendment Act 2016* (No 23 of 2016) (the *Act*) will come into operation on 1 December 2016.
- (2) The following provisions of the Act will come into operation on 1 July 2017:
  - (a) sections 4 to 6 (inclusive);
  - (b) section 10;
  - (c) section 12(1), (2), (4) and (5).

### **Made by the Governor's Deputy**

with the advice and consent of the Executive Council  
on 17 November 2016

HEAC-2016-00056

South Australia

## Health Care (Private Hospitals) Variation Regulations 2016

under the *Health Care Act 2008*

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### Contents

#### Part 1—Preliminary

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#### Part 2—Variation of *Health Care Regulations 2008*

- 4 Revocation of regulation 17
  - 5 Revocation of regulation 19
  - 6 Revocation of regulation 20
  - 7 Amendment of Schedule 1—Private hospitals
- 

### Part 1—Preliminary

#### 1—Short title

These regulations may be cited as the *Health Care (Private Hospitals) Variation Regulations 2016*.

#### 2—Commencement

These regulations will come into operation on the day on which section 8 of the *Health Care (Miscellaneous) Amendment Act 2016* (No 23 of 2016) comes into operation.

#### 3—Variation provisions

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

### Part 2—Variation of *Health Care Regulations 2008*

#### 4—Revocation of regulation 17

Regulation 17—delete the regulation

#### 5—Revocation of regulation 19

Regulation 19—delete the regulation



**6—Revocation of regulation 20**

Regulation 20—delete the regulation

**7—Amendment of Schedule 1—Private hospitals**

Schedule 1, Part 2—delete Part 2

**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's Deputy**

with the advice and consent of the Executive Council  
on 17 November 2016

No 265 of 2016

HEAC-2016-00056

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- Maps and diagrams in pdf.
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**NOTE:**

**Closing time for lodging new copy is 4 p.m. on Tuesday preceding the regular Thursday *Gazette*.**

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## CITY OF SALISBURY

*Renaming a portion of Melvina Road Paralowie to Deal Court and portion of Kings Road (between Fairbanks Drive and Bolivar Road) to Louisa Road*

NOTICE is hereby given, pursuant to Section 219 of the Local Government Act 1999, the City of Salisbury resolved at its meeting on 24 October 2016, the following:

‘Portion of Melvina Road, Paralowie, north of the new alignment of Kings Road, be renamed to Deal Court and the portion of Kings Road between Fairbanks Drive and Bolivar Road, be renamed to Louisa Road.’

J. HARRY, Chief Executive Officer

## CITY OF VICTOR HARBOR

*Exclusion of Land from Classification as Community Land*

NOTICE is hereby given that the City of Victor Harbor at its Special Meeting held on 2 August 2012, resolved pursuant to Section 193 (4) (a) of the Local Government Act 1999, that Allotment 63 in Deposited Plan 60594 (131 Coromandel Drive), Certificate of Title Volume 5884, Folio 862, be excluded from the Community Land Classification.

G. K. MAXWELL, Chief Executive Officer

## CITY OF WEST TORRENS

## CALL FOR NOMINATIONS

*Supplementary Election for Councillor in Keswick Ward*

NOMINATIONS to be a candidate for election as a member of City of West Torrens will be received between Thursday, 24 November 2016 and 12 noon on Thursday, 8 December 2016. Candidates must submit a profile of not more than 150 words with their nomination form and may also provide a photograph, predominantly head and shoulders, taken within the previous 12 months.

Nomination kits are available from the Civic Centre, 165 Sir Donald Bradman Drive, Hilton.

A briefing session for intending candidates will be held at 7 p.m. Tuesday, 29 November 2016 at the Civic Centre, George Robertson Room, 165 Sir Donald Bradman, Hilton.

D. GULLY, Returning Officer

## ADELAIDE HILLS COUNCIL

## ROADS (OPENING AND CLOSING) ACT 1991

IN accordance with Section 10 of the Roads (Opening and Closing) Act 1991, notice is hereby given that Adelaide Hills Council proposes to make a Road Process Order to close the following road in the Hundred of Adelaide, being an irregularly-shaped strip of The Crescent Drive in the area named Norton Summit generally situate adjoining the south-western boundaries of Allotment 6 in Filed Plan 17020 and marked ‘A’ on Preliminary Plan No. 16/0037.

It is proposed that the piece of road to be closed marked ‘A’ be transferred to Mani White and merged with said Allotment 6 in Filed Plan 17020.

A preliminary plan of the proposal, and a statement, are available for public inspection at the Adelaide Hills offices, Stirling Service Centre, 63 Mount Barker Road, Stirling and Woodside Service Centre, 28 Onkaparinga Valley Road, Woodside or at the Adelaide office of the Surveyor-General, during normal office hours.

Any person may object to the proposal (and any adjoining landowner or other person substantially affected by the proposed road closure may apply for an easement relative to the closure). Such objection (or application for an easement) must be made in writing to the Adelaide Hills Council, P.O. Box 44, Woodside, S.A. 5244, within 28 days of the date of this notice. If a submission is made, the Adelaide Hills Council is required to give notice of a time and place at which a meeting will be held to consider the matter, so that the person making the submission (or a representative) may attend to support the submission, if desired.

Any submission must set out the full name and address of the person making the submission, and must be fully supported by reasons (and any application for the grant of an easement must give full particulars of the nature and location of the easement and where made by a person as the owner of adjoining or nearby land, specify the land to which the easement is to be annexed). A copy of the submission must be forwarded to the Surveyor-General at Adelaide.

Dated 17 November 2016.

A. AITKEN, Chief Executive Officer

PP/16/0037

## DISTRICT COUNCIL OF THE COPPER COAST

*Review of Elector Representation*

NOTICE is hereby given that the District Council of The Copper Coast is undertaking a review to determine whether a change of arrangements are required in respect to elector representation so as to ensure that the electors of the area being adequately and fairly represented.

Pursuant to the provisions of Section 12 (7) of the Local Government Act 1999, notice is hereby given that Council has prepared a Representation Options Paper which examines the advantages and disadvantages of the various options available in regards to the composition and structure of Council, and the division of the Council area into wards.

A copy of the Representation Options Paper is available on the Council’s website ([www.coppercoast.sa.gov.au](http://www.coppercoast.sa.gov.au)), or a copy can be inspected and/or purchased at the Council Office, 51 Taylor Street, Kadina.

Written submissions are invited from interested persons from Thursday, 17 November 2016 and should be directed to the Chief Executive Officer, P.O. Box 396, Kadina, S.A. 5554 or emailed to [info@coppercoast.sa.gov.au](mailto:info@coppercoast.sa.gov.au) by close of business on Friday, 27 January 2017.

Further information regarding the elector representation review can be obtained by contacting Katrina Borlace, Director Corporate Services, on telephone (08) 8828 1200 or by emailing [info@coppercoast.sa.gov.au](mailto:info@coppercoast.sa.gov.au).

P. HARDER, Chief Executive Officer

## DISTRICT COUNCIL OF KIMBA

*Temporary Road Closure*

NOTICE is hereby given that at a Council meeting held on 9 November 2016, Council resolved the following:

That:

- (1) The District Council of Kimba exercise the power subject to Section 33 of the Road Traffic Act 1961 and Clause F of the instrument of general approval of the Minister, dated 22 August 2013, to make an order that High Street from Martin Terrace to the southern side of North Terrace be closed between 4 p.m. and 8.30 p.m. and that High Street, between Cross Street and the southern side of North Terrace remain closed between 8.30 p.m. and 10.30 p.m. on Saturday, 17 December 2016, for the purpose of holding Kimba’s Christmas Pageant and Festivities.
- (2) Pursuant to Section 33 (1) (b) of the Road Traffic Act 1961, make an order directing that persons taking part in the event be exempted, in relation to roads, from the duty to observe the Australian Road Rules specified and attached to the exemption:

Rule 230—Crossing a Road—General.

Rule 298—Driving with a person in a trailer provided the speed of the vehicle does not exceed 25 km/h.

D. LARWOOD, Chief Executive Officer

## SOUTHERN MALLEE DISTRICT COUNCIL

## CALL FOR NOMINATIONS

*Supplementary Election for Councillor in Bews Ward*

NOMINATIONS to be a candidate for election as a member of Southern Mallee District Council will be received between Thursday, 24 November 2016 and 12 noon on Thursday, 8 December 2016. Candidates must submit a profile of not more than 150 words with their nomination form and may also provide a photograph, predominantly head and shoulders, taken within the previous 12 months.

Nomination kits are available from the Council Office(s), Day Street, Pinnaroo and Railway Terrace North, Lameroo.

Briefing sessions for intending candidates will be held at the following:

- 5.30 p.m. Tuesday, 22 November 2016  
Council Chambers, Railway Terrace North, Lameroo.
- 5.30 p.m. Wednesday, 23 November 2016  
Council Chambers, Day Street, Pinnaroo.

D. GULLY, Returning Officer

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

*Benjamin, Laurence Gwynfryn*, late of 18 Margaret Avenue, Somerton Park, retired radio surveyor, who died on 22 August 2015.

*Burt, Barbara Eileen*, late of 101 Lake Terrace East, Mount Gambier, of no occupation, who died on 5 September 2016.

*Campbell, Elda Adele*, late of 2 Malken Way, Findon, of no occupation, who died on 20 June 2016.

*Everard, Winifred Mary*, late of 9 Bellevue Court, Gawler East, retired pottery decorator, who died on 4 August 2016.

*Harvey, Margery Agnes*, late of 18 Trafford Street, Angle Park, of no occupation, who died on 28 August 2016.

*Hateley, Peter*, late of 55 Ferguson Avenue, Myrtle Bank, retired nurse, who died on 20 March 2016.

*Jacobs, Gordon Roger*, late of 18 Cross Road, Myrtle Bank, retired carpenter, who died on 25 July 2016.

*Otta, Deidre Noreen*, late of 77 Sydenham Road, Norwood, of no occupation, who died on 2 July 2016.

Notice is hereby given pursuant to the Trustee Act 1936, 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 16 December 2016, otherwise they will be excluded from the distribution of the said estate; 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 17 November 2016.

D. A. CONTALA, Public Trustee

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# ATTENTION

CUSTOMERS requiring a proof of their notice for inclusion in the *Government Gazette*, please note that the onus is on you to inform **Government Publishing SA** of any subsequent corrections.

For any corrections to your notice please phone 8207 1045 or Email **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.**

Phone: 8207 1045

Fax: 8207 1040

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