



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

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

ADELAIDE, THURSDAY, 8 MAY 2003

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## GOVERNMENT GAZETTE NOTICES

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

Department of the Premier and Cabinet  
Adelaide, 8 May 2003

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Wilderness Advisory Committee, pursuant to the provisions of the Wilderness Protection Act 1992:

Member: (from 8 May 2003 until 7 May 2005)

Louise Mendel  
Charles Eric Maynard Bills  
Robert George Lesslie  
Donald Ransom

Presiding Member: (from 8 May 2003 until 7 May 2005)

Charles Eric Maynard Bills

By command,

J. W. WEATHERILL, for Premier

MEC 0046/03CS

Department of the Premier and Cabinet  
Adelaide, 8 May 2003

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Animal Welfare Advisory Committee, pursuant to the provisions of the Prevention of Cruelty to Animals Act 1985:

Member: (from 8 May 2003 until 7 May 2006)

Ian Harry Carmichael  
Timothy Kuchel  
Ian Rowett  
Pam Scanlon  
John James Counihan

Presiding Member: (from 8 May 2003 until 7 May 2006)

Ian Harry Carmichael

By command,

J. W. WEATHERILL, for Premier

MEC 0047/03CS

Department of the Premier and Cabinet  
Adelaide, 8 May 2003

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Parliamentary Superannuation Board, pursuant to the provisions of the Parliamentary Superannuation Act 1974:

Member: (from 8 May 2003)

Paul Francis Grimes

By command,

J. W. WEATHERILL, for Premier

TFD 045/03CS

Department of the Premier and Cabinet  
Adelaide, 8 May 2003

HER Excellency the Governor in Executive Council has revoked the appointment as officers of the Crown for the purpose of providing the range of custodial services for Prisoner Movement and In-Court Management Services, the former staff of Group 4 Correction Services Pty Ltd as listed, pursuant to section 68 of the Constitution Act 1934:

Luke Donald Fraser  
Shane Phillip Edmonds  
Ronald Wayne Sherwell  
David Austin Noble  
Julia Rosalind Lycett  
Brett Anthony Sullivan  
Jason Michael Steen  
Lee Russell Morgan  
Shirley May Clampit  
Stephen Howard Clampit

By command,

J. W. WEATHERILL, for Premier

MCS 0005/03CS

Department of the Premier and Cabinet  
Adelaide, 8 May 2003

HER Excellency the Governor in Executive Council has been pleased to appoint as officers of the Crown for the purpose of providing the range of custodial services for Prisoner Movement and In-Court Management Services, in accordance with the South Australian Prisoner Movement In-Court Management contract, without pay or other industrial entitlement, staff of Group 4 Correction Services Pty Ltd—as listed, pursuant to section 68 of the Constitution Act 1934:

Rodney Charles Durie  
Kevin Fraser  
Brendan John O'Mahoney  
Paul Edward Kenworthy  
Lynette Kaye Langley  
Colin Patrick Gamble

By command,

J. W. WEATHERILL, for Premier

MCS 0005/03CS

Department of the Premier and Cabinet  
Adelaide, 8 May 2003

HER Excellency the Governor in Executive Council has revoked the appointment of William Kenny and John Henry Monger as Inspectors for the purposes of the Correctional Services Act 1982, pursuant to section 20 of the Correctional Services Act 1982 and section 36 of the Acts Interpretation Act 1915.

By command,

J. W. WEATHERILL, for Premier

MCS 0006/03

Department of the Premier and Cabinet  
Adelaide, 8 May 2003

HER Excellency the Governor in Executive Council has been pleased to appoint John Amoroso as an Inspector for the purposes of the Correctional Services Act 1982, pursuant to section 20 of the Correctional Services Act 1982.

By command,

J. W. WEATHERILL, for Premier

MCS 0006/03

Department of the Premier and Cabinet  
Adelaide, 8 May 2003

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

Gary William Belder  
Kerry Lee Collings  
Nardia Nicole Jagger  
Huong Le  
Vicki Irene Pridmore  
Christene Lee Rosewarne  
Lisa Clare Rowe  
Wayne Austin Sharp  
Daniel Tolich  
Corinna Claire Whiting

By command,

J. W. WEATHERILL, for Premier

ATTG 0082/03CS

ANIMAL AND PLANT CONTROL (AGRICULTURAL  
PROTECTION AND OTHER PURPOSES) ACT 1986*Appointments*

PURSUANT to the provisions of section 25 of the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986, I hereby revoke the appointments of the following persons as State Authorised Officers:

Peter Gordon Allen  
Gerhard Brunner  
Ann Louise Buesnel  
John Richard Jones  
William Judd  
Kenneth John Munro.

Pursuant to the provisions of section 25 of the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986, I hereby appoint the following persons as State Authorised Officers for the purposes of the said Act:

Michael James Balharry  
Ann Louise Letcher  
Victoria Gay Hawker  
Heidi Jane Nicholson  
John Leonard Pitt  
Mark David Ramsey  
William Howard Sandow,

to be appointed for the whole of South Australia.

Shane Robert Childs  
Stuart Edward Southcombe,

to be appointed for the whole of South Australia for the purposes of Part 3 (Control of Animals) of the Act only.

Bronte Ronald Gillard,

to be appointed for the whole of South Australia west of a longitudinal line through Ceduna.

Christopher Jacob Van-Dissel  
Leanne Michelle Veitch,

to be appointed for the whole of South Australia for the purposes of Part 4 (Control of Plants) of the Act only.

These appointments are effective from 2 May 2003.

Dated 2 May 2003.

J. HILL, Minister for Environment and  
Conservation

## AQUACULTURE ACT 2001

*Grant of Aquaculture Lease*

PURSUANT to the provisions of section 22 of the Aquaculture Act 2001, Paul Holloway, Minister for Agriculture, Food and Fisheries, hereby gives notice of the grant of the following lease for the purposes of aquaculture in the waters of the State:

Lessee:

Robert J. Kinloch

Address:

8 Feltus Street  
Streaky Bay, S.A. 5680

Leased Area:

GDA 94—Zone 53  
261843E 6459045N  
261199E 6459034N  
261193E 6459352N  
261838E 6459350N

Licensed  
Hectares

20

Permitted Class of Aquaculture:

Subtidal Shellfish Aquaculture

Term of the Lease:

12 months

## AQUACULTURE ACT 2001

*Grant of Aquaculture Lease*

PURSUANT to the provisions of section 22 of the Aquaculture Act 2001, Paul Holloway, Minister for Agriculture, Food and Fisheries, hereby gives notice of the grant of the following lease for the purposes of aquaculture in the waters of the State:

Lessee:

Australian Wild Oysters

Address:

1 Markey Street  
Eastwood, S.A. 5063

Leased Area:

GDA 94—Zone 53  
583568E 6170578N  
583426E 6170682N  
583561E 6170866N  
583702E 6170763N

Licensed  
Hectares

4

Permitted Class of Aquaculture:

Subtidal Shellfish Aquaculture

Term of the Lease:

12 months

## AQUACULTURE ACT 2001

*Grant of Aquaculture Lease*

PURSUANT to the provisions of section 22 of the Aquaculture Act 2001, Paul Holloway, Minister for Agriculture, Food and Fisheries, hereby gives notice of the grant of the following lease for the purposes of aquaculture in the waters of the State:

Lessee:

Mark N. Sherrey

Address:

44 Normandy Place  
Port Lincoln, S.A. 5606

Leased Area:

GDA 94—Zone 53  
583702E 6170763N  
583773E 6170711N  
583638E 6170527N  
583567E 6170578N

Licensed  
Hectares

2

Permitted Class of Aquaculture:

Subtidal Shellfish Aquaculture

Term of the Lease:

12 months

## AQUACULTURE ACT 2001

*Grant of Aquaculture Lease*

PURSUANT to the provisions of section 22 of the Aquaculture Act 2001, Paul Holloway, Minister for Agriculture, Food and Fisheries, hereby gives notice of the grant of the following lease for the purposes of aquaculture in the waters of the State:

Lessee:

Andrew J. Warburton

Address:

42 Milton Avenue  
Port Lincoln, S.A. 5606

Leased Area:

GDA 94—Zone 53  
583773E 6170711N  
583843E 6170659N  
583709E 6170475N  
583638E 6170527N

Licensed  
Hectares

2

Permitted Class of Aquaculture:  
Subtidal Shellfish Aquaculture  
Term of the Lease:  
12 months

**AQUACULTURE ACT 2001**  
*Grant of Aquaculture Lease*

PURSUANT to the provisions of section 22 of the Aquaculture Act 2001, Paul Holloway, Minister for Agriculture, Food and Fisheries, hereby gives notice of the grant of the following lease for the purposes of aquaculture in the waters of the State:

Lessee:  
Anthony P. Peters  
Address:  
12 Volante Street  
Port Lincoln, S.A. 5606

Leased Area:	Licensed Hectare
GDA 94—Zone 53	
543805E 6169950N	0.5
543830E 6169950N	
543805E 6169750N	
543830E 6169750N	

Permitted Class of Aquaculture:  
Intertidal Shellfish Aquaculture  
Term of the Lease:  
12 months

**CONTROLLED SUBSTANCES ACT 1984**

*Revocation*

TAKE notice that on the first day of May 2003, the Minister for Health made an order, pursuant to section 57 (2) of the Controlled Substances Act 1984 in respect of:

Dr John Christopher Richards  
49 Katoomba Road,  
Beaumont, S.A. 5066,

that revoked a previous order served on Dr Richards dated 26 July 2002.

K. EVANS, for and on behalf of the  
Minister for Health

**CROWN LANDS ACT 1929: SECTION 5**

TAKE NOTICE that pursuant to the Crown Lands Act 1929, I JOHN HILL, Minister for Environment and Conservation, Minister of the Crown to whom the administration of the Crown Lands Act 1929 is committed DO HEREBY dedicate the Crown Land defined in The Schedule as a Public Road.

**The Schedule**

Allotment 21 of DP 57724, Hundred of Mundoora, County of Daly, being within the district of Barunga West.

Dated 8 May 2003.

J. HILL, Minister for Environment and Conservation  
DENR 10/0616

**CROWN LANDS ACT 1929: SECTION 5**

TAKE NOTICE that pursuant to the Crown Lands Act 1929, I JOHN HILL, Minister for Environment and Conservation, Minister of the Crown to whom the administration of the Crown Lands Act 1929 is committed DO HEREBY:

1. Resume the land defined in The First Schedule.
2. Dedicate the Crown Land defined in The Second Schedule as an Emergency Services Reserve and declare that such land shall be under the care, control and management of the Minister for Emergency Services.

**The First Schedule**

Portion of Community Purposes Reserve, allotment 2, Town of Monash, Berri Irrigation Area, County of Hamley, the proclamation of which, together with other land was published in the *Government Gazette* of 20 May 1982 at page 1714, The Third Schedule, being portion of the land contained in Crown Record Volume 5753, Folio 802.

**The Second Schedule**

Allotment 2, Town of Monash, Berri Irrigation Area, County of Hamley, exclusive of all necessary roads, being portion of the land contained in Crown Record Volume 5753 Folio 802.

Dated 8 May 2003

J. HILL, Minister for Environment and Conservation  
DEHAA 11/2711

**CROWN LANDS ACT 1929: SECTION 5**

TAKE NOTICE that pursuant to the Crown Lands Act 1929, I JOHN HILL, Minister for Environment and Conservation, Minister of the Crown to whom the administration of the Crown Lands Act 1929 is committed DO HEREBY:

1. Resume the land defined in The First Schedule.
2. Dedicate the Crown Land defined in The Second Schedule as an Emergency Services Reserve and declare that such land shall be under the care, control and management of the Minister for Emergency Services.

**The First Schedule**

Reserve for the purposes of a Civic Centre, allotment 101, Town of Glossop, Berri Irrigation Area, County of Hamley, the proclamation of which was published in the *Government Gazette* of 22 October 1959 at page 967 and amended by proclamation published in the *Government Gazette* of 20 December 1973 at page 3338, being the whole of the land contained in Crown Record Volume 5753, Folio 806.

**The Second Schedule**

Allotment 101, Town of Glossop, Berri Irrigation Area, County of Hamley, exclusive of all necessary roads, being the whole of the land contained in Crown Record Volume 5753, Folio 806.

Dated 8 May 2003

J. HILL, Minister for Environment and Conservation  
DEHAA 11/2709

# ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT RULES

BY virtue of the provisions of section 48 of the Environment, Resources and Development Court Act 1993, and of all other enabling powers, we, Christine Louise Trenorden, Presiding Member of the Environment, Resources and Development Court, and Susanne Denise Cole, a Judge of that Court, hereby make the following Rules of Court.

## Rules of the Environment, Resources and Development Court

### PART 1—GENERAL

- 1.1 These Rules may be cited as the Environment, Resources and Development Court Rules 2003, and revoke the Environment, Resources and Development Court Rules 2001.
- 1.2 These Rules are divided into Parts as follows:
- Part 1—General
  - Part 2—Definitions
  - Part 3—Administration
  - Part 3A—E-Business Transactions
  - Part 4—General Powers of the Court
  - Part 5—Appeals
  - Part 5A—Appeals from the Warden’s Court
  - Part 6—Applications
  - Part 7—Enforcement/Compliance Applications
  - Part 8—Conferences
  - Part 9—Mediation
  - Part 10—Building References
  - Part 11—Provision of Documents and Copy Documents
  - Part 12—Service
  - Part 13—Jurisdiction of Master
  - Part 14—Costs
  - Part 15—Contempt
  - Part 16—Procedure upon trial of any Charge of an Offence
- 1.3 *Purpose and General Procedure*
- 1.3.1 These Rules are made for the purpose of establishing orderly procedures for the conduct of proceedings in the Court, and are to be construed and applied so as to best ensure the attainment of the following objects:
- the simplification of practice and procedure;
  - the identification of the real issues between the parties prior to the hearing of proceedings;
  - the saving of expense; and
  - the fair and expeditious disposal of the business of the Court,
- and to this end:
- (a) the evidence of any expert witness must be in the form of a statement or report which clearly states the opinions of the witness and the basis for those opinions;

- (b) where an expert witness has provided a statement or report in relation to the subject of the proceedings, that statement or report must be provided to the Court (one copy for each member constituting the Court hearing the matter and one additional copy) and each party in accordance with the relevant Practice Directions issued by the Court;
  - (c) oral examination in chief of any witness will not be necessary where the evidence of that witness has been reduced to a statement or report, or in the case of enforcement and other applications, is set out in an affidavit;
  - (d) such plans, diagrams, photographs, specifications or other documents (including any plan or other document amending a development or proposal the subject of proceedings) which are reasonably capable of being copied without undue expense and which are to be relied upon at any hearing must be provided to the Court and each party in accordance with the relevant Practice Directions issued by the Court;
  - (e) parties must be prepared at any conference held pursuant to section 16 of the Act to identify the issues;
  - (f) in respect of an appeal pursuant to section 86 (1) (a) or (b) of the Development Act 1993, the applicant for development authorisation must notify each party of any proposed amendment to the development or proposal in accordance with a timetable as directed by the Court, or, where a timetable has not been set, at least 14 days prior to the hearing; and
  - (g) on the hearing of an appeal by a representor, under the Development Act 1993 or the Water Resources Act 1997, the applicant for consent must be prepared to inform the Court as to the proposal, at the commencement of the hearing.
- 1.3.2 It is acknowledged that the business of the Court will include proceedings involving parties who will not be represented by counsel, solicitor or other qualified representative familiar with these Rules. These Rules are not intended to frustrate the presentation of a case in good faith by a party not so represented, and the Rules are to be construed and applied accordingly, having regard to the duty of the Court, expressed in section 21 (1) (c) of the Environment, Resources and Development Court Act 1993.
- 1.3.3 In accordance with the objects set out in paragraph 1.3.1, counsel need not robe for the hearing of any proceedings in the Court.
- 1.3.4 The Court may, at any stage of any proceedings and subject to any statutory requirement, dispense with the observance of any part of these Rules.

#### PART 2—DEFINITIONS

- 2.1 In these Rules, unless the context indicates otherwise:

*'address for service'* means an address of a place at which an application or other document may be sent or left for the party giving such address. Such address:

- (i) if a physical address, (not a post office box number), shall be within 50 km of the Adelaide General Post Office and, if it is of a building or property which is divided into parts which are capable of separate occupation, shall also specify which part of the building or property is the address for service;
- (ii) may be outside the above radius where it is a place, within Australia, at which a legal practitioner filing the address for service carries on practice and where a number for facsimile transmission is included in the address for service;

- (iii) may include such a number where the party giving the address for service is prepared to receive service of documents by facsimile transmission at the number, and may also contain a box number and a branch of the Adelaide Document Exchange where the solicitor for the party giving that address for service is a member of the Adelaide Branch of the Australian Document Exchange, or otherwise entitled to use of its facilities;
- (iv) shall, wherever the addressee is physically located, be a sufficient address for the purposes of this definition, if it specifies an e-mail address to which documents may electronically be directed to the party giving it and the party initiating the proceedings has also indicated, on a document filed by such party, that it has an e-mail address.

'*appeal*' means any appeal to the Court instituted pursuant to:

- (i) any of the following provisions of the Development Act 1993, namely:
  - subsection 6 (4);
  - subsection 74 (6);
  - subsection 86 (1) (a) or (b);
  - subsection 86 (1) (d) (i), but not being an application for an order pursuant to section 55;
  - subsection 86 (1) (d) (ii);
  - subsection 86 (1) (d) (iii), being an appeal or a notice issued pursuant to section 71;
- (ii) section 106 of the Environment Protection Act 1993;
- (iii) section 20 of the Heritage Act 1993;
- (iv) subsections 17 (6), 33 (2), 56 (3) of the Mining Act 1971;
- (v) section 142 of the Water Resources Act 1997;
- (vi) subsections 65 (1) and 67 (1) of the Irrigation Act 1994;
- (vii) section 48 of the South Eastern Water Conservation and Drainage Act 1992;
- (viii) subsection 35 (2) of the Ground Water (Qualco-Sunlands) Control Act 2000;
- (ix) section 33F of the Native Vegetation Act 1991; or
- (x) section 31 of the Upper South East Dryland Salinity and Flood Management Act 2002.

'*application*' means any application to the Court instituted pursuant to:

- (i) any of the following provisions of the Development Act 1993, namely:
  - subsection 41 (2);
  - subsection 55 (1);
  - subsection 60 (3);
- (ii) section 42, subsections 49 (8) or 89 (4) of the Environment Protection Act 1993;
- (iii) sections 30 or 35 of the Heritage Act 1993;
- (iv) the power of the Court to make a declaration of right pursuant to section 28 of the Act;
- (v) the power of the Court to make a determination, contemplated by subsection 49 (2) of the Irrigation Act 1994; or
- (vi) section 30 of the Native Vegetation Act 1991,

but does not include an enforcement or compliance application or an interlocutory application.

*'authorised electronic communication'* means:

- (a) a communication of information in the form of data, text or images by means of guided or unguided electromagnetic energy, or both, including an e-mail or an e-mail attachment; or
- (b) a communication of information in the form of sound by means of guided or unguided electromagnetic energy, or both, where the sound is processed, at its destination, by an automated speech recognition system,

in accordance with information technology requirements specified by the Court by Practice Direction.

*'Authority'* includes the Development Assessment Commission, a Council, the Environment Protection Authority, the State Heritage Authority, the Native Vegetation Council, a Minister of the Crown or a public authority against whom an appeal to the Court may be instituted, or an irrigation trust constituted under the Irrigation Act 1994, as the case may be.

*'building referee'* and *'building referees'* mean a Commissioner or Commissioners to whom a dispute is referred for determination as a building referee or building referees.

*'building reference'* means an appeal against a refusal under section 67, a refusal under section 68 and an order under subsection 69 (1) (a) of the Development Act 1993.

*'certificate of title'* means every certificate of title issued pursuant to the Real Property Act 1886, every memorandum of lease issued pursuant to the Crown Lands Act 1929, the Pastoral Land Management and Conservation Act 1989, or the Irrigation Act 1930, and every mining production tenement.

*'compliance application'* means an application pursuant to section 74A of the Mining Act 1991 or section 86 of the Opal Mining Act 1995.

*'conference'* means a conference conducted pursuant to Section 16 of the Act.

*'Council'* means a municipal or district council.

*'Court'* means the Environment, Resources and Development Court and includes a Judge, Commissioner, Master or Magistrate of the Court.

*'decision'* means any decision, assessment, request, declaration, direction, restriction, order or other act (including a proposal pursuant to section 67 (1) of the Irrigation Act 1994), against which an appeal may be instituted or which may be the subject of a reference to building referees.

*'deliver'* includes electronic transmission to the e-mail address of the deliverer by an authorised electronic communication.

*'District Registry'* means any Registry of the Court other than the Principal Registry of the Court.

*'e-mail address'* means the mailing address to and from which an authorised electronic communication may be sent and received, using the World Wide Web.

*'enforcement application'* means an application to the Court for an order pursuant to section 85 of the Development Act 1993, section 104 of the Environment Protection Act 1993, section 141 of the Water Resources Act 1997, section 31A of the Native Vegetation Act 1991, or section 29 of the Upper South East Dryland Salinity and Flood Management Act 2002.

*'interim injunction'* means any injunction or other order of the Court issued pursuant to section 34 of the Act.

*'interlocutory application'* means any application for an interlocutory order of the Court.

'*interlocutory order*' means any injunction, interim injunction, interlocutory order or other order made by the Court which does not finally dispose of the rights of parties, pursuant to or as contemplated by:

- (i) sections 17 (3), 28a, 34 or 35 of the Act;
- (ii) subsections 69 (11), 71 (13), 84 (10) or 85 (10) of the Development Act 1993;
- (iii) subsections 106 (4) or 107 (2) of the Environment Protection Act 1993;
- (iv) section 71 of the Water Resources Act 1997;
- (v) Part 4 of these Rules;
- (vi) sections 31C, 31E (7) and 31F (5) of the Native Vegetation Act 1991; or
- (vii) section 30 of the Upper South East Dryland Salinity and Flood Management Act 2002,

but this list is not necessarily exhaustive.

'*mining application*' means any application to the Court for:

- a determination of compensation pursuant to subsection 9 (3), sections 54 or 61 of the Mining Act 1971 or section 38 of the Opal Mining Act 1995;
- a determination of the compensation payable and an order that the Minister pay such compensation to the holder of a licence pursuant to subsection 33 (5) of the Mining Act 1971;
- a determination consequent upon the lodging of a notice of objection pursuant to section 58A of the Mining Act 1971 or section 32 of the Opal Mining Act 1995;
- a determination of the conditions on which declared equipment may be used on land, pursuant to subsection 59 (8) of the Mining Act 1971.

'*Registrar*' means the Registrar of the Court and includes a Deputy Registrar.

'*registry*' means the Principal Registry and any District Registry of the Court.

'*related decisions*' means any decisions made or issued by the same authority and relating to the same development, land, or watercourse.

'*signed*' includes executed under seal or by virtue of power of attorney or of delegation.

'*the Act*' means the Environment, Resources and Development Court Act 1993.

#### PART 3—ADMINISTRATION

##### 3.1 *Seal of the Court*

- 3.1.1 The Registrar shall be responsible for the safe keeping and due and proper use of the seal of the Court.
- 3.1.2 The Registrar must ensure that a seal of the Court is kept at each registry of the Court.
- 3.1.3 Subject to paragraph 3.1.4 of this Rule, the seal of the Court shall be affixed to each originating process and all orders issued by the Court, and to such other documents as the Court may from time to time determine.
- 3.1.4 The Court may, if it considers it to be appropriate, direct that any order, other than a final order or an interim injunction, need not be drawn up or sealed, in which case the endorsement of the order in the Court record shall take effect as the order of the Court as from the date of such endorsement.

- 3.1.5 The Court may, of its own motion, affix its seal to any order issued by it.
- 3.1.6 The Court may vary or amend any order issued by it (including any order to which the seal of the Court has been affixed) in order to remedy any error or omission in such order.

3.2 *Registries of the Court*

- 3.2.1 The Principal Registry of the Court shall be at the Sir Samuel Way Building, Victoria Square, Adelaide.
- 3.2.2 The District Registries of the Court shall be at the same places as the District Registries of the District Court, namely at Berri, Mount Gambier, Port Lincoln, Port Pirie and Whyalla.

3.3 *Practice Directions*

- 3.3.1 The Registrar may issue practice directions, not inconsistent with these Rules, with respect to the business of the Court, for the information and guidance of parties and their representatives.

PART 3A—E-BUSINESS TRANSACTIONS

- 3A.01 If a person is required or permitted to give information in writing or produce a document that is in the printed or typewritten form to either:
- (a) the Court; or
  - (b) a person who has advised either:
    - (i) the Registrar, or
    - (ii) the person giving the information or producing the document,
- of their willingness to receive information by means of authorised electronic communication, that requirement is taken to have been met if the person gives the information, or produces the document, by means of an authorised electronic communication.
- 3A.02 If the Court is required to give information to a person in writing, and that person has advised the Registrar of their willingness to receive information by means of an authorised electronic communication, that requirement is taken to have been met if the Court gives the information by means of such a communication.
- 3A.03 A person who has an e-mail address shall state that address on any documents or communication filed, served or given. The publishing of an e-mail address in such a manner indicates a willingness, thereafter, to receive information, at that address, by means of an authorised electronic communication from both the Court and other parties or persons.
- 3A.04 The Registrar shall approve and promulgate a facsimile number for the purpose of receiving information authorised, by Practice Direction, to be received by such means.
- 3A.05 Information sent to the Registrar by facsimile transmission must be:
- (a) sent to the approved facsimile number for the Court; and
  - (b) accompanied by a cover sheet clearly stating:
    - (i) the sender's name, postal address, document exchange number (if any), telephone number, facsimile number and e-mail address (if any);
    - (ii) the number of pages transmitted; and
    - (iii) what action is required in relation to the document.
- 3A.06 If the information comprises a document that is required to be signed or sealed by or on behalf of the Registrar, and is accepted, the Registrar must:
- (a) make one copy of it; and
  - (b) if the sender requests that the document be held for collection—hold it for collection for 7 days; and

- (c) if the sender does not request the document to be held for collection, or having made a request does not collect the document within 7 days—return the document by facsimile transmission to the facsimile number stated on the cover sheet.
- 3A.07 A person who sends information to the Registrar by facsimile transmission must:
- (a) keep the original information and the transmission report evidencing successful transmission; and
  - (b) produce the original information or the transmission report as directed by the Court.
- 3A.08 If the Court directs that the original information be produced, the first page of it must be endorsed with:
- (a) a statement that the information is the original of that sent by facsimile transmission; and
  - (b) the date that the information was sent by facsimile transmission.

#### PART 4—GENERAL POWERS OF THE COURT

- 4.1 The Court has power generally to give effect to the purpose of these Rules and, in particular may:
- (a) dispense (either prospectively or retrospectively) with compliance with all or any part of these Rules;
  - (b) give leave to any party to amend, alter or withdraw any step in the proceedings;
  - (c) extend or abridge any periods of time within or by which any step in a proceeding is required to be taken, irrespective of whether such period of time has expired;
  - (d) correct, revoke or vary any order by a subsequent order; and
  - (e) do anything or give such directions relating to the conduct of the action or the conduct of the hearing as may expedite the resolution of the issues between the parties.
- 4.2 The Court may give such directions as it thinks appropriate with respect to any matter referred or removed to it by or from another Court or in circumstances not provided for either by the Act, any Regulations made thereunder, or by these Rules.
- 4.3 The Court may order that:
- (a) two or more actions be consolidated, where such actions concern related decisions;
  - (b) two or more actions be heard together;
  - (c) two or more actions be heard one immediately after the other; and
  - (d) evidence taken in one action be taken as evidence in another.
- 4.4 *Particulars, Discovery and Production of Documents*
- 4.4.1 The Court may, at any time prior to or in the course of the hearing of proceedings, order a party to produce to the Court and to each other party:
- (a) further particulars of that party's case;
  - (b) full particulars of the reasons for decision of the relevant authority;
  - (c) a list of documents which are in the possession of that party and are directly relevant to the proceedings;
  - (d) a specified document in the possession of that party, which is directly relevant to the proceedings.

- 4.4.2 Where a party is ordered to produce a list of documents, the party must comply with the following:
- (a) a list of documents should not describe a document separately where it is:
    - (i) part of a file which is discovered as a file;
    - (ii) contained on a computer disc which is discovered as a disc;
    - (iii) part of a related group of documents where the group is discovered, e.g., the accounting records for a stated financial year;
    - (iv) a different version of a document already discovered;
    - (v) of similar type but of different date or content to a document already discovered;
  - (b) a party's list of documents must include any claim by that party for privilege for a document and the grounds upon which the claim is based;
  - (c) a list of documents must identify a place where the documents may be inspected by the other party or parties to the proceedings and that party or those parties are entitled to inspect the documents and obtain copies of such documents as they require, upon payment of a reasonable fee to the party producing the copies.

4.5 *Interlocutory Applications*

- 4.5.1 Every application for an order:
- (a) pursuant to the provisions of this Part;
  - (b) for substituted service pursuant to Part 12 of these Rules; or
  - (c) of an interim or interlocutory nature,
- shall be made by interlocutory application.
- 4.5.2 Except in the case of urgency, or where all interested parties consent to the order sought, every interlocutory application must:
- (a) be in writing;
  - (b) set out the order sought and the grounds for it;
  - (c) state whether the application is to be served on any person and, if so, upon whom.
- 4.5.3 Where an interlocutory application is for an injunction or restraining order, it must be accompanied by an affidavit setting out the facts and circumstances upon which the applicant relies.
- 4.5.4 Where the Court is of the opinion that an interlocutory application should be supported by affidavit, it may adjourn such application until such affidavit has been filed.
- 4.5.5 Any interlocutory application may be included in any document instituting proceedings before the Court or may be made by subsequent interlocutory application.
- 4.5.6 Where the Court is of the opinion that an interlocutory application should have been served upon a person or party upon whom it has not been served, the Court may:
- (a) give such directions as it thinks fit relating to the service of the interlocutory application and adjourn further consideration; or
  - (b) dismiss the interlocutory application.

4.5.7 In the case of urgency, or in any other circumstances in which the Court considers it appropriate, the Court may:

- (a) hear an oral application; and
- (b) hear an application and make an order by telephone, radio tele-phone, facsimile, computer, email, video conference or television.

4.6 *Powers on Application for Restraining Order*

4.6.1 Where an interlocutory application is for a restraining order pursuant to section 28A of the Act, and the Court considers it appropriate to exercise its powers under subsection 28A (5) of the Act, the Court may:

- (a) direct the Registrar to issue and cause to be served, a summons directing the respondent or defendant, as the case may be, to appear before the Court at a specified time and place to be examined concerning the identification of property the subject of the proposed restraining order; or
- (b) issue a warrant for the arrest of the respondent or defendant, as the case may be, under the hand of a Judge, directed to the Sheriff, ordering the Sheriff to take the person into custody and to hold him or her in custody until he or she can be brought before the Court to be examined concerning the identification of property the subject of the proposed restraining order.

4.7 *Court May Make Orders Without Application by Party*

4.7.1 Where, for any reason, the Court considers it necessary or desirable that an order be made pursuant to this Part, but no interlocutory application has been made, the Court may require the parties to attend before it and may give orders relating to the conduct of the action.

4.8 *Failure to Comply with Rules/Orders of Court*

4.8.1 Where a party fails to comply with:

- (a) these Rules in relation to the production of a statement or other material which the party intends to produce or rely on at the hearing; or
- (b) an order pursuant to paragraph 4.4.1 of these Rules,

the Court may direct that any statement (including oral testimony of any expert witness whose statement should have been produced) or document shall not be admitted into evidence at the hearing.

PART 5—APPEALS

5.1 *Institution of Appeals*

5.1.1 Every appeal to the Court shall be by notice of appeal in writing which must:

- (a) identify the land, watercourse or building to which the appeal relates;
- (b) name and provide (to the extent the appellant knows) the postal and e-mail addresses and telephone and facsimile numbers of the Authority against which the appeal is instituted;
- (c) specify the decision or notice of the Authority to which the appeal relates;
- (d) specify the grounds of appeal against such decision or notice;
- (e) specify the full name of and the address for service of the appellant and, if available, the telephone and facsimile numbers and e-mail address of the appellant;
- (f) if the appeal relates to the issue or refusal of a development authorisation, specify whether the appellant was the applicant for the development authorisation or is a person who made a representation and to whom notice was given pursuant to section 38 of the Development Act 1993; and

- (g) be signed by the appellant, or on his or her behalf by a solicitor, agent or other representative.
  - 5.1.2 Every notice of appeal to the Court must have affixed to it a copy of the order, notice or notice of decision of the Authority which is the subject of the appeal.
  - 5.1.3 No appeal shall be duly instituted until:
    - (a) a notice of appeal meeting the requirements of these Rules has been filed in a registry of the Court;
    - (b) the prescribed fee has been paid; and
    - (c) the notice of appeal has been served on the Authority in the manner prescribed by these Rules.
  - 5.1.4 Notwithstanding that a notice of appeal has not been served in accordance with these Rules, the Court may hear and grant any inter-locutory application.
- 5.2 *Joint Parties and Appeals*
  - 5.2.1 A notice of appeal may be lodged by or on behalf of one or more appellants, provided:
    - (a) the appeal relates to one order, notice or decision or to related decisions; and
    - (b) the notice of appeal specifies one address for service at or to which documents or notices may be served or delivered upon all appellants or may be deemed to have been so served.
- 5.3 *Representor appeals*
  - 5.3.1 Where an appeal is instituted pursuant to placitum 86 (1) (b) of the Development Act 1993 or subsection 19 (10) or 40 (10) of the Water Resources Act 1997 by a person who is or was entitled to be given notice of a decision under the relevant Act, the Registrar must, as soon as is reasonably practicable provide a copy of the notice of appeal to the applicant for consent in each case, and advise the applicant that he, she or it is a party to the appeal.
- 5.4 *Participation in Appeal Hearings*
  - 5.4.1 Where an appeal is instituted pursuant to placitum 86 (1) (a) of the Development Act 1993 or placita 142 (1) (a) or (b) of the Water Resources Act 1997, by an applicant for consent in each case, the Registrar must give notice to each person who made a representation to the relevant authority and whose name and address has been given to the Court pursuant to placitum 38 (12) (b) of the Development Act 1993 or placita 19 (8) (b) (ii) or 41 (8) (b) (ii) of the Water Resources Act 1997, of the fact that an appeal has been instituted and that he or she may apply, in accordance with the provisions of this Rule, to be joined as a party to the appeal.
  - 5.4.2 Where a representation has been made by two or more persons, notice shall only be given to the person nominated as the person making the representation, or (where no such nomination has been made), to the first person named in the representation, who shall be deemed to be the person who made the representation.
  - 5.4.3 Any person to whom the Registrar has given notice pursuant to paragraph 5.4.1 of this Rule may, within seven business days of the giving of such notice, apply in writing to the Court to be joined as a party to the appeal to which such notice relates.
  - 5.4.4 The Court may, after hearing such application, join the person to whom such notice has been given.

## PART 5A—APPEALS FROM THE WARDEN'S COURT

*5A.1 Requirements of Notice of Appeal*

5A.1.1 An appeal under section 65 of the Mining Act 1971 shall be instituted by filing and serving a notice of appeal which must set out:

- (a) a brief statement of the judgment or order appealed from;
- (b) the grounds of appeal in sufficient detail to enable the Judge to know what points are being relied on in support of each ground;
- (c) whether all or part only, and if so which part, of the decision is complained of;
- (d) the order sought by the appellant,

and unless the Judge hearing the appeal otherwise directs an appellant may not rely upon any grounds which are not set out in the notice of appeal.

5A.1.2 A notice of appeal shall be filed in the Registry and served on all parties directly affected by the appeal.

*5A.2 Time for Appeal*

5A.2.1 An appeal under section 65 of the Mining Act 1971 must be instituted within one month after publication of the judgment or order appealed from, or within such other period as the Court may allow.

*5A.3 Cross Appeal*

5A.3.1 Where a respondent to an appeal wishes to appeal against the whole or any part of the decision appealed, the respondent must file a notice of cross-appeal within fourteen days of service of the notice of appeal on him.

5A.3.2 The provisions of Rule 5.1.1 relating to notices of appeal shall with all necessary modifications apply to a notice of cross-appeal.

*5A.4 Amendment to Notice of Appeal*

5A.4.1 A notice of appeal may be amended without leave prior to the appeal being listed for hearing by filing and serving on all other parties a supplementary notice of appeal. After the appeal has been set down for hearing, the notice may only be amended by leave of a Judge.

*5A.5 Discontinuance of Appeal*

5A.5.1 An appellant may at any time file and serve a notice of discontinuance of appeal and upon its being filed the appeal shall be abandoned.

5A.5.2 A notice of discontinuance filed under Rule 5A.5.1 by one of several appellants shall not affect any other appellant in the appeal.

5A.5.3 A party filing a notice of discontinuance under Rule 5A.5.1 shall be liable to pay the costs of the other party or parties occasioned by his appeal.

*5A.6 Dismissal of Appeal as Incompetent*

5A.6.1 A respondent to an appeal may apply on notice at any time to a Judge for an order dismissing an appeal as incompetent or for want of prosecution.

5A.6.2 Upon the hearing of the application, the burden of establishing the competency of the appeal is on the appellant.

*5A.7 Listing of Appeal for Hearing*

5A.7.1 A day shall be fixed by the Registrar for the hearing of the appeal. The Registrar must give written notice of the date fixed for hearing.

#### 5A.8 *Report from Warden's Court*

- 5A.8.1 The Court may request the presiding Warden from whose judgment or order an appeal has been brought, to furnish a report with respect to the hearing and may in the report particularise the matters and things with reference to which the report is sought. A copy of such report is to be made available to the parties.

#### 5A.9 *Written Case*

- 5A.9.1 The Court may of its own motion or on the application of a party direct any party to prepare detailed submissions as to its case.
- 5A.9.2 Where such a direction has been issued, the party subject to the direction must file and serve a submission:
- (a) if the party is an appellant, 5 clear business days before the date fixed for the hearing;
  - (b) if the party is a respondent, 3 clear business days before the date fixed for the hearing.

### PART 6—APPLICATIONS

#### 6.1 *Institution of Applications*

- 6.1.1 Except in the case of urgency, every application (not being an interlocutory or an enforcement application) to the Court shall be by notice of application in writing which must:
- (a) briefly state the facts, circumstances and other relevant matters upon which the application is based;
  - (b) identify the land, buildings or watercourse to which the application relates;
  - (c) specify the declaration, order or orders which the applicant seeks from the Court, and the grounds upon which such declaration, order or orders are sought;
  - (d) identify the Authority or person against whom such declaration, order or orders are sought and set out (to the extent the applicant knows) the postal and e-mail address and telephone and facsimile numbers of such Authority or person;
  - (e) specify the full name of and the address for service of the applicant, and, if available, the telephone and facsimile numbers and e-mail address of the applicant; and
  - (f) be signed by the applicant, or on his or her behalf by a solicitor, agent or other representative.
- 6.1.2 Where an application seeks an order pursuant to section 55 of the Development Act 1993, the notice of application must also set out the name and an address for service of the owner and/or occupier of the land to which the application relates and of any other person who (to the best knowledge of the applicant) has a material interest in the application, and must have affixed to it a copy of the certificate of title of the land.
- 6.1.3 Where an order is sought pursuant to either subsection 30 (3) of the Heritage Act 1993, or subsection 30 (1) of the Upper South East Dry-land Salinity and Flood Management Act 2002, the application must be accompanied by an affidavit setting out the facts in support thereof.
- 6.1.4 No application shall be duly made or instituted until:
- (a) a notice of application meeting the requirements of these Rules has been filed in a registry of the Court;
  - (b) the prescribed fee has been paid; and

(c) excepting an application pursuant to subsection 30 (3) of the Heritage Act 1993 or the Upper South East Dryland Salinity and Flood Management Act 2002, the notice of application has been served upon the person or Authority against whom or which the applicant seeks any declaration or order and, in the case of an application for an order pursuant to section 55 of the Development Act 1993, the notice of application has also been so served upon any owner and/or occupier whose name has been set out in the notice pursuant to paragraph 6.1.2 of this Rule.

6.1.5 In the case of urgency, or in any other circumstances in which the Court considers it appropriate, the Court may:

- (a) hear an oral application; and
- (b) hear an application and make an order by telephone, radio tele-phone, facsimile transmission, computer, e-mail transmission, video link or television.

#### PART 6A—MINING APPLICATIONS

##### 6A.1 *Institution of Mining Applications*

6A.1.1 Every mining application to the Court shall be by written notice of application which must:

- (a) specify the full name and address for service of the applicant and, if applicable, the telephone and facsimile numbers and e-mail address of the applicant;
- (b) be signed by the applicant, or on his or her behalf by a solicitor, agent or other properly appointed representative;
- (c) specify both the body or person against whom or which any order or declaration is sought by the applicant and any other person or body upon whom it is intended to serve the application and set out (to the extent the applicant knows) the address, and telephone and facsimile numbers and email address of such people or bodies;
- (d) identify the land, buildings or mining tenements which are involved in or to which the application relates;
- (e) briefly specify the details and nature of the dispute (if any) between the parties to the application;
- (f) specify the declaration or order which the applicant seeks from the Court, and the grounds upon which such declaration or order is sought; and

6A.1.2 If the mining application relates to any order, declaration, assessment or other documents, such order, declaration, assessment or document must be affixed to or be filed with the application and for the purposes of these Rules (including the calculation of any fees payable upon filing the application), shall be regarded as part of the application.

6A.1.3 The Court may decline to deal with any mining application until proof of service meeting the requirements of these Rules has been filed in a registry of the Court.

6A.2.1 No mining application shall be accepted as having been duly made or instituted until:

- a notice of application meeting the requirements of these Rules has been filed in a registry of the Court; and
- the prescribed fee has been paid.

#### PART 7—ENFORCEMENT AND COMPLIANCE APPLICATIONS

##### 7.1 *Institution of Application*

7.1.1 An order for enforcement pursuant to section 85 of the Development Act 1993, section 104 of the Environment Protection Act 1993 section 141 of the Water Resources Act 1997, section 31A of the Native Vegetation Act 1991, or section 29 of the Upper South East Dryland Salinity and Flood Management Act 2002, shall be sought by summons.



This Notice of Address for Service must be filed at a Registry of the Court. A List of the Registry addresses is attached.

If you do not have a solicitor, you may attend personally at a Registry to do this.

If a Notice for Address for Service is not filed within the time stated, orders may be made against you in your absence.

Dated the                      day of                      20                      .

This summons remains in force for three months only after its date of issue unless it has been extended by order of the Court.

.....  
Registrar

This summons is taken out by                      (applicant or applicant's solicitor) whose address for service is  
telephone number                      facsimile number                      e-mail address.

7.1.5 Every accompanying affidavit (or, where more than one, the affidavits taken together) must set out:

- (a) the facts and circumstances upon which the applicant relies; and
- (b) the name (and, as far as is known, the address, telephone and facsimile numbers) of any person who, in the opinion of the deponent, either has or might reasonably be expected to have a legal or equitable interest in the land the subject of the application.

7.1.6 Every memorandum must specify all the people or organisations upon behalf of whom or which the proceedings are brought and signed by all the people or organisations in such manner as shows that all the people or organisations consent to the proceedings being brought on their behalf.

## 7.2 *Leave to Serve Summons*

7.2.1 The Court, on the hearing of an application for leave may refuse to grant the application or may amend or strike out part of the summons where, on the evidence before the Court, there is no reasonable prospect that the Court would make any order of the nature sought.

7.2.2 Every summons in respect of which leave has been granted by the Court:

- (a) shall not be issued by the Court after one month of such leave being granted; and
- (b) will remain in force for three months only after the date of such issue, unless the Court extends such period.

7.2.3 As soon as is reasonably practicable after a summons and accompanying affidavits have been served upon any person (including an Authority, where such service is required), the applicant shall file an affidavit verifying such service.

## 7.3 *Notice of Address for Service*

7.3.1 A person served with a summons and wishing to be heard by the Court in response must file a Notice of Address for Service at a registry of the Court within fourteen days of the date of service.

7.3.2 The Notice of Address for Service must specifically acknowledge service of the summons, set out the name of the person who desires to be heard in response to the summons and specify an address for service and, if available, a telephone number.

## 7.4 *Affidavit of Merits*

7.4.1 A person (other than a relevant Authority) who has filed a Notice of Address for Service must, at least fourteen days prior to the hearing, file and serve on all other parties to the summons an affidavit setting out such facts and circumstances as he, she or it may ask the Court to take into account upon the hearing of the summons.

7.5 *Legal or Equitable Interest*

- 7.5.1 Where an affidavit filed pursuant to paragraph 7.1.2 of this Part sets out the name of any person who, in the opinion of the deponent, either has or might reasonably be expected to have a legal or equitable interest in the land the subject of the application, the Court may order that notice of the summons be given to that person.
- 7.5.2 Where, in the opinion of the Court, any person has a legal or equitable interest in the land the subject of the application, the Court may order that notice of the summons be given to that person.
- 7.5.3 Where an order that notice be given to any person is made pursuant to this Part, an affidavit verifying that such notice has been given must be filed by the applicant as soon as is reasonably practicable after such notice has been given.
- 7.5.4 Any person to whom notice has been given pursuant to this Rule and who desires to be heard by the Court upon the hearing of the summons, must file a written notice of his, her or its desire to be so heard, within fourteen days of being served with such notice.
- 7.5.5 Every notice filed pursuant to paragraph 7.5.4 of this Rule must give an address for service (and, if available, a contact telephone number, of the person filing the notice and must contain a brief statement of the person's interest in either the land or the proceedings.
- 7.5.6 Every notice given to a person in consequence of an order made pursuant to paragraphs 7.5.1 or 7.5.2 of this Rule shall:
- (a) be in writing;
  - (b) have attached to it a copy of the summons; and
  - (c) contain the following endorsement:

To.....

TAKE NOTICE that if you wish to be heard by the Environment Resources and Development Court on any question or matter relating to these proceedings, you must file at a registry of the Court a written notice of your wish to be heard. Such notice must:

- be filed within 14 days of the service of this notice upon you;
- contain an address (and, if available, telephone and facsimile numbers and e-mail address) at which documents and communications can be directed to you; and
- contain a brief statement of your interest in either these proceedings or in the land to which they relate.

7.6 *Setting Down for Hearing*

- 7.6.1 The summons shall be set down for hearing as soon as is practicable after the time for filing of a Notice of Address for Service has expired, and the Registrar must give notice of the time appointed for the conference to the applicant, any respondent who has filed a Notice of Address for Service, any person who has filed a notice pursuant to and meeting the requirements of paragraphs 7.5.4 and 7.5.5 of this Part, and any Authority which has been served.

PART 8—CONFERENCES

- 8.1 A judge, commissioner, master or magistrate of the Court may preside at any conference.
- 8.2 *Matters to be Referred to a Conference*
- 8.2.1 In addition to the matters which must be referred to a conference pursuant to subsections 85 (5) and 86 (6) of the Development Act 1993, and subsections 104 (2) and 106 (5) of the Environment Protection Act 1993, subsections 141 (11) and 142 (6) of the Water Resources Act 1997 and subsection 38 (4) of the Ground Water (Qualco-Sunlands) Control

Act 2000, and subsection 31A (5) of the Native Vegetation Act 1991 the following actions must at first instance be referred to a conference, namely:

- (a) any appeal to the Court pursuant to subsections 6 (4) or 74 (6) of the Development Act 1993;
- (b) any appeal to the Court pursuant to section 48 of the South Eastern Water Conservation and Drainage Act 1992;
- (c) any appeal to the Court pursuant to section 20 of the Heritage Act 1993;
- (d) any appeal to the Court pursuant to subsections 65 (1) or 67 (1) of the Irrigation Act 1994;
- (e) any appeal to the Court pursuant to section 17 of the Mining Act 1971;
- (f) any compliance application to the Court pursuant to section 74A of the Mining Act 1971 or section 86 of the Opal Mining Act 1995;
- (g) any mining application which involves a party other than the applicant;
- (h) any application to the Court pursuant to subsections 55 (1) or 60 (3) of the Development Act 1993, section 35 of the Heritage Act 1993 subsection 49 (2) of the Irrigation Act 1994, subsections 29 (1) or 31 (1) of the Upper South East Dryland Salinity and Flood Management Act 2002, or section 33F of the Native Vegetation Act 1991.

### 8.3 *Authority to Provide Application and Reports*

- 8.3.1 Where the decision of an Authority is the subject of proceedings to be referred to a conference, the Authority must, at least two clear business days prior to the scheduled conference date, provide to the Court and to each party to the proceedings, a copy of each of the application documents and any representation, submission or report with respect to the application (including a report by staff of, and any consultant engaged by, the Authority), submitted to the Authority or any person or Committee acting under delegation from the Authority prior to its decision. Nothing in this Rule derogates from the duty of an Authority to provide notice to the Court of persons who made representations, pursuant to subsections 38 (12) and 38 (13) of the Development Act 1993.

### 8.4 *The Conference*

- 8.4.1 The purpose of a conference is to enable the member of the Court presiding at the conference to assist the parties to explore any possible resolution of the matters in dispute without resorting to a formal hearing and to that end, it is expected that:
- (a) the issues or matters in dispute, from the perspective of each party, will be aired and discussed openly at the conference, with a view to a fair and reasonable exchange of views in good faith;
  - (b) the party or his, her or its representative(s) attending the conference will attend in good faith, and that the representative(s) will have obtained the authority to discuss, negotiate and authorise a settlement of the proceedings, or agree on such issues or part of the proceedings as may be agreed;
  - (c) each party or his, her or its representative(s), will be prepared at the conference, to discuss its case, identifying the issues it proposes to argue, and the grounds therefor and respond as best it then can to the case of each other party.

- 8.5 *Adjournment of Conference to Give Notice to Another Person*
- 8.5.1 Where, during the course of a conference, the member presiding concludes that the parties have reached or may reach a settlement which will or may prejudice any person not represented at the conference but who has a direct or material interest in the proceedings to which the conference relates, the member presiding may adjourn the conference and direct the Registrar to give notice of the conference and of the proposed or probable settlement to such person and the Registrar must give notice accordingly.
- 8.5.2 Any person to whom a notice has been given pursuant to this paragraph may:
- (a) attend at the adjourned conference and participate in it; and
  - (b) apply to be joined as a party to the proceedings the subject of the conference.

8.6 *Order for Costs*

- 8.6.1 Where the member of the Court presiding at a conference makes an order for costs pursuant to placitum 16 (7) (h) of the Act, the amount of costs so ordered shall be determined by reference to Part 14 of these Rules.

PART 9—MEDIATION

- 9.1 'Mediation' is a process voluntarily entered into by the parties whereby a neutral third party assists and encourages the parties in dispute as to one or more matters in a proceeding, to achieve their own negotiated settlement of the matter or matters in dispute.
- 9.2 *Mediation Pursuant to section 28B of the Act*
- 9.2.1 Mediation may be conducted in relation to proceedings at any stage thereof. The Court may appoint a mediator with the consent of the parties.
- 9.3 *Settlement Resulting from Mediation*
- 9.3.1 In the event that a mediation results in the settlement of any of the matters in dispute between the parties, the outcome shall be reduced to writing, signed by the mediator and the parties, ('the mediation report') and filed in a registry of the Court.
- 9.3.2 Following receipt of a mediation report, the Court may record a settlement and make any decision or order it considers appropriate.

PART 10—BUILDING REFERENCES

- 10.1 All matters to be determined by the Court pursuant to subsection 86 (5) and section 87 of the Development Act 1993 shall be commenced by a reference to the Court ('a building reference').
- 10.2 *Building Referees*
- 10.2.1 Every building referee determining a building reference must be a Commissioner with practical knowledge of, and experience in architecture, civil engineering, building, building safety or building regulation.
- 10.3 *Institution of Building Reference*
- 10.3.1 Every building reference must be in writing and:
- (a) identify the building work (current or proposed) to which the reference relates;
  - (b) specify the decision, direction or dispute the subject of the reference and, if appropriate, have annexed to it or be accompanied by, any plans, specifications or other documents (including any order or notice of refusal) either the subject of or relating to the reference;
  - (c) briefly set out the order, direction or modification which the party seeking the reference is requesting the Court to make or give;

- (d) identify and give the address (and, if known) the telephone and facsimile numbers and e-mail address of the Council or other party to the reference;
  - (e) specify the address for service of the party seeking the reference and, if available, the telephone and facsimile numbers and e-mail address of such party; and
  - (f) be signed by or on behalf of the party seeking the reference by his or her solicitor, agent or other representative.
- 10.3.2 Subject to paragraph 10.4.1 of this Part, no building reference shall be duly instituted until:
  - (a) a reference meeting the requirements of these Rules has been filed in a registry of the Court;
  - (b) the prescribed fee has been paid; and
  - (c) the reference has been served on the relevant authority.
- 10.3.3 A building reference shall not seek a decision of the Court on any matter in dispute between the parties excepting those identified by subsection 86 (5) of the Development Act 1993.
- 10.4 *Additional Powers of Building Referees*
  - 10.4.1 For the purpose of expediting the hearing and determination of any building reference, the building referees, without limiting any other power of the Court, may:
    - (a) waive the filing of any document or the payment of the prescribed fees until the commencement of the hearing of the building reference;
    - (b) conduct the proceedings at any place (including upon the land or within the building the subject of the reference), at any time and in such form or manner as he or she thinks will be conducive to the expeditious determination of the issues between the parties; and
    - (c) keep or cause to be kept such transcript or other record of the proceedings of the reference as he or she thinks fit.

#### PART 11—PROVISION OF DOCUMENTS AND COPY DOCUMENTS

- 11.1 *Copy Documents—Civil Enforcement Applications*
  - 11.1.1 The applicant must provide to the Court and each other party copy documents in the form, and within the time, specified in the relevant Practice Directions issued by the Court.
- 11.2 *Documents Requested by the Court*
  - 11.2.1 Where any material has been delivered or sent to the Principal Registry as a consequence of a notice given pursuant to subsection 21 (2) of the Act, the Registrar must make it available for inspection by the parties or their representatives, in the matter to which the notice relates, at a registry of the Court.
  - 11.2.2 The Registrar may provide a copy of such material as may reasonably be copied in the Registry to any party or representative thereof upon such party or representative paying to the Registrar the relevant fee, or where there is no fee, an amount sufficient to cover the cost of producing such copy.
- 11.3 *Documents for the Hearing—Appeals*
  - 11.3.1 The applicant for consent, and the authority whose decision is the subject of an appeal, must each provide to the Court and each other party, those documents specified in the relevant Practice Directions issued by the Court, in the form and within the time required by the Practice Directions.

#### 11.4 *Statements of Expert Witnesses*

- 11.4.1 A copy of the Statement or Report of any expert to be called as a witness at the hearing of proceedings must be provided to the Court with a clear indication of the proceedings to which the statement relates, and to any other party, in the form and within the time required by the relevant Practice Directions issued by the Court.

#### PART 12—SERVICE OF DOCUMENTS

#### 12.1 *Service Generally*

- 12.1.1 Subject to the provisions of the Electronic Transactions Act 2000 and these Rules, any notice required to be served or given, or anything required to be delivered, by the Act or these Rules may be served upon, given or delivered to:

- (a) the Development Assessment Commission—unless subparagraph (d) applies, by delivering it to the office of the Secretary to the Commission, or by posting in an envelope addressed to the Secretary to the Commission at his or her office;
- (b) a Council—unless subparagraph (d) applies, by delivering it to the office of the chief executive officer of the Council or by posting it in an envelope addressed to the chief executive officer, at his or her office;
- (c) any other person, unless subparagraph (d) applies, by:
  - (i) delivering it personally either to the person or his or her solicitor, agent, or other representative;
  - (ii) posting it in an envelope addressed to the person at his or her usual or last known place of address or business;
  - (iii) where the person is a body corporate, by delivering it to the registered or principal office of that body, and leaving it with a person apparently over the age of 16 years, or by posting it in an envelope addressed to the body at its registered or principal office;
  - (iv) facsimile transmission to a facsimile number known to be used by the person or his or her solicitor, agent or other representative (in which case the notice or document will be taken to have been served at the time of transmission); or
  - (v) delivering it to the box or other receptacle used by the party or his or her solicitor, agent or other representative, at the Australian Document Exchange (in which case the notice or document will be taken to have been served or given on the day following the day on which the notice or document was delivered to the box or receptacle);

and

- (d) where a party to an appeal has filed a notice or other document in the proceedings which contains an address for service, leaving the notice or document to be served at the address for service with some person apparently in charge thereof, or by sending it by pre-paid post addressed to the party at the address for service.

#### 12.2 *Personal Service*

- 12.2.1 Personal service of any document on any person or party shall be proved by the person so serving such document swearing an affidavit or statutory declaration containing the following facts:

- (a) the time, date and place of service;
- (b) the person upon whom service was effected and the capacity in which such person was served; and
- (c) sufficient facts to prove the identity (or apparent connection) of the person served with the person or party named in the document.

### 12.3 *Proof of Service*

- 12.3.1 Service, other than personal service, of any document on any person or party shall be proved by the person so serving such document swearing an affidavit or statutory declaration setting out the manner in which such service was effected.

### 12.4 *Substituted Service*

- 12.4.1 Where reasonable efforts have been made but have failed to effect service of a document in accordance with these Rules, the party wishing to serve such document may apply to the Court for an order for substituted service.
- 12.4.2 Every application for substituted service must be supported by an affidavit setting out the grounds for such application.
- 12.4.3 The Court may make an order for substituted service if the justice of the case so requires.

## PART 13—JURISDICTION OF MASTER

- 13.1 In addition to any other powers conferred upon him or her by these Rules or otherwise, a Master of the Court has jurisdiction to:

- (a) with the consent of all parties to any action, make any order which the Court is empowered to make in that action;
- (b) make any interim or interlocutory order or issue any interim injunction;
- (c) make an order requiring a party to produce particulars, a list of relevant documents or specified documents pursuant to Part 4 of these Rules;
- (d) make an order for substituted service or any other order relating to the service of documents;
- (e) where the Court has made an order for costs against any party, tax the costs to be paid pursuant to such order;
- (f) order any party to proceedings before the Court to give security for the payment of costs or make any other order in relation thereto or pursuant to section 39 of the Act;
- (g) make an order remitting or reducing any court fees to be paid by any party in accordance with subsection 45 (2) of the Act;
- (h) preside at any conference conducted pursuant to section 16 of the Act, and may, whilst so presiding, refer any question of law to a Judge of the Court for determination;
- (i) adjourn any matter set for hearing or list any matter for hearing, including making any order for the early hearing of any matter; and
- (j) settle any order of the Court (either final, interlocutory or interim) and direct that such order be sealed.

- 13.2 When exercising any of the powers or jurisdiction conferred by this Part or by any of these Rules, a Master shall constitute the Court.

## PART 14—COSTS

### 14.1 *Scales of Costs*

- 14.1.1 The Scale of Costs prescribed by the Court for the purposes of sections 29 and 44 of the Act is that which applies generally, *mutatis mutandis*, in the District Court at the relevant time.

### 14.2 *Disbursements*

- 14.2.1 Where any plan, photograph, model or other exhibit not covered by the scale prescribed by these Rules is purchased or prepared by any party for the purpose of tendering to the Court, the Court may allow the actual cost of purchasing or preparing such exhibit.

- 14.2.2 Where any fees have been paid to the Court in accordance with the scale prescribed in the Environment, Resources and Development Court Regulations 1993 or where liability to pay such fees either has been or is likely to be incurred, the Court may allow the amount of such fees.
- 14.2.3 Where a witness has attended the Court for the purpose of giving evidence, the Court may allow fees payable to such witness upon any of the following bases:
- (a) where the witness was accepted by the Court as an expert witness in a recognised profession or trade, or would have been likely to have been accepted if called, the witness shall be allowed a fee of such amount per hour necessarily attended at Court, as is reasonable having regard to the profession or trade;
  - (b) where a witness was accepted by the Court as an expert witness in a recognised profession or trade, or would have been likely to have been so accepted if called, the Court may allow any reasonable costs properly incurred by a party in obtaining from such witness any report on matters relevant to the proceedings before the Court;
  - (c) where a witness is not an expert witness but attends the Court for the purpose of giving evidence relevant to the proceedings before the Court, the witness shall be allowed a fee of \$30.00 per hour necessarily attended or such greater amount as is reasonable; and
  - (d) where a witness incurs travelling expenses for the purpose of attending Court, the fee payable to such witness may include such amount as the Court thinks reasonable to reimburse to the witness such expenses.
- 14.2.4 Such out of pocket expenses as are not otherwise provided for herein which have been properly incurred, as the Court shall allow.
- 14.3 *Order Against Parties*
- 14.3.1 Where the Court makes an order for costs pursuant to section 29 of the Act against more than one party, it may, if it thinks it just so to do, make an order directing the amount or proportion of such costs as shall be paid by each party.
- 14.4 *Order on Issue of Summons to Witness*
- 14.4.1 Where the Court, at the application of a party to proceedings, issues a summons, pursuant to section 22 of the Act, requiring a person to appear before the Court, the Court may, either at the time of the issue of the summons or at any time before the conclusion of the action, order the party which applied for the issue of the summons to pay to the person required to appear the cost of that person attending before the Court.
- 14.4.2 When determining the amount to be paid pursuant to paragraph 14.3.1, the Court shall have regard to:
- the principles enunciated in subparagraph 3 under the heading 'Disbursements' in paragraph 14.1.1 of this Part; and
  - any travelling, accommodation or other costs actually incurred or likely to be incurred by the person in attending the Court.
- 14.4.3 The Court may make an order pursuant to this paragraph either upon an application by the person required to appear or a party to the proceedings, or of its own motion.
- 14.4.4 Where an order is made pursuant to this paragraph, the amount ordered to be paid shall be a debt payable to the person required to attend by the party against whom the order is made.

PART 15—CONTEMPT

15.1 *Meaning of ‘Contempt of Court’*

15.1.1 ‘Contempt of court’ for the purposes of this Rule shall include:

- (a) contempt in the face or the hearing of the Court;
- (b) disruption of the proceedings of the Court;
- (c) the obstruction, prevention or intimidation of litigants, witnesses or other persons from attending Court, or threats to do so; and
- (d) a refusal to obey or failure to comply with any order, direction, summons, judgment or other process of the Court.

15.2 *Action by Court*

15.2.1 Where it is alleged or appears to the Court on its own view, that a person is guilty of contempt of court the Court may:

- (a) by oral order direct that the person be brought forthwith before the Court by the Sheriff or other appropriate officer; or
- (b) issue a warrant for the arrest of the person under the hand of a Judge directed to the Sheriff ordering the Sheriff to take the person into custody and to hold him or her in custody until he or she can be brought before the Court to answer the alleged contempt.

15.2.2 Where it is alleged that a contempt has been committed the Court may, in lieu of ordering the immediate arrest of the person, direct the Registrar to issue a summons in the form set out in paragraph 15.3.1 of this Part and cause it to be served upon the person alleged to be in contempt; the said summons to state the nature of the alleged contempt with sufficient particularity for the person charged to make his or her defence to the charge, and to state a specific time and place for him or her to attend.

15.2.3 Where the contempt consists of an insult offered to a Judge or other member of the Court, except where in the opinion of the Judge or Magistrate (where the member concerned is a Judge or Magistrate) it is just and expedient to take immediate action, the contempt proceedings shall be heard before a Judge (where the insult was offered to a Commissioner) or another Judge or Magistrate (where the insult was offered to a judge or magistrate), of the Court.

15.3 *Form of Summons*

15.3.1 The Judge or Magistrate of the Court may direct the Registrar to issue a summons in the following form:

SOUTH AUSTRALIA

IN THE ENVIRONMENT, RESOURCES AND DEVELOPMENT COURT

No. of 20 .

Re proceedings for an alleged contempt of Court by A.B.

To:.....of.....You are required to attend before the Environment, Resources & Development Court at on on the hearing of this summons which is issued by the Registrar of the Court, to answer a charge of contempt of Court. The details of the charge of contempt of Court are that you did, on [date], [set out details of alleged contempt].

Dated the day of 20 .

..... Registrar

THIS SUMMONS is issued pursuant to Part 15 of the Environment, Resources and Development Court Rules.

N.B. If you fail to attend at the time and place set out above, a warrant may be issued for your arrest, and orders may be made against you in your absence and you may be punished for contempt of Court.

15.4 *Powers of Court*

15.4.1 Where the person charged with contempt is brought before the Court, the Court may:

- (a) cause him or her to be informed orally of the contempt with which he or she is charged, with sufficient particularity and direct him or her to make his or her defence to the charges;
- (b) upon hearing the person's defence proceed forthwith, or after an adjournment, to determine the matter of the charge;
- (c) after hearing any submissions in mitigation make such order for the punishment or discharge of the person as is just;
- (d) remand the person for the hearing of the contempt charge before another, or a Judge; or
- (e) in a proper case recall or rescind the charge of contempt.

15.5 *Procedure on Hearing of Charge*

15.5.1 When the person so charged comes before the Court for the hearing or the adjourned hearing of the charge, the procedure shall be:

- (a) if he or she is not represented by counsel, he or she shall be advised or reminded of the nature and substance of the charge of contempt with sufficient particularity for him or her to understand the charge and the nature of the proceedings;
- (b) in all proceedings, irrespective of whether he or she is represented, he or she shall be asked whether he or she pleads guilty or not guilty;
- (c) if he or she is not represented by counsel, he or she shall be advised and reminded from time to time of his or her rights;
- (d) if he or she pleads not guilty, evidence in support of the charge of contempt shall be presented to the Court by a person and in the manner directed by the Court;
- (e) where substantial punishment is a practical possibility, the procedures to be adopted and the onus of proof to be applied and the rules of evidence to be followed, shall be those generally applicable in criminal proceedings to the extent that they are appropriate, except as follows:
  - (i) for the purposes of the proof of the charge of contempt, any affidavits previously filed in the matter, or in preparation for the hearing of the contempt charge, or during the course of the hearing on the contempt charge, may be used in evidence as proof beyond reasonable doubt of the facts therein stated provided the Judge or Magistrate is satisfied that it is safe so to act and provided the said person has been given a copy of the affidavit and afforded an opportunity to peruse it and to consider the same and thereafter elects not to require the deponent to be called for cross-examination; and
  - (ii) the Judge or Magistrate shall be entitled to call witnesses who may then be cross-examined by those persons supporting and contesting a finding of guilt;
- (f) at the conclusion of the hearing the Court shall make a finding whether the said person is guilty or not guilty of the contempt alleged or of the substance of the alleged contempt; and

- (g) where the Court finds the person guilty, he or she shall be heard in mitigation of penalty;
- (h) where the penalty for the contempt includes an order that the said person shall pay a substantial sum of money, whether by way of fine or costs of the contempt proceedings or both, the Court shall fix a period of imprisonment in default of payment within the time allowed;
- (i) where the said person is unable to pay the fine or costs within the time allowed, the Court may either extend the time for payment or reduce the fine but not the costs.

15.5.2 The Court may, pending disposal of the charge:

- (a) direct that the person be detained in such custody as the Court directs;
- (b) direct that the person be released, upon such terms to secure his or her appearance to answer the charge as the Court may direct; or
- (c) where the person so charged fails to attend before the Court in answer to a summons issued and served on him or her pursuant to this Part of the Rules, the Court may issue a warrant for the arrest of the person under the hand of a Judge directed to the Sheriff ordering the Sheriff to take the person into custody and to hold him or her in custody until he or she can be brought before the Court to answer the alleged contempt.

15.6 *Suspension of committal order*

15.6.1 The Court when making an order for committal may by order direct that the execution of the order of committal be suspended for such period and on such terms or conditions as the Court thinks fit. Upon compliance with the terms and conditions during the said period the order for committal may be discharged.

15.7 *Power to release before the expiration of the term of imprisonment*

15.7.1 Where a person in contempt is committed to prison for a specified period, the Court may order his discharge before the expiry of that period.

15.8 *Order for suspension of committal to be drawn up*

15.8.1 (a) Where the Court suspends the execution of an order of committal pursuant to Rule 15.6.1 an order shall be drawn up setting out any findings of contempt, the period of imprisonment fixed, any other orders as to fines, costs or undertakings, the terms and conditions of the suspension of the term of imprisonment and a warning to the person of the consequences of non-compliance.

*Order to be served*

(b) The order shall be drawn up and served on the person at the time of his release or as soon as practicable after his release.

*Omission of details from sealed order not to invalidate it*

(c) If the order as served does not contain one or more of the matters in Rule 15.8.1 the omissions shall not invalidate the order of suspension or relieve the person of the obligation to comply with the terms and conditions of an order or fines or undertakings.

15.9 *Discharge from imprisonment may be conditional*

15.9.1 Where the person is to be discharged under Rule 15.7.1 prior to the expiry of the original period fixed for his imprisonment, the discharge may be unconditional or conditional upon such terms and conditions as are fixed by the Court and where terms and conditions are fixed the provisions of Rules 15.8.1 (b) and (c) shall apply.

15.10 *Court may direct the Registrar to apply to revoke a suspension order*

- 15.10.1 (a) Where the person is alleged to be in breach of any term, condition, obligation or undertaking referred to in this Rule, the Court may of its own motion, or on the application of an interested party, direct the Registrar to issue an application for the revocation of the suspension order or of the order of early discharge from custody as the case may be, the application to contain the particulars referred to in Rule 15.2.2 and the procedures to be those provided for the hearing of the original contempt allegations.

*Powers of the Court*

- (b) Where the Court is satisfied that the person has been in breach as alleged it may make such order as is just and expedient in the circumstances.

*Court may issue a warrant for arrest in the first instance*

- (c) The Court may, where it is just and expedient to do so, issue a warrant for arrest in the first instance either of its own motion or on the application of an interested party instead of directing the issue of a summons.

15.11 *Punishment of Contempt*

- 15.11.1 The Court may punish contempt of Court by committal of the person to prison or fine or both, or by the imposition of a bond to be of good behaviour with such other conditions as may be proper, and by ordering the person to pay the costs of the contempt proceedings.
- 15.11.2 When the Court imposes a fine, it may allow time to pay and in default of payment within that time order that the person be imprisoned for a fixed period.
- 15.11.3 The Court may on the person making proper tender of apology and amends recall or reconsider any previous order of the Court punishing him or her for his or her contempt.

15.12 *Power of the Court to Dispense with Service Requirements*

- 15.12.1 The Court may, where it is just and expedient to do so, dispense with the requirements as to personal or substituted service of any order, notice, application or summons, provided the Court is satisfied that the person had knowledge of the substance of the terms of the order, notice, application or summons and has been evading service.

PART 16—PROCEDURE UPON TRIAL OF ANY CHARGE OF AN OFFENCE

- 16.1 The Magistrates Court Rules 1992 (Criminal Jurisdiction) apply generally, mutatis mutandis, to the practice and procedure of the Court in the exercise of its jurisdiction over offences.
- 16.2 The Court may, in its unfettered discretion, modify the application of the Magistrates Court Rules either generally or having regard to the exigencies of particular cases, in the light of the nature of the Court's jurisdiction over offences and the number of prosecutions that may from time to time be commenced in the Court.

Dated 24 April 2003.

C. L. TRENORDEN, Presiding Member  
S. D. COLE, Judge

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## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Elida Sarin, P.O. Box 1073, Port Lincoln, S.A. 5606 (hereinafter referred to as the 'exemption holder') is exempt from section 41 of the Fisheries Act 1982, subject to the conditions contained in Schedule 1, in that the exemption holder or a registered master listed on Marine Scalefish Fishery Licence No. M329 shall not be guilty of an offence when using a fine mesh purse seine net for the taking of *Scomberesox forsteri* (hereinafter referred to as the 'permitted species') for the purpose of trade or business in waters adjacent to South Australia within the Australian Fishing Zone (AFZ) (hereinafter referred to as the 'permitted activity').

## SCHEDULE 1

1. The exemption holder or a registered master listed on Marine Scalefish Fishery Licence No. M329 may engage in the permitted activity from the date of gazettal of this notice until 30 December 2003, or until revoked earlier by the Director of Fisheries.

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

3. The exemption holder or a registered master listed on Marine Scalefish Fishery Licence No. M329 must be on board the permitted boat at all times while the boat is being used for the purpose of engaging in the permitted activity.

4. The exemption holder or a registered master listed on Marine Scalefish Fishery Licence No. M329 must not conduct the permitted activity in waters less than 10 m in depth.

5. The exemption holder or a registered master listed on Marine Scalefish Fishery Licence No. M329 may only use 1 purse seine net having a maximum length of 1 000 m a maximum depth of 200 m and a mesh size of between 14 mm and 22 mm.

6. Whilst engaged in the permitted activity the exemption holder or a registered master listed on Marine Scalefish Fishery Licence No. M329 must not conduct another fishing activity and shall not use any of the devices registered on Marine Scalefish Fishery Licence No. M329.

7. The exemption holder or a registered master listed on Marine Scalefish Fishery Licence No. M329 must not take or be in possession of any other species of fish, other than the permitted species, while engaging in the permitted activity.

8. Any fish, other than the permitted species, taken by the exemption holder or a registered master listed on Marine Scalefish Fishery Licence No. M329 when engaging in the permitted activity must be immediately returned to the water.

9. The exemption holder or a registered master listed on Marine Scalefish Fishery Licence No. M329 must provide a separate statistical catch and effort written report, clearly marked "Saury" (including zero returns if no fish have been taken during that calendar month) for each calendar month, within 15 days of the completion of each calendar month. This report is to include the following information:

- Dates of fishing activity.
- Exact locations of fishing activity.
- Total weight of fish collected.
- Mean size of fish collected.
- Weight and use of any fish sold.
- Any other information as requested from time to time by the Director of Fisheries.

10. Samples of 200 fish from each fishing activity must be provided to SARDI. These should be frozen as soon as practical after capture and clearly marked with the following catch information, location, date, depth, time and boat.

11. The exemption holder or a registered master listed on Marine Scalefish Fishery Licence No. M329 shall notify the PIRSA Fisheries Compliance Unit on 1800 065 522 prior to conducting the permitted activity and provide the following information:

- (a) the intended area of conducting the permitted activity; and
- (b) the intended place and time of departure and landing.

12. While engaged in the permitted activity the exemption holder or a registered master listed on Marine Scalefish Fishery Licence No. M329 must:

- (a) have in their possession the copy of this notice with which the Director of Fisheries has supplied them; and
- (b) produce that notice to a PIRSA Fisheries Compliance Officer forthwith, if requested to do so.

13. The exemption holder or a registered master listed on Marine Scalefish Fishery Licence No. M329 shall not contravene or fail to comply with the Fisheries Act 1982, or any regulations made under that Act, except where specifically exempted by this notice.

Dated 30 April 2003.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

## SCHEDULE 1

The act of taking or the act preparatory to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in waters of Spencer Gulf north of the line commencing at position latitude 33°34.00'S, longitude 137°15.00'E then to position latitude 33°34.00'S, longitude 137°33.00'E then to position latitude 33°37.00'S, longitude 137°33.00'E then to position latitude 33°46.00'S, longitude 137°44.00'E.

## SCHEDULE 2

1830 hours on 5 May 2003 to 0630 hours on 6 May 2003.

Dated 6 May 2003.

J. PRESSER, Principal Fisheries Manager

P025/03

## FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

## SCHEDULE 1

The act of taking or the act preparatory to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in waters of Spencer Gulf north of the line commencing at position latitude 33°34.00'S, longitude 137°15.00'E then to position latitude 33°34.00'S, longitude 137°33.00'E then to position latitude 33°37.00'S, longitude 137°33.00'E then to position latitude 33°46.00'S, longitude 137°44.00'E.

## SCHEDULE 2

1830 hours on 6 May 2003 to 0630 hours on 7 May 2003.

Dated 6 May 2003.

J. PRESSER, Principal Fisheries Manager

P026/03

## FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

## SCHEDULE 1

The act of taking or the act preparatory to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in waters of Spencer Gulf within the area commencing at position latitude 33°40.00'S, longitude 137°10.00'E then to position latitude 33°50.00'S, longitude 137°20.00'E then to position latitude 33°55.00'S, longitude 137°09.00'E then to position latitude 33°59.00'S, longitude 137°12.00'E then to position latitude 34°15.00'S, longitude 136°56.00'E then to position latitude 34°15.00'S, longitude 136°46.00'E then to position latitude 34°06.00'S, longitude 136°46.00'E then to position latitude 33°56.00'S, longitude 136°34.00'E.

## SCHEDULE 2

1830 hours on 6 May 2003 to 0630 hours on 10 May 2003.

Dated 6 May 2003.

J. PRESSER, Principal Fisheries Manager

P027/03

## FISHERIES ACT 1982: SECTION 43

TAKE notice that it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1 during the periods specified in Schedule 2.

## SCHEDULE 1

The act of taking or the act preparatory to or involved in the taking of western king prawn (*Penaeus latisulcatus*) in waters of Spencer Gulf within the area commencing at position latitude 34°19.00'S, longitude 137°30.00'E then to position latitude 34°19.00'S, longitude 137°20.00'E then to position latitude 34°23.00'S, longitude 137°15.00'E then to position latitude 34°54.00'S, longitude 137°15.00'E.

## SCHEDULE 2

1830 hours on 6 May 2003 to 0630 hours on 10 May 2003.

Dated 6 May 2003.

J. PRESSER, Principal Fisheries Manager

P028/03

## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Leon Wright, c/o P.O. Box 130, Streaky Bay, S.A. 5680 (the 'exemption holder'), is exempt from the provisions of regulation 15 (2) of the Scheme of Management (Marine Scalefish Fisheries) Regulations 1991, but only insofar as the exemption holder shall not be guilty of an offence when permitting more than two persons to act as his agents when taking salmon (*Arripis truttaceus*) from the shore for the purposes of trade or business (the 'exempted activity'), subject to the conditions specified in Schedule 1, from the date of gazettal of this notice until 17 June 2003, unless varied or revoked earlier.

## SCHEDULE 1

1. The exemption holder may use no more than nine persons acting as his agents at any one time when engaged in the exempted activity.

2. The exemption holder may only undertake the exempted activity whilst acting as a relief master for Jason Wright, holder of Marine Scalefish Fishery Licence No. M522, pursuant to the consent of the Director of Fisheries.

3. The exempted activity may only be undertaken using gear endorsed on Marine Scalefish Fishing Licence No. M522.

4. The exemption holder must be within 700 m of all agents conducting fishing activities pursuant to this exemption.

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

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

Dated 30 April 2003.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 43

TAKE notice that pursuant to section 43 of the Fisheries Act 1982, it is hereby declared that it shall be unlawful for any persons to engage in the act of, or an act preparatory to or involved in, taking species of the family cephalopoda (squid, cuttlefish and octopus) from those waters specified in Schedule 1 during the periods specified in Schedule 2.

## SCHEDULE 1

All waters of Spencer Gulf within an area bounded by a line commencing at Point Lowly lighthouse, then to the southern end of the Port Bonython jetty, then in a generally south-westerly direction to the eastern-most point of the BHP jetty, position latitude 33°02.3'S, longitude 137°35.95'E, near Whyalla, then to the high water mark at the base of the jetty, then following the high water mark along the shoreline in an easterly direction back to the point of commencement.

## SCHEDULE 2

From 1 March 2004 to 30 September 2004 and 1 March 2005 to 30 September 2005, inclusive.

Dated 6 May 2003.

W. ZACHARIN, Director of Fisheries

## LAND ACQUISITION ACT 1969

*Notice of Acquisition*

SA WATER CORPORATION (the 'Authority'), 15th Level, SA Water House, 77 Grenfell Street, Adelaide, S.A. 5000 acquires the following interests in the following land:

An easement for sewerage purposes over that piece of land being portion of Allotment 12 in Deposited Plan No. 27221 in the area named North Adelaide being portion of the land comprised in Certificate of Title Volume 5419, Folio 60 more particularly delineated as that portion marked 'J' on FP 44619.

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

*Offer of Compensation*

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

*Inquiries*

Inquiries should be directed to:

The Property Manager:

SA Water Corporation  
15th Level, S.A. Water House  
77 Grenfell Street  
Adelaide, S.A. 5000  
Phone: 8204 1674

Dated 8 May 2003.

E. LEWANDOWSKI, Manager Property, by  
Order of the Authority

## LAND AND BUSINESS (SALE AND CONVEYANCING) ACT 1994

*Exemption*

TAKE notice that, pursuant to section 23 (3) of the Land and Business (Sale and Conveyancing) Act 1994, I, Michael John Atkinson, Minister for Consumer Affairs, do hereby exempt the person named in Schedule 1 from the application of section 23 (2) of the Act in relation to the purchase of the land specified in Schedule 2.

## SCHEDULE 1

Margot Patricia Shortt, an officer/employee of Neil Ottoson Real Estate Pty Ltd.

## SCHEDULE 2

The whole of the land described in certificate of title register book volume 5835, folio 316, situated at 37 Cedar Avenue, Naracoorte, S.A. 5271.

Dated 5 May 2003.

Signed for and on behalf of the Minister for Consumer Affairs by the Commissioner for Consumer Affairs:

M. BODYCOAT, Commissioner

## LIQUOR LICENSING ACT 1997 AND GAMING MACHINES ACT 1992

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 of the Liquor Licensing Act 1997 and section 29 of the Gaming Machines Act 1992, that Sodani Pty Ltd (ACN 104 286 106) has applied to the Liquor and Gaming Commissioner for the transfer of a Hotel Licence and a Gaming Machine Licence in respect of premises situated at 29 Taylor Street, Kadina, S.A. 5554 and known as Kadina Hotel.

The applications have been set down for hearing on 30 May 2003.

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

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 20 April 2003.

Applicant

## LIQUOR LICENSING ACT 1997 AND GAMING MACHINES ACT 1992

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 of the Liquor Licensing Act 1997 and section 29 of the Gaming Machines Act 1992, that Powa Hotel Pty Ltd, c/o Clelands Solicitors, has applied to the Liquor and Gaming Commissioner for the transfer of a Hotel Licence and a Gaming Machine Licence in respect of premises situated at 215 Port Road, Queenstown, S.A. 5014 and known as Prince of Wales Hotel.

The applications have been set down for hearing on 10 June 2003 at 11 a.m.

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

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 2 May 2003.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that the South Australian Jockey Club has applied to the Licensing Authority for a variation of the Extended Trading Authorisation in respect of premises situated at Morphettville Racecourse, Morphettville, S.A. 5043 and known as Morphettville Racecourse.

The application has been set down for hearing on 6 June 2003 at 9 a.m.

*Condition*

The following licence condition is sought:

Sunday 8 a.m. to midnight (currently 10 a.m. to 10 p.m.)

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

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 30 April 2003.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Damian Lawrence and Louise Murray Flint as Trustee of the Gammons Crossing Trust, have applied to the Licensing Authority for a Producer's Licence in respect of premises situated at Flint Road, Glenroy, S.A. 5263 and to be known as Flints of Coonawarra.

The application has been set down for hearing on 6 June 2003 at 9 a.m.

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

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 30 April 2003.

Applicants

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Paul and Melissa Gillespie have applied to the Licensing Authority for a Restaurant Licence with Entertainment Consent in respect of premises situated at RSD 91 McMurtrie Road, McLaren Vale, S.A. 5171 and to be known as Wirilda Creek Cafe.

The application has been set down for hearing on 6 June 2003 at 9 a.m.

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

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 29 April 2003.

Applicants

## MINING ACT 1971

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

Applicant: South Australian Iron Ore Group Pty Ltd.

Location: Warrayappa area—Approximately 65 km south-west of Whyalla.

Term: 1 year

Area in km<sup>2</sup>: 54

Ref: 161/2002

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

H. TYRTEOS, Mining Registrar

## MINING ACT 1971

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

Applicant: Caldera Resources Pty Ltd (50%), Ellendale Resources NL (50%).

Location: Mt Alice area—Approximately 52 km north-west of Oodnadatta.

Term: 1 year

Area in km<sup>2</sup>: 61

Ref: 172/2002

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

H. TYRTEOS, Mining Registrar

## MINING ACT 1971

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

Applicant: Torrens Resources Pty Ltd.

Location: Warrakimbo area—Approximately 110 km north-east of Port Augusta.

Term: 1 year

Area in km<sup>2</sup>: 82

Ref: 11/2003

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

H. TYRTEOS, Mining Registrar

## MINING ACT 1971

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

Applicant: Havilah Resources NL.

Location: Western River area—Approximately 55 km west of Kingscote.

Term: 1 year

Area in km<sup>2</sup>: 301

Ref: 175/2002

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

H. TYRTEOS, Mining Registrar

## MINING ACT 1971

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

Applicant: Anglo American Exploration (Australia) Pty Ltd.

Location: Brooker area—Approximately 80 km north of Port Lincoln.

Term: 1 year

Area in km<sup>2</sup>: 682

Ref: 17/2003

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

H. TYRTEOS, Mining Registrar

## MINING ACT 1971

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

Applicant: Genex Resources Pty Ltd (80%), Hornet Resources Assessment Services Pty Ltd (20%).

Location: Indooroopilly Outstation area—Approximately 160 km south-west of Coober Pedy.

Term: 1 year

Area in km<sup>2</sup>: 496

Ref: 10/2003

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

H. TYRTEOS, Mining Registrar

## MINING ACT 1971

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

Applicant: Eagle Bay Resources NL.

Location: Whyalla area—Approximately 200 km north-west of Adelaide.

Term: 1 year

Area in km<sup>2</sup>: 398

Ref: 24/2003

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

H. TYRTEOS, Mining Registrar

## MOTOR VEHICLES ACT 1959

*Appointments*

NOTICE is hereby given that I, Michael John Wright, the responsible Minister of the Crown for the Transport portfolio, do hereby re-appoint the following named persons to the panels of persons who may sit with the District Court as assessors in accordance with the Fifth Schedule of the Motor Vehicles Act 1959, as amended. The appointment of the members as detailed below shall be for a period not exceeding 3 years from the date of this notice:

Representing the Motor Trade Industry  
Arthur Walker  
Mike Rathjen  
Bill Lassen

Representing the Tow Truck Industry  
John Hitchcock  
Ralph Scutella  
Aldo Iglia

Dated 24 April 2003.

M. J. WRIGHT, Minister for Transport

## MOTOR VEHICLES ACT 1959

*Historic Motor Vehicle Club*

NOTICE is hereby given that the undermentioned club is recognised as an historic motor vehicle club in accordance with Schedule 1, clause 3 (3) (a) of the Motor Vehicles Regulations, for the purposes of section 25 of the Motor Vehicles Act 1959:

Jaguar Classic Car Club Incorporated.

Dated 30 April 2003.

R. J. FRISBY, Registrar of Motor Vehicles

## NATIONAL PARKS AND WILDLIFE ACT 1972

*Douglas Point Conservation Park Management Plan*

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

Copies of the plan may be inspected at or obtained from the offices of the Department for Environment and Heritage, The Environment Shop, Ground Floor, SA Water House, 77 Grenfell Street, Adelaide, S.A. 5000 (G.P.O. Box 1047, Adelaide, S.A. 5001), telephone (08) 8204 1910 or at the South East Regional Office, SGIC Building, 11 Helen Street, Mount Gambier, S.A. 5290 (P.O. Box 1046, Mount Gambier, S.A. 5920), telephone (08) 8735 1171 or at

[http://www.environment.sa.gov.au/parks/management\\_plans.html](http://www.environment.sa.gov.au/parks/management_plans.html)

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

J. HILL, Minister for Environment and Conservation

## NATIONAL PARKS AND WILDLIFE ACT 1972

*Open Season for the Taking of Protected Animals*

PURSUANT to section 52 of the National Parks and Wildlife Act 1972, I, John Hill, Minister for Environment and Conservation, being the Minister of the Crown to whom the administration of the National Parks and Wildlife Act is for the time being committed, declare an open season for the taking of protected animals as set out in this notice.

1. *General Open Season*1.1 *Area of the State*

1.1.1 the open season applies to those species of protected animal listed in clause 1.1.2 over the whole of the State, excluding any reserves constituted under the National Parks and Wildlife Act 1972 or any wilderness protection area or any wilderness protection zone constituted under the Wilderness Protection Act 1992.

1.1.2 Stubble Quail (*Coturnix pectoralis*).

1.2 *Period*

1.2.1 Subject to clause 1.2.2 of this notice, the open season for those areas described in clause 1.1 of this notice is from 7 a.m. on Saturday, 24 May 2003 to 5.25 p.m. on Sunday, 27 July 2003.

1.2.2 A person shall not, without the written permission of the Director, National Parks and Wildlife, take the abovementioned species of quail during the period between sunset on any one day of an open season and sunrise on the next day.

2. *Prohibition Against Taking Eggs*

2.1 A person shall not take quail eggs during the open season.

3. *Bag Limit*

3.1 On the first day of the open season, a person shall not have possession, or control, of more than 12 Stubble Quail (*Coturnix pectoralis*).

3.2 On any other day of the open season, a person shall not take more than 12 Stubble Quail (*Coturnix pectoralis*).

Dated 30 April 2003.

J. HILL, Minister for Environment and Conservation

## ROADS (OPENING AND CLOSING) ACT 1991

*Road Closure—Constable Street,  
Ferryden Park*

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the DEVELOPMENT ASSESSMENT COMMISSION proposes to make a Road Process Order to close and transfer to the SOUTH AUSTRALIAN HOUSING TRUST portions of Constable Street adjoining allotments 138 and 220 in Deposited Plan 4234 and allotment 259 in Deposited Plan 4340 and the whole right of way between Coker Street and Constable Street, more particularly delineated and lettered 'A', 'B' and 'C' in Preliminary Plan No. 02/0130.

A copy of the plan and a statement of persons affected are available for public inspection at the offices of the City of Port Adelaide Enfield situated in the Civic Centre, 163 St Vincent Street, Port Adelaide and in the libraries at Enfield, Greenacres and the Parks and the office of the Surveyor-General, 101 Grenfell Street, Adelaide, during normal office hours.

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons.

The application for easement or objection must be made in writing to the Development Assessment Commission, 136 North Terrace, Adelaide S.A. 5000 WITHIN 28 DAYS OF THIS NOTICE and a copy must be forwarded to the Surveyor-General, P.O. Box 1354, Adelaide, S.A. 5000. Where a submission is made, the Development Assessment Commission will give notification of a meeting at which the matter will be considered.

Commission Contact: Doug Johnston—Ph. 8303 0734.

Dated 8 May 2002.

P. M. KENTISH, Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991:  
SECTION 24**NOTICE OF CONFIRMATION OF ROAD  
PROCESS ORDER***Walkway—Davies Crescent, Port Augusta West  
Deposited Plan 57296*

BY Road Process Order made on 11 May 2001, The Corporation of the City of Port Augusta ordered that:

1. The whole of the public road (walkway) adjoining Davies Crescent between allotments 376 and 377 in Deposited Plan 10849 more particularly delineated and lettered 'Z' in Preliminary Plan No. 32/0644 be closed.

2. The whole of the land subject to closure be transferred to Peter Jon Blinman and Isabella Dunn Blinman in accordance with agreement for transfer dated 7 March 2001 entered into between The Corporation of the City of Port Augusta and P. J. and I. D. Blinman.

3. The following easements are granted over the whole of the land subject to that closure:

Grant to the South Australian Water Corporation an easement for water supply purposes.

Grant to the Distribution Lessor Corporation an easement for underground electricity supply purposes.

On 9 July 2001 that order was confirmed by the Minister for Administrative and Information Services, conditionally on approval and deposit of the survey plan by the Registrar-General. The condition has now been fulfilled.

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

Dated 8 May 2003.

P. M. KENTISH, Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991:  
SECTION 24

**NOTICE OF CONFIRMATION OF ROAD  
PROCESS ORDER**

*Right of way—Day Drive, Pasadena  
Deposited Plan 61509*

BY Road Process Order made on 29 January 2003, the City of Mitcham ordered that:

1. Portion of the right of way adjoining Day Drive and between allotment 358 in Deposited Plan 3123 and allotment 36 in Filed Plan 13430 more particularly lettered 'A' and 'B' (respectively) in Preliminary Plan No. 02/0088 be closed.
2. The whole of the land subject to closure lettered 'A' be transferred to Jeremy Luke Turner and Francine Louise Turner in accordance with agreement for transfer dated 18 November 2002 entered into between the City of Mitcham and J. L. and F. L. Turner.
3. The whole of the land subject to closure lettered 'B' be transferred to Timothy Coran Mathews in accordance with agreement for transfer dated 3 November 2002 entered into between the City of Mitcham and T. C. Mathews.
4. The following easement is granted over the whole of the land subject to that closure:

Grant to the City of Mitcham an easement for drainage purposes.

On 11 April 2003 that order was confirmed by the Minister for Administrative Services conditionally on approval and deposit of the survey plan by the Registrar-General. The condition has now been fulfilled.

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

Dated 8 May 2003.

P. M. KENTISH, Surveyor-General

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## GOVERNMENT GAZETTE ADVERTISEMENT RATES

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	\$		\$
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Meeting Final.....	28.75	Annual Financial Statement—Forms 1 and 2 .....	481.00
Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20.....	341.00
Conduct of Winding Up (equivalent to 'Final		Default in Payment of Rates:	
Meeting')		First Name .....	68.00
First Name.....	34.10	Each Subsequent Name.....	8.75
Each Subsequent Name.....	8.75	Noxious Trade .....	25.50
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Pages	Main	Amends	Pages	Main	Amends
1-16	1.95	0.85	497-512	28.10	27.00
17-32	2.70	1.70	513-528	28.90	27.75
33-48	3.50	2.50	529-544	29.70	28.75
49-64	4.45	3.35	545-560	30.50	29.75
65-80	5.20	4.30	561-576	31.25	30.50
81-96	6.00	5.00	577-592	32.30	31.00
97-112	6.90	5.85	593-608	33.10	32.00
113-128	7.70	6.75	609-624	33.90	33.00
129-144	8.65	7.65	625-640	34.60	33.50
145-160	9.50	8.50	641-656	35.40	34.50
161-176	10.40	9.30	657-672	36.00	35.25
177-192	11.20	10.20	673-688	37.50	36.00
193-208	12.00	11.10	689-704	38.30	37.00
209-224	12.80	11.80	705-720	38.80	38.00
225-240	13.60	12.60	721-736	40.25	38.50
241-257	14.50	13.30	737-752	40.75	39.75
258-272	15.40	14.20	753-768	41.75	40.25
273-288	16.30	15.20	769-784	42.25	41.50
289-304	17.00	16.00	785-800	43.00	42.25
305-320	17.90	16.80	801-816	43.75	42.75
321-336	18.70	17.60	817-832	44.75	43.75
337-352	19.60	18.60	833-848	45.75	44.50
353-368	20.40	19.40	849-864	46.50	45.25
369-384	21.30	20.30	865-880	47.25	46.50
385-400	22.00	21.10	881-896	47.75	47.00
401-416	22.80	21.80	897-912	49.25	47.75
417-432	23.90	22.70	913-928	49.75	49.25
433-448	24.60	23.60	929-944	50.50	49.75
449-464	25.50	24.40	945-960	51.50	50.25
465-480	26.00	25.20	961-976	52.50	51.25
481-496	27.10	26.00	977-992	53.50	52.00

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PETROLEUM ACT 2000

Application for Grant of a Production Licence PPL 204

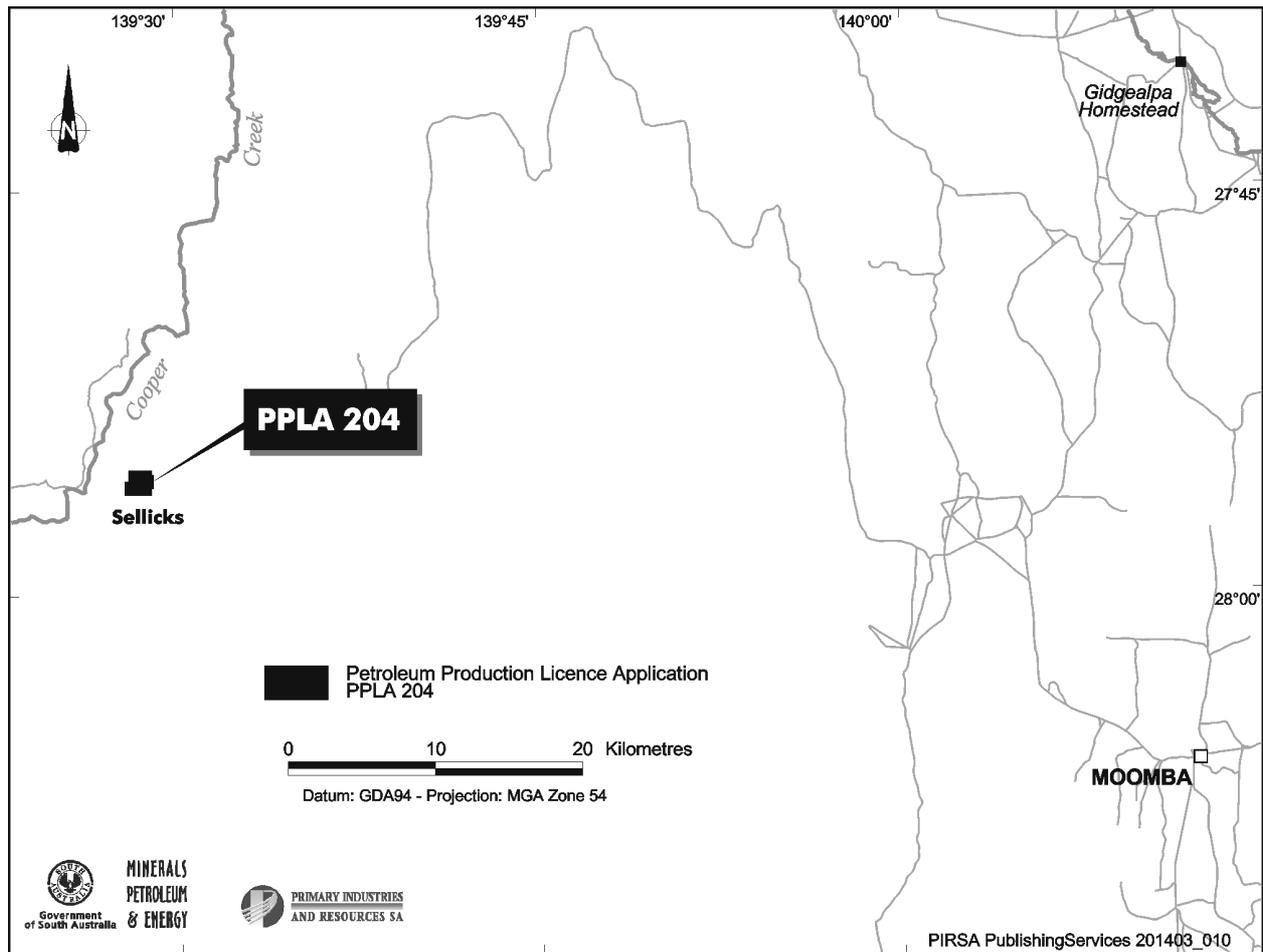
PURSUANT to section 65 (6) of the Petroleum Act 2000 (the Act) and Delegation dated 28 March 2002, *Gazetted* 11 April 2002, Page 1573, notice is hereby given that an application for the grant of a production licence over the area described below has been received from Beach Petroleum Limited and Cooper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

Description of Application Area

All that part of the State of South Australia, bounded as follows and shown on the map following:

Commencing at a point being the intersection of latitude 27°55'30"S GDA94 and longitude 139°28'05"E GDA94, thence east to longitude 139°28'50"E GDA94, south to latitude 27°55'40"S GDA94, east to longitude 139°28'55"E GDA94, south to latitude 27°56'05"S GDA94, west to longitude 139°28'50"E GDA94, south to latitude 27°56'15"S GDA94, west to longitude 139°27'55"E GDA94, north to latitude 27°55'55"S GDA94, east to longitude 139°28'05"E GDA94, and north to point of commencement.

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



Dated 6 May 2003.

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

## PETROLEUM ACT 2000

*Grant of Petroleum Exploration Licence PEL 113*

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

No. of Licence	Licensee	Locality	Date of Expiry	Area in km <sup>2</sup>	Reference
113	Stuart Petroleum Ltd	Cooper Basin of South Australia	30 April 2008	1 163	27/2/199

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

## AREA 1

Commencing at a point being the intersection of latitude 28°15'00"S AGD66 and longitude 139°50'00"E AGD66, thence east to longitude 139°51'40"E AGD66, south to latitude 28°16'00"S AGD66, east to longitude 139°52'00"E AGD66, south to latitude 28°16'40"S AGD66, east to longitude 139°52'20"E AGD66, south to latitude 28°19'00"S Clarke1858, west to longitude 139°52'00"E Clarke1858, south to latitude 28°23'00"S Clarke1858, east to longitude 139°53'00"E Clarke1858, south to latitude 28°24'00"S Clarke1858, east to longitude 139°55'00"E Clarke1858, south to latitude 28°25'00"S Clarke1858, east to longitude 139°57'00"E AGD66, south to latitude 28°25'35"S AGD66, east to longitude 139°57'35"E AGD66, south to latitude 28°26'00"S AGD66, west to longitude 139°57'25"E AGD66, south to latitude 28°26'45"S AGD66, west to longitude 139°57'20"E AGD66, south to latitude 28°27'30"S AGD66, west to longitude 139°57'10"E AGD66, south to latitude 28°28'35"S AGD66, east to longitude 139°57'30"E AGD66, north to latitude 28°28'30"S AGD66, east to longitude 139°57'40"E AGD66, north to latitude 28°28'20"S AGD66, east to longitude 139°57'50"E AGD66, north to latitude 28°28'15"S AGD66, east to longitude 139°58'00"E AGD66, north to latitude 28°28'10"S AGD66, east to longitude 139°58'20"E AGD66, north to latitude 28°27'50"S AGD66, east to longitude 139°58'30"E AGD66, north to latitude 28°27'35"S AGD66, east to longitude 139°58'45"E AGD66, north to latitude 28°27'25"S AGD66, east to longitude 139°59'40"E AGD66, north to latitude 28°26'35"S AGD66, west to longitude 139°59'35"E AGD66, north to latitude 28°26'20"S AGD66, west to longitude 139°59'25"E AGD66, north to latitude 28°26'10"S AGD66, west to longitude 139°59'15"E AGD66, north to latitude 28°25'50"S AGD66, west to longitude 139°59'05"E AGD66, north to latitude 28°25'25"S AGD66, west to longitude 139°58'40"E AGD66, north to latitude 28°25'15"S AGD66, west to longitude 139°58'30"E AGD66, north to latitude 28°25'10"S AGD66, west to longitude 139°58'15"E AGD66, north to latitude 28°25'00"S Clarke1858, east to longitude 139°59'20"E AGD66, south to latitude 28°25'50"S AGD66, east to longitude 139°59'30"E AGD66, south to latitude 28°26'10"S AGD66, east to longitude 139°59'40"E AGD66, south to latitude 28°26'30"S AGD66, east to longitude 139°59'50"E AGD66, south to latitude 28°26'50"S AGD66, east to longitude 139°59'55"E AGD66, south to latitude 28°27'05"S AGD66, east to longitude 140°00'10"E AGD66, south to latitude 28°27'10"S AGD66, east to longitude 140°00'20"E AGD66, south to latitude 28°27'15"S AGD66, east to longitude 140°00'40"E AGD66, north to latitude 28°27'10"S AGD66, east to longitude 140°00'45"E AGD66, north to latitude 28°27'00"S AGD66, east to longitude 140°00'50"E AGD66, north to latitude 28°26'50"S AGD66, east to longitude 140°01'20"E AGD66, north to latitude 28°26'40"S AGD66, east to longitude 140°01'30"E AGD66, north to latitude 28°26'30"S AGD66, east to longitude 140°01'40"E AGD66, north to latitude 28°26'25"S AGD66, east to longitude 140°01'50"E AGD66, north to latitude 28°26'20"S AGD66, east to longitude 140°01'55"E AGD66, north to latitude 28°26'15"S AGD66, east to longitude 140°02'00"E AGD66, north to latitude 28°25'50"S AGD66, west to longitude 140°01'20"E AGD66, north to latitude 28°25'30"S AGD66, west to longitude 140°01'10"E AGD66, north to latitude 28°25'20"S AGD66, west to longitude 140°01'00"E AGD66, north to latitude 28°25'10"S AGD66, west to longitude 140°00'50"E AGD66, north to latitude 28°25'00"S Clarke1858, east to longitude 140°02'00"E Clarke1858, north to latitude 28°24'00"S Clarke1858, east to longitude 140°02'30"E AGD66, south to latitude 28°24'30"S AGD66, east to longitude 140°02'40"E AGD66, south to latitude 28°24'40"S AGD66, east to longitude 140°03'40"E AGD66, north to latitude 28°24'30"S AGD66, east to longitude 140°03'50"E AGD66, north to latitude 28°24'00"S Clarke1858, east to longitude 140°04'00"E Clarke1858, north to latitude 28°23'10"S AGD66, east to longitude 140°04'20"E AGD66, north to latitude 28°22'40"S AGD66, east to longitude 140°05'00"E AGD66, south to latitude 28°22'55"S AGD66, west to longitude 140°04'55"E AGD66, south to latitude 28°23'05"S AGD66, west to longitude 140°04'40"E AGD66, south to latitude 28°23'50"S AGD66, east to longitude 140°04'50"E AGD66, south to latitude 28°24'40"S AGD66, east to longitude 140°05'25"E AGD66, north to latitude 28°24'35"S AGD66, east to longitude 140°05'30"E AGD66, north to latitude 28°24'25"S AGD66, east to longitude 140°05'35"E AGD66, north to latitude 28°24'20"S AGD66, east to longitude 140°05'45"E AGD66, north to latitude 28°24'00"S AGD66, east to longitude 140°05'55"E AGD66, north to latitude 28°23'35"S AGD66, west to longitude 140°05'45"E AGD66, north to latitude 28°23'25"S AGD66, east to longitude 140°05'50"E AGD66, north to latitude 28°23'15"S AGD66, east to longitude 140°05'55"E AGD66, north to latitude 28°23'10"S AGD66, east to longitude 140°06'00"E AGD66, north to latitude 28°22'50"S AGD66, west to longitude 140°05'50"E AGD66, north to latitude 28°22'30"S AGD66, east to longitude 140°06'20"E AGD66, south to latitude 28°22'40"S AGD66, east to longitude 140°06'50"E AGD66, south to latitude 28°22'50"S AGD66, east to longitude 140°07'20"E AGD66, south to latitude 28°23'10"S AGD66, east to longitude 140°07'50"E AGD66, south to latitude 28°23'20"S AGD66, east to longitude 140°08'20"E AGD66, south to latitude 28°23'30"S AGD66, east to longitude 140°08'50"E AGD66, south to latitude 28°23'40"S AGD66, east to longitude 140°09'30"E AGD66, south to latitude 28°23'50"S AGD66, east to longitude 140°10'00"E AGD66, south to latitude 28°24'10"S AGD66, east to longitude 140°10'30"E AGD66, south to latitude 28°24'20"S AGD66, east to longitude 140°11'00"E AGD66, south to latitude 28°24'30"S AGD66, east to longitude 140°11'30"E AGD66, south to latitude 28°24'40"S AGD66, east to longitude 140°12'00"E AGD66, south to latitude 28°25'00"S AGD66, east to longitude 140°12'40"E AGD66, south to latitude 28°25'10"S AGD66, east to longitude 140°13'10"E AGD66, south to latitude 28°25'20"S AGD66, east to longitude 140°13'40"E AGD66, south to latitude 28°25'30"S AGD66, east to longitude 140°14'10"E AGD66, south to latitude 28°25'40"S AGD66, east to longitude 140°14'40"E AGD66, south to latitude 28°26'00"S AGD66, east to longitude 140°15'00"E AGD66, south to latitude 28°40'00"S AGD66, west to longitude 139°50'00"E AGD66, and north to point of commencement but excluding the areas bounded as follows:

Commencing at a point being the intersection of latitude 28°27'55"S AGD66 and longitude 140°04'00"E AGD66, thence east to longitude 140°04'30"E AGD66, south to latitude 28°28'00"S AGD66, east to longitude 140°04'50"E AGD66, south to latitude 28°28'20"S AGD66, west to longitude 140°04'45"E AGD66, south to latitude 28°28'30"S AGD66, west to longitude 140°04'40"E AGD66, south to latitude 28°28'40"S AGD66, west to longitude 140°04'30"E AGD66, south to latitude 28°28'50"S AGD66, west to longitude 140°04'20"E AGD66, south to latitude 28°29'00"S AGD66, west to longitude 140°03'25"E AGD66, north to latitude 28°28'50"S AGD66, west to longitude 140°03'20"E AGD66, north to latitude 28°28'30"S AGD66, east to longitude 140°03'30"E AGD66, north to latitude 28°28'15"S AGD66, east to longitude 140°03'40"E AGD66, north to latitude 28°28'05"S AGD66, east to longitude 140°03'50"E AGD66, north to latitude 28°28'00"S AGD66, east to longitude 140°04'00"E AGD66, and north to point of commencement.



28°17'00"S Clarke1858, west to longitude 140°00'00"E Clarke1858, south to latitude 28°18'00"S Clarke1858, west to longitude 139°59'25"E AGD66, north to latitude 28°17'20"S AGD66, west to longitude 139°59'00"E AGD66, south to latitude 28°17'25"S AGD66, west to longitude 139°58'55"E AGD66, south to latitude 28°17'35"S AGD66, west to longitude 139°58'50"E AGD66, south to latitude 28°17'40"S AGD66, west to longitude 139°58'45"E AGD66, south to latitude 28°17'50"S AGD66, west to longitude 139°58'40"E AGD66, south to latitude 28°18'00"S Clarke1858, west to longitude 139°56'40"E AGD66, north to latitude 28°17'40"S AGD66, east to longitude 139°57'00"E AGD66, north to latitude 28°17'30"S AGD66, east to longitude 139°57'10"E AGD66, north to latitude 28°17'20"S AGD66, east to longitude 139°58'40"E AGD66, north to latitude 28°16'30"S AGD66, west to longitude 139°58'00"E AGD66, north to latitude 28°16'10"S AGD66, east to longitude 139°58'30"E AGD66, north to latitude 28°16'00"S AGD66, east to longitude 139°58'50"E AGD66, and north to point of commencement.

#### AREA 4

Commencing at a point being the intersection of latitude 28°16'00"S AGD66 and longitude 140°03'10"E AGD66, thence east to longitude 140°03'20"E AGD66, south to latitude 28°16'10"S AGD66, east to longitude 140°03'30"E AGD66, south to latitude 28°16'20"S AGD66, east to longitude 140°03'40"E AGD66, south to latitude 28°16'50"S AGD66, east to longitude 140°04'10"E AGD66, north to latitude 28°16'20"S AGD66, east to longitude 140°04'20"E AGD66, south to latitude 28°16'40"S AGD66, east to longitude 140°04'30"E AGD66, south to latitude 28°17'00"S AGD66, east to longitude 140°04'40"E AGD66, south to latitude 28°17'20"S AGD66, east to longitude 140°04'50"E AGD66, south to latitude 28°17'40"S AGD66, east to longitude 140°05'00"E AGD66, south to latitude 28°18'00"S AGD66, east to longitude 140°05'10"E AGD66, south to latitude 28°18'20"S AGD66, west to longitude 140°04'50"E AGD66, south to latitude 28°18'30"S AGD66, west to longitude 140°04'30"E AGD66, south to latitude 28°18'50"S AGD66, west to longitude 140°04'10"E AGD66, south to latitude 28°19'10"S AGD66, west to longitude 140°04'00"E Clarke1858, north to latitude 28°18'00"S Clarke1858, west to longitude 140°01'00"E Clarke1858, north to latitude 28°17'30"S AGD66, east to longitude 140°01'00"E AGD66, south to latitude 28°17'40"S AGD66, east to longitude 140°01'10"E AGD66, south to latitude 28°17'50"S AGD66, east to longitude 140°01'50"E AGD66, north to latitude 28°17'40"S AGD66, east to longitude 140°02'00"E AGD66, north to latitude 28°17'30"S AGD66, east to longitude 140°02'10"E AGD66, north to latitude 28°17'20"S AGD66, east to longitude 140°02'30"E AGD66, north to latitude 28°17'00"S AGD66, east to longitude 140°02'50"E AGD66, north to latitude 28°16'50"S AGD66, east to longitude 140°03'00"E AGD66, north to latitude 28°16'10"S AGD66, east to longitude 140°03'10"E AGD66, and north to point of commencement.

AREA: 1 163 km<sup>2</sup> approximately.

Dated 1 May 2003.

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

#### PETROLEUM ACT 2000

##### *Suspension of Geothermal Exploration Licence GEL 99*

NOTICE is hereby given that the abovementioned Geothermal Exploration Licence has been suspended under the provisions of the Petroleum Act 2000, from and including 17 April 2003 to 16 October 2003, pursuant to delegated powers dated 28 March 2002, *Gazetted* 11 April 2002, page 1573.

The expiry date of GEL 99 is now determined to be 21 February 2007.

Dated 30 April 2003.

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

#### SURVEY ACT 1992

##### *Register of Surveyors*

IT is hereby notified for general information that the undermentioned person is duly licensed under the above Act.

Name	Address	Date of Licence
NP Perry, Geoffrey Robert .....	P.O. Box 76, Hahndorf, S.A. 5245 .....	14.7.83

NP denotes non-practising.

## SURVEY ACT 1992

*Levy on Certified Correct Plans*

NOTICE is hereby given that under the provisions of section 58 of the Survey Act 1992, the Institution of Surveyors, Australia, South Australia Division Inc. may, with the approval of the Minister for Administrative Services, impose a levy on each plan certified correct and lodged in the Lands Titles Registration Office:

The Minister has approved the levy being increased from \$42.50 to \$44.00 effective from 1 July 2003.

J. M. SCHAEFER, Registrar

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WORKERS REHABILITATION AND  
COMPENSATION ACT 1986*Workers Compensation Tribunal Rules 2001, as amended*

I, WILLIAM DAVID JENNINGS, the President of the Workers Compensation Tribunal of South Australia, by virtue of the provisions of section 88E of the Workers Rehabilitation and Compensation Act 1986 and all enabling powers, do hereby amend the Workers Compensation Tribunal Rules 1996 and in lieu thereof implement consolidated Workers Compensation Tribunal Rules 2001, as amended, which shall be in identical terms to the consolidated Workers Compensation Rules 2001 published in the *South Australian Government Gazette* on 8 November 2001, given under my hand and the seal of the Workers Compensation Tribunal of South Australia, subject to the following amendments:

1. Rule 1 (4) is amended to read as follows:

The Rules shall come into force from the date of publication in the *South Australian Government Gazette*.

2. Rule 30 (4) is deleted.

3. The Fourth Schedule is enacted in the following terms:

## FOURTH SCHEDULE—TRANSITIONAL PROVISIONS

- (1) Subject to subparagraph (2) hereof, any direction, act or order of the Tribunal made between the date of disallowance of the Workers Compensation Tribunal Rules 2001 and the date of publication in the *South Australian Government Gazette* of the Workers Compensation Tribunal Rules 2001, as amended, that was previously authorised by the Workers Compensation Tribunal Rules 2001 is hereby validated.
- (2) This transitional provision does not apply to a direction, act or order made in purported reliance upon Rule 30 (4) of the Workers Compensation Tribunal Rules 2001.

Given under my hand and the seal of the Workers Compensation Tribunal of South Australia.

Dated 30 April 2003.

JUDGE W. D. JENNINGS, President,  
Workers Compensation Tribunal

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South Australia

## **Oaths (Appointments) Proclamation 2003**

under section 33 of the *Oaths Act 1936*

### **Short title**

1. This proclamation may be cited as the *Oaths (Appointments) Proclamation 2003*.

### **Commencement**

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

### **Appointment of persons to take declarations and attest instruments**

3. The following managers are appointed to take declarations and attest the execution of instruments:

Michael Anthony Barnes of JP Morgan Investor Services  
David Glenly Bowden of the National Australia Bank  
Paul Christopher Broadley of JP Morgan Investor Services  
Elizabeth Anne Cronk of the Adelaide Bank  
Lance Norman Crowhurst of JP Morgan Investor Services  
Andrew Keith Dunn of the Westpac Banking Corporation  
Stephen Ingham of JP Morgan Investor Services  
Janette Marie Jarred of the Commonwealth Bank  
Michael William Laidlaw of the National Australia Bank  
Joanne Marie Lambert of the ANZ Bank  
Julie Ann Murphy of the National Australia Bank  
Mary Velthuizen of the National Australia Bank  
Sandra Elizabeth Wiles of the Commonwealth Bank.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 8 May 2003.

AGO0045/03CS

South Australia

## **Criminal Law (Forensic Procedures) Variation Regulations 2003**

under the *Criminal Law (Forensic Procedures) Act 1998*

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### **Contents**

#### **Part 1—Preliminary**

1. Short title
2. Commencement
3. Variation provisions

#### **Part 2—Variation of Criminal Law (Forensic Procedures) Regulations 1999 (Gazette 15.7.1999 p 321) as varied**

4. Variation of regulation 4—Persons qualified to carry out forensic procedures
  5. Variation of Schedule—Fees
- 

### **Part 1—Preliminary**

#### **Short title**

1. These regulations may be cited as the *Criminal Law (Forensic Procedures) Variation Regulations 2003*.

#### **Commencement**

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

#### **Variation provisions**

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

### **Part 2—Variation of Criminal Law (Forensic Procedures) Regulations 1999 (Gazette 15.7.1999 p 321) as varied**

#### **Variation of regulation 4—Persons qualified to carry out forensic procedures**

4. (1) Regulation 4(c)—delete paragraph (c) and substitute:

- (c) a police officer who has satisfactorily completed a course of training approved for the purpose by the Minister is qualified to carry out a non-intrusive forensic procedure consisting of one or more of the following:
- (i) the taking of a sample of hair from a person's body;
  - (ii) the taking of a sample of fingernail or toenail, or material from under a fingernail or toenail;
  - (iii) the taking of a sample of biological or other material from an external part of the body;
  - (iv) the taking of a sample by buccal swab;

- (v) the taking of a sample of blood by finger-prick for the purpose of obtaining a DNA profile;
  - (vi) the taking of an impression or cast of a wound.
- (2) Regulation 4—after its present contents as amended by this regulation (now to be designated as subregulation (1)) insert:
- (2) A forensic procedure consisting of the taking of a sample of blood by finger-prick for the purpose of obtaining a DNA profile should only be carried out by a police officer, in accordance with subregulation (1)(c)(v), if—
- (a) it is not appropriate, in the circumstances, to take a sample by buccal swab for the purpose of obtaining the DNA profile; and
  - (b) it is not reasonably practicable to have the sample of blood taken by a medical practitioner or registered nurse.

**Variation of Schedule—Fees**

5. Schedule, clause 1—delete "videotape recording provided under section 16 or 38" and substitute:

audiovisual record provided under section 13G, 13H, 16 or 38

**Note—**

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

**Made by the Governor**

with the advice and consent of the Executive Council  
on 8 May 2003.

No. 46 of 2003  
AGO0369/02CS

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Enquiries: (08) 8207 1045

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## CITY OF ONKAPARINGA

*Load Limit*

NOTICE is hereby given that the Council of the City of Onkaparinga at its meeting held on 18 February 2003, resolved pursuant to section 359 of the Local Government Act 1934, as amended, that motor vehicles of gross mass greater than 3 tonne, other than emergency, public utility or council vehicles, be excluded from Cut Hill Road, for a length of 250 m from its junction with Clarendon Road. Pursuant to council's resolution suitable signs will be erected giving effect to this load limit.

J. TATE, City Manager

## CITY OF VICTOR HARBOR

## ROADS (OPENING AND CLOSING) ACT 1991

*Closure of portion of Antrim Street, McCracken*

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the City of Victor Harbor proposes to make a Road Process Order to close the portion of Antrim Street that divides allotment 49 in DP 3492 from allotment 65 in DP 3492, more particularly delineated and lettered 'A' in Preliminary Plan 03/0022.

Closed Road 'A' is to be offered for sale by public auction or tender.

A statement of persons affected by the road process together with a copy of the preliminary plan is available for public inspection at the offices of the City of Victor Harbor, Bay Road, Victor Harbor and at the Adelaide Office of the Surveyor-General during normal office hours.

Any person who may wish to object to the proposed Road Process, or any person who may wish to apply for an easement to be granted in that person's favour over the land subject to the proposed closure must lodge with the said council a notice of objection or an application for easement within 28 days of the date of the publication of this notice.

All objections shall be in writing stating the objector's full name and address and the reasons for the objection and whether the objector wishes to appear in person or be represented at a meeting convened by the council of the determination of objections.

An application for easement shall be in writing stating the applicant's full name and address, the reasons for the application for the grant of easement, full details of the nature and location of the easement applied for and whether the easement will be in favour of adjoining or nearby land, and if so, specifying the land to which the easement will be annexed.

Where a submission is made the council will give notification of a meeting at which the matter will be considered so that the person making the submission or their representative may attend if desired.

A copy of any notice or application shall, at the same time it is lodged with the council be forwarded to the Adelaide office of the Surveyor-General.

Dated 16 April 2003.

G. MAXWELL, City Manager

## CITY OF WEST TORRENS

*Naming of Road*

NOTICE is hereby given that the council has resolved, pursuant to section 219 of the Local Government Act 1999, to assign the name Parkin Court to the road at Plympton shown in Deposited Plan 55707.

T. STARR, Chief Executive Officer

## DISTRICT COUNCIL OF LOXTON WAIKERIE

## BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 1—Permits and Penalties*

TO repeal by-laws, provide for a permit system and continuing penalties in Council by-laws and to clarify the construction of such by-laws.

All previous by-laws made or adopted by the Council, prior to the date this by-law is made, are hereby repealed.

1. *Permits*

- 1.1 In any by-law of the Council unless the contrary intention is clearly indicated the word 'permission' means the permission of the Council given in writing.
- 1.2 The Council may attach such conditions to a grant of permission as it thinks fit, and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder.
- 1.3 Any permit holder shall comply with every such condition.
- 1.4 The Council may revoke such grant of permission at any time by notice in writing to the permit holder.

2. *Penalties*

- 2.1 Any person who commits a breach of any by-law of the Council shall be guilty of an offence and shall be liable to a maximum penalty being the maximum penalty referred to in the Local Government Act 1999, that may be fixed by by-law for any breach of a by-law.
- 2.2 Any person who commits a breach of any by-law of the Council of a continuing nature shall be guilty of an offence and, in addition to any other penalty that may be imposed, shall be liable to further penalty for every day on which the offence is continued, such penalty being the maximum amount referred to in the Local Government Act 1934, as amended, and/or the Local Government Act 1999, which may be prescribed by by-law for offences of a continuing nature.

3. *Construction*

Every by-law of the Council shall be subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the District Council of Loxton Waikerie held on 2 May 2003, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

T. BURGEMEISTER, District Manager

## DISTRICT COUNCIL OF LOXTON WAIKERIE

## BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 2—Moveable Signs*

TO protect visual amenity and public safety on roads and footpaths by setting standards for moveable signs and regulating their placement in a manner which recognises the advertising needs of businesses to maximise economic viability.

1. *Definitions*

In this by-law:

- 1.1 'footpath area' means that part of a street or road between the property boundary of the street or road and the edge of the carriageway on the same side as that boundary;
- 1.2 'moveable sign' has the same meaning as in the Local Government Act 1999;

- 1.3 'authorised person' means a person appointed as an authorised person pursuant to Section 260 of the Local Government Act 1999;
- 1.4 'business premises' means the premises from which a business, trade or calling is conducted;
- 1.5 'road' means public streets and public roads;
- 1.6 'the Council' means the District Council of Loxton Waikerie.

## 2. Construction and design

A moveable sign displayed on a public street or road shall:

- 2.1 be of a kind known as an 'A' Frame or Sandwich Board sign, an 'inverted "T"' sign, or a flat sign;
- 2.2 be well constructed and maintained in good condition so as not to present a hazard to any member of the public using the footpath upon which the moveable sign has been placed;
- 2.3 be of strong construction so as to be stable when in position and to be able to keep its position in adverse weather conditions;
- 2.4 not contain sharp or jagged edges or corners;
- 2.5 not be unsightly or offensive in appearance or content;
- 2.6 not contain flashing parts;
- 2.7 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 2.8 not exceed 900 mm in perpendicular height, or have a base with any side exceeding 600 mm in length;
- 2.9 not have a display area exceeding 1 m<sup>2</sup> in total or, if the sign is two-sided, 1 m<sup>2</sup> on each side;
- 2.10 be stable when in position;
- 2.11 in the case of an 'A' Frame or Sandwich Board sign:
  - 2.11.1 be hinged or joined at the top;
  - 2.11.2 be of such construction that its sides shall be securely fixed or locked in position when erected;
- 2.12 in the case of an 'inverted "T"' sign, contain no struts or supports that run between the display area and the base of the sign.

## 3. Placement

A moveable sign shall only be positioned on a public street or road on the footpath area subject to the following conditions. The moveable sign:

- 3.1 must be adjacent to the premises of the business to which it relates;
- 3.2 where there is no kerb to define the footpath, must allow a set back of 400 mm from the edge of the carriageway;
- 3.3 in the case of a flat sign, must be in line with and against the property boundary of the street or road;
- 3.4 must be placed no less than 2 m away from any structure, fixed object, tree, bush or plant (including another moveable sign);
- 3.5 must not, without council's permission, be fixed, tied or chained to or, leaned against any other structure, fixed object, tree, bush or plant (including another moveable sign);
- 3.6 must not be placed on a sealed part of any footpath area, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare at least 1.2 m wide;
- 3.7 must not be placed within 1 m of the corner of a street or road;
- 3.8 must not be placed on a landscaped area;

- 3.9 must not be placed on a designated parking area or within 1 m of an entrance to or exit from premises;
- 3.10 must not be placed within 6 m of an intersection;
- 3.11 must not unreasonably restrict the use of the footpath or road or endanger the safety of members of the public.

## 4. Restrictions

A moveable sign displayed on a public street or road shall:

- 4.1 display material which advertises a business being conducted on commercial premises adjacent to the sign, or the products available from that business but no brand names of a product shall be displayed unless the name of the business is also displayed on the sign;
- 4.2 be limited to one per business premises;
- 4.3 only be displayed when the business is open to the public;
- 4.4 be securely fixed in position such that it cannot be blown over or swept away;
- 4.5 not be in such a position or in such circumstances that the safety of any user of the street or road is at risk;
- 4.6 not be displayed during the hours of darkness unless it is clearly visible;
- 4.7 not to be displayed on a median strip, traffic island or on a carriageway of a street or road.

## 5. Exemptions

- 5.1 Paragraphs 3.1 and paragraph 4.1 do not apply to a moveable sign which is used:
  - 5.1.1 to advertise a garage sale taking place from residential premises;
  - 5.1.2 as a directional sign to an event run by an incorporated association or a charitable body;
  - 5.1.3 with permission.
- 5.2 Paragraphs 4.1 and 4.2 do not apply to a flat sign, the message of which only contains newspaper headlines and the name of a newspaper.

## 6. This by-law does not apply to:

- 6.1 a moveable sign that is placed on a public street or road pursuant to an authorisation under another Act; or
- 6.2 a moveable sign that is designed to direct people to the open inspection of any land or building that is available for purchase or lease; or
- 6.3 a moveable sign that is related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling days.

## 7. Removal of unauthorised moveable signs

- 7.1 If a moveable sign has been placed on any public street, road or footpath in contravention of this by-law or of Section 226 of the Local Government Act 1999, an authorised person may direct the owner of the sign to remove the moveable sign from the street, road or footpath.
- 7.2 If the authorised person cannot find the owner, or the owner fails to comply immediately with the order, the authorised person may remove the sign.
- 7.3 If a moveable sign that is removed is not claimed within 30 days of such removal the authorised person may sell, destroy or otherwise dispose of the moveable sign as the authorised person thinks fit.
- 7.4 Any person who displays an unauthorised moveable sign or who is the owner of an unauthorised moveable sign which has been removed must pay the Council any reasonable costs incurred in removing, storing or attempting to dispose of the moveable sign before being entitled to recover the moveable sign.

### 8. Removal of authorised moveable sign

8.1 A moveable sign must be removed or relocated by the person who placed the moveable sign on a street, road or footpath or the owner of the moveable sign, at the request of an authorised officer if, in the opinion of the authorised person, and notwithstanding compliance with this by-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign.

8.2 A moveable sign must be removed or relocated by the person who placed the moveable sign on a street, road or public place or the owner of the sign, at the request of an authorised person if so required by the authorised person for the purpose of special events, parades, road or footpath works or any other circumstances which, in the opinion of the authorised person, requires relocation of the moveable sign.

### 9. Construction

This by-law is subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the District Council of Loxton Waikerie held on 2 May 2003, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

T. BURGEMEISTER, District Manager

## DISTRICT COUNCIL OF LOXTON WAIKERIE

### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

#### By-law No. 3—Local Government Land

FOR the management and regulation of the use of and access to local government land vested in or under the control of council, including the prohibition and regulation of particular activities on local government land.

### 1. Definitions

In this by-law:

- 1.1 'local government land' means land owned by the Council or under the Council's care, control and management;
  - 1.2 'liquor' has the same meaning as defined in the Liquor Licensing Act 1997;
  - 1.3 'open container' means a container which:
    - 1.3.1 after the contents thereof have been sealed at the time of manufacture and:
      - (a) being a bottle, has had its cap, cork or top removed (whether or not it has since been replaced);
      - (b) being a can, it has been opened or punctured;
      - (c) being a cask, has had its tap placed in a position to allow it to be used;
      - (d) being any form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to the contents thereof; or
    - 1.3.2 is a flask, glass or mug or other container used for drinking purposes;
  - 1.4 'electoral matter' has the same meaning as in the Electoral Act 1985, provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
  - 1.5 'the Council' means the District Council of Loxton Waikerie;
  - 1.6 'authorised person' means a person appointed an authorised person pursuant to Section 260 of the Local Government Act 1999;
  - 1.7 'permission' means the permission of the Council given in writing;
  - 1.8 'public place' means a place (including a place on private land) to which the public has access (except a street or road) but does not include any part of a community parcel divided by a plan of community division under the Community Titles Act 1996;
  - 1.9 'park' means community land reserved or delineated as a park or designated by the Council as a park;
  - 1.10 'reserve' means community land reserved or dedicated as a reserve or designated by the Council as a reserve.
- ### 2. Activities requiring permission
- No person shall without permission on any local government land:
- 2.1 *Vehicles generally*
    - 2.1.1 being the driver of a vehicle, fail to obey the indications given by any sign erected by or with the authority of the Council, for regulating traffic or indicating the direction or route to be followed by traffic on that land;
    - 2.1.2 drive or propel a vehicle where the Council has excluded vehicles generally or of that class, pursuant to Section 359 of the Local Government Act 1934;
  - 2.2 *Vehicles on parks etc.*
    - 2.2.1 drive, park or propel a motor vehicle unless on an area or road constructed or set aside by the Council for the parking or travelling of motor vehicles;
    - 2.2.2 except on a properly constructed area for the purpose, promote, organise or take part in any race, test or trial of any kind in which motor vehicles, motor cycles, motor scooters, or bicycles take part;
  - 2.3 *Working on vehicles*

perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown;
  - 2.4 *Entertaining*

sing, busk or play a musical instrument for the purpose of, or so as to appear to be for the purpose of entertaining others whether or not receiving money;
  - 2.5 *Preaching*

preach or harangue;
  - 2.6 *Horses, cattle etc.*

ride, lead or drive any horse, cattle, sheep and other like animal except where the Council has set aside a track or other area for use by or in connection with the animal of that kind;
  - 2.7 *Donations*

ask for or receive or indicate that he or she desires a donation of money or any other valuable item or thing;
  - 2.8 *Amplification*

use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound;
  - 2.9 *Distributing*

give out or distribute to any bystander or passer-by any handbill, book, notice, or other printed matter, provided that this restriction shall not apply to any handbill or leaflet given out or distributed by or with the authority of a candidate during the course of a Federal, State or Local Government Election or to a handbill or leaflet given out or distributed during the course and for the purpose of a Referendum;

2.10 *Handbills on Cars*

place or put on any vehicle any handbill, advertisement, notice or printed matter except for any electoral matter posted on a building or structure with the authority of a candidate during the course of a Federal, State or Local Government Election or Referendum;

2.11 *Canvassing*

convey any advertising, religious or other message to any bystander, passer-by or person provided that this restriction shall not apply to any handbill or leaflet given out or distributed by or with the authority of a candidate during the course of a Federal, State or Local Government Election or to a handbill or leaflet given out or distributed during the course and for the purpose of a Referendum;

2.12 *Advertising*

display any sign for the purpose of commercial advertising, other than a moveable sign which is displayed in accordance with council's moveable sign by-law;

2.13 *Fires*

light any fires except:

- 2.13.1 in a place provided by the Council for that purpose; or
- 2.13.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material; and
- 2.13.3 in accordance with the provisions of the Country Fires Act 1989;

2.14 *Fireworks*

ignite, discharge or use any fireworks thereon;

2.15 *Attachments to trees*

attach, hang or fix any rug, blanket, sheet, rope or other material to any tree, shrub, plant, tree guard, notice board, seat, fence, post or other item or structure which is the property of the Council;

2.16 *Overhanging articles*

suspend or hang any article or thing from any building, verandah, pergola, post or other structure where it might present a nuisance or danger to any person using local government land;

2.17 *Removing soil*

carry away or remove any soil, sand, timber, stones, pebbles, other organic or inorganic materials or any part of the land;

2.18 *Picking fruit*

pick fruit, nuts or berries from any trees or bushes;

2.19 *Flora and fauna*

subject to the Native Vegetation Act 1991 and the National Parks and Wildlife Act 1972:

- 2.19.1 damage, pick, or interfere with any plant or flower thereon; or
- 2.19.2 tease, or cause harm to any animal, bird or marine creature;

2.20 *Games*

2.20.1 participate in any game, recreation or amusement which involves the use of a ball, missile or other object which by the use thereof may cause or be likely to cause injury or discomfort to any person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land;

2.20.2 fly any model aircraft or operate any power model boat from or on any local government land;

2.21 *Athletic and ball sports*

to which this subparagraph applies, in accordance with paragraph 10 of this by-law:

- 2.21.1 promote, organise or take part in any organised athletic sport;
- 2.21.2 play any organised competition sport, as distinct from organised social play;
- 2.21.3 play or practice the game of golf;

2.22 *No liquor*

to which this subparagraph applies, in accordance with paragraph 10 of this by-law:

- 2.22.1 consume, carry or be in possession or charge of any liquor (provided the land constitutes a park or reserve);
- 2.22.2 excepting sealed containers, consume, carry, be in possession or charge of any liquor in an open container (provided the land constitutes a park or reserve);

2.23 *Weddings*

conduct or participate in a marriage ceremony;

2.24 *Encroachment*

erect or place any fencing, posts or other structures or any other items or substance such as to encroach onto the land;

2.25 *Closed lands*

enter or remain on any part of local government land:

- 2.25.1 at any time during which the Council has declared that it shall be closed to the public and which is indicated by a sign to that effect;
- 2.25.2 where land is enclosed with fences and/or walls, and gates, at any time when the gates have been closed and locked; or
- 2.25.3 where admission charges are payable, to enter without paying those charges;

2.26 *Rubbish and rubbish dumps*

2.26.1 interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on local government land;

2.26.2 remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a Council rubbish bin on local government land;

2.27 *Cemeteries*

comprising a cemetery:

- 2.27.1 bury or inter any human or animal remains;
- 2.27.2 erect any memorial;
- 2.27.3 drive or propel any vehicle except on paths or roads constructed and set aside for that purpose and in compliance with any signs that have been erected;

2.28 *Camping and tents*

2.28.1 camp or stay overnight for more than seven consecutive nights; or

2.28.2 erect any tent, booth, marquee or other structure for more than seven consecutive nights (except entities authorised to do so under Section 209 of the Act);

2.29 *Break in camping and erecting tents*

2.29.1 having camped or stayed overnight for any period of time (but not more than seven consecutive nights), camp thereon until a further period of seven consecutive nights has expired; or

- 2.29.2 having erected any tent, booth, marquee or other structure for any period of time (but not more than seven consecutive nights), erect such structure thereon until a further period of seven consecutive nights has expired (except entities authorised to do so under Section 209 of the Act);
- 2.30 *Smoking*  
smoke tobacco or any other substance in any building or part of any building;
- 2.31 *Toilets*  
in any public convenience:
- 2.31.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 2.31.2 smoke tobacco or any other substance;
- 2.31.3 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
- 2.31.4 use it for a purpose for which it was not designed or constructed;
- 2.31.5 enter any toilet that is set aside for use of the opposite sex except where:
- (a) a child under the age of five years accompanied by an adult person of that other sex; and/or
- (b) to provide assistance to a disabled person;
- 2.32 *Swimming and aquatic activity*  
to which this subparagraph applies, in accordance with paragraph 10 of this by-law, enter, swim or engage in any aquatic activity in or on any body of water except:
- 2.32.1 a body of water that the Council has set aside for that purpose; or
- 2.32.2 in an area where a nearby sign states that such activity is allowed and, in accordance with any conditions stated in the sign;
- 2.33 *Mooring*
- 2.33.1 moor any boat, house boat, raft or other water craft on or to local government land or in any area that the Council has not set aside for the mooring of any boat, raft or other water craft; or
- 2.33.2 obstruct any boat, raft or other water craft or any mooring place, or any access to any boat, raft, object (either floating or sunk) whether that access is by water or by land;
- 2.34 *Use of boats and boat ramps*
- 2.34.1 use or launch a boat or other object in any body of water except:
- (a) a body of water that the Council has set aside for that purpose; or
- (b) in an area where a nearby sign states that such activity is allowed and, in accordance with any conditions stated in the sign;
- 2.34.2 launch or retrieve a boat other than from a boat ramp constructed for that purpose;
- 2.34.3 allow any vehicle to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat;
- 2.34.4 drive or propel any vehicle on such a ramp or thoroughfare at a speed greater than 25 km/h;
- 2.34.5 hire out a boat on or from any part of a body of water;
- 2.35 *Depasturing*  
cause, suffer or permit any animal under his or her control to depasture thereon;
- 2.36 *Trading*
- 2.36.1 carry on the business of buying, selling, offering or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing (including any vehicle, water craft or aircraft); or
- 2.36.2 set up a van or other vehicle or stall or other structure, tray, carpet, or device for the purpose of buying, selling, offering or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing (including any vehicle) water craft or aircraft;
- 2.37 *Skateboards and small wheeled vehicles*  
to which this subparagraph applies, in accordance with paragraph 10 of this by-law ride on a skateboard or use roller skates or blades or any other small wheeled vehicle.
3. *Posting of bills etc.*  
No person shall without the Council's permission post any bills, advertisements or other papers or items on a building or structure on local government land or other public place except for any electoral matter posted on a building or structure with the authority of a candidate during the course of a Federal, State or Local Government Election or Referendum.
4. *Prohibited activities*  
No person shall on local government land:
- 4.1 *Use of equipment*  
use any item of equipment and/or facilities or other council property:
- 4.1.1 other than in the manner and for the purpose for which it was designed or set aside; and
- 4.1.2 where any nearby sign states the conditions of use, except in accordance with such conditions;
- 4.2 *Annoyances*
- 4.2.1 annoy, commit any nuisance or unreasonably interfere with any other person's use of local government land by making a noise or by creating a disturbance that has not been authorised by the Council;
- 4.2.2 spit, urinate or defecate other than in toilets provided on any local government land;
- 4.3 *Interference with permitted use*  
interrupt or disrupt or interfere with any person's use of parks or reserves for which permission has been granted;
- 4.4 *Obstruction*  
obstruct:
- 4.4.1 any path in or on any local government land;
- 4.4.2 any door, entrance, stairway or aisle in any building in or on any local government land; or
- 4.4.3 any gate or entrance to, in or on local government land;
- 4.5 *Interference with land*
- 4.5.1 interfere with the land such as levelling or flattening sand hills, planting grass, lawn or other vegetation, paving the land, or otherwise use the land in a manner contrary to the purpose for which the land was designed to be used; or

4.5.2 destroy, damage or deface or cause or permit to be destroyed, damaged or defaced any article, structure, building or thing fixed to local government land;

#### 4.6 *Defacing Property*

deface, paint, write, cut names or make marks on or fix bills or advertisements to any tree, rock, gate, fence, building, sign or other property of the Council therein except for any electoral matter posted on a building or structure with the authority of a candidate during the course of a Federal, State or Local Government Election or Referendum;

#### 4.7 *Missiles*

throw, roll or discharge any stone, substance or missile to the danger of any person or animal therein;

#### 4.8 *Glass*

wilfully break any glass, china or other brittle material;

#### 4.9 *Flora*

collect or take any dead wood or timber for the purpose of using the same to make or maintain a fire;

#### 4.10 *Camping*

4.10.1 fail to keep the area on which he or she is camped in the surrounds in a clean, tidy and sanitary condition;

4.10.2 fail to permit any Council officer or authorised person to enter onto and inspect his or her camp site or any tent, caravan or vehicle thereon or thereby.

### 5. *Removal of encroachment or interference*

Any person who encroaches onto or interferes with local government land contrary to this by-law must at the request in writing of an authorised person, cease the encroachment or interference and remove the source of the encroachment or interference, and reinstate the land to the same standard as the state of the land prior to the encroachment or interference.

### 6. *Council may do work*

If a person fails to remove an encroachment or interference on local government land in accordance with a request of an authorised officer pursuant to Clause 5 of this by-law, then the Council may:

- 6.1 undertake the work itself; and
- 6.2 recover the cost of doing so from that person.

### 7. *Directions*

Any person on local government land must comply with any reasonable direction or request from an authorised person relating to:

- 7.1 that person's use of the land;
- 7.2 that person's conduct and behaviour on the land;
- 7.3 that person's safety on the land;
- 7.4 the safety and enjoyment of the land by other persons.

### 8. *Removal of animals and persons*

8.1 If any animal is found on local government land in breach of a by-law:

- 8.1.1 any person in charge of the animal shall remove it on the request of an authorised person; and
- 8.1.2 an authorised person may remove the animal if a person fails to comply with the request, or if no person is in charge of the animal.

8.2 Any authorised person may direct any person found committing a breach of these by-laws to cease the action or to take specified action to remedy the breach.

### 9. *Exemptions*

The restrictions in this by-law do not apply to any Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to the drivers of Emergency Vehicles (as defined in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999 and the Australian Road Rules 1999) while driving that vehicle in relation to an emergency.

### 10. *Application*

Paragraphs 2.21, 2.22, 2.32 and 2.37 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct in accordance with Section 246 (3) (e) of the Local Government Act 1999.

### 11. *Construction*

This by-law is subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the District Council of Loxton Waikerie held on 2 May 2003, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

T. BURGEMEISTER, District Manager

## DISTRICT COUNCIL OF LOXTON WAIKERIE

### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

#### *By-law No. 4—Roads*

FOR the management, control and regulation of activities on roads.

### 1. *Definitions*

In this by-law:

- 1.1 'road' has the same meaning as in the Local Government Act 1999;
- 1.2 'authorised person' means a person appointed an authorised person pursuant to Section 260 of the Local Government Act 1999;
- 1.3 'electoral matter' has the same meaning as in the Electoral Act 1995 provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 1.4 'Emergency Vehicle' has the same meaning as in the Australian Road Rules 1999 and the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999;
- 1.5 'the Council' means the District Council of Loxton Waikerie.

### 2. *Activities requiring permission*

No person shall without permission on any road:

- 2.1 *Working on vehicles*  
perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown;
- 2.2 *Preaching*  
preach or harangue;
- 2.3 *Horses, cattle etc.*  
2.3.1 ride, lead or drive any horse, cattle, sheep and other like animal, except where the Council has set aside a track or other area for use by or in connection with the animal of that kind;

- 2.3.2 stand, draw up or allow to remain stationary any horse, cattle, sheep and other like animal whether attached to a vehicle or not;

#### 2.4 Donations

ask for or receive or indicate that he or she desires a donation of money or any other thing;

#### 2.5 Amplification

use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or broadcasting announcements or advertisements;

#### 2.6 Canvassing

convey any advertising, religious or other message to any bystander, passer-by or other person provided that this restriction shall not apply to any handbill or leaflet given out or distributed by or with the authority of a candidate during the course of a Federal, State or Local Government Election or to a handbill or leaflet given out or distributed during the course and for the purpose of a Referendum;

#### 2.7 Advertising

display any sign for the purpose of commercial advertising, other than a moveable sign which is displayed on a public road in accordance with Council's moveable signs by-law.

#### 2.8 Camping

camp or remain overnight;

#### 2.9 Exhibition or Display

conduct any public exhibition or display.

### 3. Posting of bills etc.

No person shall, without the Council's permission, post any bills, advertisements or other papers or items on a building or structure on a road except for any electoral matter posted on a building or structure with the authority of a candidate during the course of a Federal, State or Local Government Election or Referendum.

### 4. Removal of animals and directions to persons

#### 4.1 If any animal is found on a road in breach of a by-law:

- 4.1.1 any person in charge of the animal shall remove it on the request of an authorised person; and
- 4.1.2 an authorised person may remove the animal if a person fails to comply with the request, or if no person is in charge of the animal.

#### 4.2 An authorised person may direct any person found committing a breach of these by-laws to cease the action or to take specified action to remedy the breach.

### 5. Exemptions

The restrictions in this by-law do not apply to any Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or to an emergency worker when driving an Emergency Vehicle in an emergency situation.

### 6. Applications of Paragraphs

Paragraph 2.3 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct in accordance with Section 246 (3) (e) of the Local Government Act 1999.

### 7. Construction

This by-law is subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the District Council of Loxton Waikerie held on 2 May 2003, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

T. BURGEMEISTER, District Manager

### DISTRICT COUNCIL OF LOXTON WAIKERIE

#### BY-LAW MADE UNDER THE DOG AND CAT MANAGEMENT ACT 1995 AND THE LOCAL GOVERNMENT ACT 1999

##### *By-law No. 5—Dogs*

FOR the control of dogs within the area, to limit the number of dogs kept in premises and for the management of dogs in the Council's area.

### 1. Definitions

In this by-law:

- 1.1 'dog' means an animal of the species *canis familiaris* over the age of three months but does not include a dingo;
- 1.2 'small dwelling' means a flat, a service flat, home unit, or a suite of rooms which is wholly occupied, or designed or intended or adapted to be occupied, as a separate dwelling, but does not include a detached, semi-detached or row dwelling house;
- 1.3 'premises' means any domestic and non-domestic premises, except an approved kennel establishment;
- 1.4 'approved kennel establishment' means a building, structure or area approved by the relevant authority, pursuant to the Development Act 1993, for the keeping of dogs on a temporary or permanent basis;
- 1.5 'public place' means all streets, roads, parklands, reserves, open space, jetties, bridges, and all other land in the ownership of the Council or under the care, control and management of the Council;
- 1.6 'the Council' means the District Council of Loxton Waikerie;
- 1.7 'working dog' means a dog used principally for the droving or tendering of stock.

### 2. Limit on Dog Numbers

#### 2.1 The limit on the number of dogs shall be:

- 2.1.1 in a small dwelling, one dog; and
- 2.1.2 in premises other than a small dwelling, two dogs.

#### 2.2 No person shall, without obtaining written permission of the Council, keep any dog on any premises where the number of dogs exceeds the limit:

- 2.2.1 unless the premises is an approved kennel establishment; or
- 2.2.2 the council has exempted any premises from compliance with Clause 2 of this by-law by the granting of an exemption; or
- 2.2.3 other than working dogs kept in rural areas.

### 3. Dog Free Areas

No person shall in a public place to which this paragraph applies cause, suffer or permit any dog (except guide dogs guiding a person who is wholly or partially blind or wholly or partially deaf), under that person's control, charge or authority to be in, or remain in that place.

### 4. Dogs on Leashes

No person shall in a public place to which this paragraph applies cause, suffer or permit any dog (except guide dogs guiding a person who is wholly or partially blind or wholly or partially deaf), under that person's control, charge or authority to be or remain in that place unless such dog is restrained by a strong leash not exceeding 2 m in length and either tethered securely to a fixed object or held by a person capable of controlling the dog and preventing it from being a nuisance or danger to other persons.

### 5. Dog Exercise Areas

- 5.1 Any person may enter upon any public place to which this paragraph applies for the purpose of exercising a dog under his or her control.

5.2 Where a person enters upon such public place for that purpose, he or she shall ensure that the dog or dogs under his or her control remain under effective control (within the meaning of the Dog and Cat Management Act 1995) while on the land.

5.3 Signs shall be erected to denote land to which this paragraph applies.

#### 6. Application

Paragraphs 3, 4 and 5 of this by-law shall apply only in such portion or portions of the area as the council may by resolution direct (in accordance with section 246 (3) (e) of the Local Government Act 1999).

#### 7. Construction

This by-law is subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the District Council of Loxton Waikerie held on 2 May 2003, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

T. BURGEMEISTER, District Manager

### PORT PIRIE REGIONAL COUNCIL

#### DEVELOPMENT ACT 1993

#### *Tourist Accommodation and Regional Centre Plan Amendment Report (PAR)—Draft for Public Exhibition and Agency Consultation*

NOTICE is hereby given that the Port Pirie Regional Council has prepared a draft Plan Amendment Report to amend the Port Pirie (RC) Development Plan.

The purpose of the Plan Amendment Report (PAR) is to rezone land within close proximity to the existing cabin park which is currently zoned 'Industrial' to 'Tourist Accommodation' and land situated adjacent to Port Germein Road to become a Commercial zone. In addition, the PAR proposes rezoning land situated within close proximity to the old railway station adjacent to the McDonald's restaurant site within the Port Pirie City area which is currently zoned 'Commercial' to 'Regional Centre'.

The draft PAR will be available for public inspection at the Council Offices, from Thursday, 8 May 2003 to Friday, 4 July 2003. Copies of the PAR can be purchased at the Council offices for \$10 each.

Written submissions regarding the draft amendment will be accepted by the Port Pirie Regional Council until 5 p.m. on Friday, 4 July 2003. All submissions should be addressed to Sam La Forgia, Environmental Services Manager, P.O. Box 45, Port Pirie, S.A. 5540. (Note: Submissions should indicate whether you wish to be heard at the Public Hearing on 30 July 2003). Copies of all written submissions received will be available for inspection by interested persons at the Council offices from Monday, 7 July 2003 to Tuesday, 29 July 2003.

A Public Hearing will be held on Wednesday, 30 July 2003 from 7.30 p.m. at the Port Pirie Regional Council Offices, 115 Ellen Street, Port Pirie, to enable people to speak to council's committee in relation to the PAR and submissions.

For further information, contact Sam La Forgia, Environmental Services Manager, on 8633 3276.

Dated 8 May 2003.

J. VUCIC, Chief Executive Officer

### RENMARK PARINGA COUNCIL

#### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

#### *By-law No. 1—Permits and Penalties*

TO provide for a permit system and continuing penalties in Council by-laws, to clarify the construction of such by-laws, and to repeal by-laws.

A. All previous by-laws made or adopted by the Council, prior to the date this by-law is made, are hereby repealed effective from the day on which this by-law comes into operation.

#### 1. Permits

1.1 In any by-law of the Council, unless the contrary intention is clearly indicated, the word 'permission' means the permission of the Council given in writing.

1.2 The Council may attach such conditions to a grant of permission as it thinks fit, and may vary or revoke such conditions or impose new conditions by notice in writing to the permit holder.

1.3 Any permit holder shall comply with every such condition.

1.4 The Council may revoke such grant of permission at any time by notice in writing to the permit holder.

1.5 In any by-law of the Council the word 'Council' means the District Council of Renmark Paringa.

#### 2. Offences and Penalties

2.1 Any person who commits a breach of any by-law of the council shall be guilty of an offence and shall be liable to a maximum penalty being the maximum penalty referred to in the Local Government Act 1999 that may be fixed by by-law for any breach of a by-law.

2.2 Any person who commits a breach of any by-law of the Council of a continuing nature shall be guilty of an offence and, in addition to any other penalty that may be imposed, shall be liable to a further penalty for every day on which the offence is continued, such penalty being the maximum amount referred to in the Local Government Act 1934 and/or Local Government Act 1999 which may be prescribed by by-law for offences of a continuing nature.

#### 3. Construction

Every by-law of the Council shall be subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the Renmark Paringa Council held on 29 April 2003 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

B. HURST, Chief Executive Officer

### RENMARK PARINGA COUNCIL

#### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

#### *By-law No. 2—Moveable Signs*

TO set standards for moveable signs on streets and roads and to provide conditions for and the placement of such signs.

#### 1. Definitions

In this by-law:

1.1 'footpath area' means that part of a street or road between the property boundary of the street or road and the edge of the carriageway on the same side as that boundary; and

1.2 'moveable sign' has the same meaning as in the Local Government Act 1999.

#### 2. Construction

A moveable sign displayed on a public street or road shall:

2.1 be of a kind known as an 'A' Frame or Sandwich Board sign, an 'inverted "T"' sign, or a flat sign;

2.2 be well constructed and maintained in good condition so as not to present a hazard to any member of the public;

2.3 be of strong construction so as to be stable when in position and to be able to keep its position in adverse weather conditions with no sharp or jagged edges or corners;

- 2.4 not be unsightly or offensive in appearance or content;
- 2.5 not contain flashing parts or any moveable attachment;
- 2.6 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 2.7 not exceed 900 mm in perpendicular height, or have a base with any side exceeding 600 mm in length;
- 2.8 not have a display area exceeding 1 m<sup>2</sup> in total or, if the sign is two-sided, 1 m<sup>2</sup> on each side;
- 2.9 be stable when in position;
- 2.10 in the case of an 'A' Frame or Sandwich Board sign:
  - 2.10.1 be hinged or joined at the top;
  - 2.10.2 be of such construction that its sides shall be securely fixed or locked in position when erected;
- 2.11 in the case of an 'inverted "T"' sign, contain no struts or supports that run between the display area and the base of the sign.

### 3. Position

A moveable sign shall only be positioned on a public street or road on the footpath area subject to the following conditions. Where there is no kerb to define the footpath, a set back of 400 mm from the edge of the shoulder of the carriageway is required:

- 3.1 in the case of a flat sign, must be in line with and against the property boundary of the street or road;
- 3.2 must be no less than 2 m between the sign and any structure, fixed object, tree, bush or plant (including another moveable sign);
- 3.3 must not be placed on a sealed part of any footpath area, unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare at least 1.2 m wide;
- 3.4 not within 1 m<sup>2</sup> from the corner property line;
- 3.5 in accordance with paragraph 5, must be adjacent to the premises of the business to which it relates.

### 4. Restrictions

A moveable sign shall:

- 4.1 in accordance with paragraph 5, display material which advertises a business being conducted on commercial premises adjacent to the sign, or the products available from that business;
- 4.2 be limited to one per business premises;
- 4.3 only be displayed when the business is open;
- 4.4 be securely fixed in position such that it cannot be blown over or swept away;
- 4.5 not be in such a position or in such circumstances that the safety of any user of the street or road is at risk;
- 4.6 not be displayed during the hours of darkness unless it is clearly visible;
- 4.7 not to be displayed on a carriageway of a street or road which includes medians, traffic islands, roundabouts, kerb protruberances, and unsealed shoulders.

### 5. Exceptions

- 5.1 Paragraph 3 (5) and paragraph 4 (1) do not apply to a moveable sign which is used:
  - 5.1.1 to advertise a garage sale taking place from residential premises;
  - 5.1.2 as a directional sign to an event run by an incorporated association or a charitable body;
  - 5.1.3 with permission.
- 5.2 Paragraphs 4.1 and 4.2 do not apply to a flat sign, the message of which only contains newspaper headlines and the name of a newspaper.

### 6. Application

This by-law does not apply if:

- 6.1 the moveable sign is placed there pursuant to an authorisation under another Act; or
- 6.2 the moveable sign is designed to direct people to the open inspection of any land or building that is available for purchase or lease; or
- 6.3 the moveable sign is related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling days.

### 7. Construction

This by-law is subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the Renmark Paringa Council held on 29 April 2003 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

B. HURST, Chief Executive Officer

## RENMARK PARINGA COUNCIL

### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

#### *By-law No. 3—Roads*

FOR the management, control and regulation of activities on roads vested in or under the control of the Council.

### 1. Definitions

In this by-law:

- 1.1 'authorised person' means a person appointed an authorised person pursuant to Section 260 of the Local Government Act 1999;
- 1.2 'Emergency Vehicle' has the same meaning as in the Australian Road Rules 1999 and the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999;
- 1.3 'electoral matter' has the same meaning as in the Electoral Act 1985 provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 1.4 'road' has the same meaning as in the Local Government Act 1999.

### 2. Activities Requiring Permission

No person shall without permission on any road:

#### 2.1 Working on Vehicles

perform the work of repairing, washing, painting, panel-beating or other work of any nature on or to any vehicle, provided that this paragraph shall not extend to running repairs in the case of breakdown;

#### 2.2 Donations

ask for or receive or indicate that he or she desires a donation of money or any other thing;

#### 2.3 Preaching

preach or harangue;

#### 2.4 Amplification

use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or broadcasting announcements or advertisements;

#### 2.5 Animals

ride, lead or drive any animal on any road, in those areas that the Council has designated by resolution;

#### 2.6 Camping

camp or remain overnight;

### 2.7 Advertising

display a sign for the purpose of commercial advertising, other than a moveable sign which is displayed on a public road in accordance with the Council's moveable signs by-law;

### 2.8 Exhibition or display

conduct any public exhibition or display;

### 2.9 Canvassing

convey any advertising, religious or other message to any bystander, passer-by or other person provided that this restriction shall not apply to any handbill or leaflet given out or distributed by or with the authority of a candidate during the course of a Federal, State or Local Government Election or to a handbill or leaflet given out or distributed during the course and for the purpose of a Referendum.

## 3. Posting of Bills

No person shall, without the Council's permission, post any bills, advertisements or other papers or items on a building or structure on a road except for any electoral matter posted on a building or structure with the authority of a candidate during the course of a Federal, State or Local Government Election or Referendum.

## 4. Removal of Animals and Persons

4.1 If any animal is found on part of a road in breach of a by-law any person in charge of the animal shall forthwith remove it from that part on the request of any authorised person; and

4.2 An authorised person may direct any person who is considered to be committing or has committed a breach of this by-law to leave that part of the road. Failure to comply with that direction forthwith is a breach of this by-law.

## 5. Exemptions

The restrictions in this by-law do not apply to any Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or an emergency worker when driving an Emergency Vehicle in an emergency situation.

## 6. Construction

This by-law is subject to any Act of Parliament and Regulations made thereunder.

## 7. Applications of Paragraphs

Paragraph 2.5 of this by-law shall apply only in such portion or portions of the area as the Council may by resolution direct in accordance with section 246 (3) (e) of the Local Government Act 1999.

The foregoing by-law was duly made and passed at a meeting of the Renmark Paringa Council held on 29 April 2003 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

B. HURST, Chief Executive Officer

### RENMARK PARINGA COUNCIL

#### BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

#### *By-law No. 4—Local Government Land*

FOR the management and regulation of the use of and access to all land vested in or under the control of the Council including the prohibition and regulation of particular activities on local government land.

### 1. Definitions

In this by-law:

1.1 'authorised person' means a person appointed an authorised person pursuant to section 260 of the Local Government Act 1999;

1.2 'electoral matter' has the same meaning as in the Electoral Act 1985 provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;

1.3 'Emergency Vehicle' has the same meaning as in the Australian Road Rules 1999 and the Road Traffic (Road Rules) Ancillary and Miscellaneous Provisions Regulations 1999;

1.4 'liquor' has the same meaning as defined in the Liquor Licensing Act 1997;

1.5 'local government land' means all land vested in or under the control of the Council (except streets and roads);

1.6 'open container' means a container which:

1.6.1 after the contents thereof have been sealed at the time of manufacture and:

(a) being a bottle, has had its cap, cork or top removed (whether or not it has since been replaced);

(b) being a can, it has been opened or punctured;

(c) being a cask, has had its tap placed in a position to allow it to be used;

(d) being any form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to the contents thereof; or

1.6.2 is a flask, glass or mug or other container used for drinking purposes;

1.7 'vehicle' has the same meaning as in the Australian Road Rules 1999.

## 2. Activities Requiring Permission

No person shall without permission on any local government land:

### 2.1 Vehicles Generally

2.1.1 being the driver of a vehicle, fail to obey the indications given by any sign erected by or with the authority of the Council, for regulating traffic or indicating the direction or route to be followed by traffic on that land;

2.1.2 drive or propel a vehicle on any part thereof where the Council has excluded vehicles generally (or of that class) pursuant to Section 359 of the Local Government Act 1934;

### 2.2 Vehicles on parks etc.

2.2.1 drive, park or propel a motor vehicle unless on an area or road constructed or set aside by the Council for the parking or travelling of motor vehicles;

2.2.2 except on a properly constructed area for the purpose, promote, organise or take part in any race, test or trial of any kind in which motor vehicles, motor cycles, motor scooters, or bicycles take part;

### 2.3 Working on vehicles

perform the work of repairing, washing, painting, panel beating or other work of any nature on or to any vehicle, except for running repairs in the case of breakdown;

### 2.4 Trading

2.4.1 Carry on the business of selling or offering or exposing for sale any goods, merchandise, commodity, article or thing; or

2.4.2 Set up a van or other vehicle or stall or other structure, tray, carpet or device for the purpose of buying or selling any goods, merchandise, commodity, article or thing;

- 2.5 *Overhanging Articles*  
suspend or hang any article or thing from any building, verandah, pergola, post or other structure where it might present a nuisance or danger to any person using local government land;
- 2.6 *Entertaining*  
sing, busk or play any recording or upon any musical instrument so as to appear to be for the purpose of entertaining other persons whether or not receiving money;
- 2.7 *Donations*  
ask for or receive or indicate that he or she desires a donation of money or any other thing;
- 2.8 *Preaching*  
preach or harangue;
- 2.9 *Distribute*  
give out or distribute to any bystander or passer-by any handbill, book, notice, or other printed matter, provided that this restriction shall not apply to any handbill or leaflet given out or distributed by or with the authority of a candidate during the course of a Federal, State or Local Government Election or to a handbill or leaflet given out or distributed during the course and for the purpose of a Referendum;
- 2.10 *Handbills on Cars*  
place or put on any vehicle any handbill, advertisement, notice or printed matter except for any electoral matter posted on a vehicle with the authority of a candidate during the course of a Federal, State or Local Government Election or Referendum;
- 2.11 *Amplification*  
use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or broadcasting announcements;
- 2.12 *Removing Soil etc.*  
carry away or remove any soil, clay, gravel, sand, timber, stones, pebbles or any other part of the land;
- 2.13 *Depositing Soil*  
Deposit any soil, clay, gravel, sand, timber, stones, pebbles or any other matter on the land;
- 2.14 *Picking Fruit etc.*  
pick fruit, nuts or berries from any trees or bushes thereon;
- 2.15 *Games*
- 2.15.1 participate in any game, recreation or amusement which involves the use of a ball, missile or other object which by the use thereof may cause or be likely to cause injury or discomfort to any person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land;
- 2.15.2 play any organised competition sport, as distinct from organised social play, in accordance with paragraph 9 of this by-law.
- 2.16 *Athletic and Ball Sports*
- 2.16.1 to which this subparagraph applies, in accordance with paragraph 9 of this by-law, promote, organise or take part in any organised athletic sport;
- 2.16.2 to which this subparagraph applies, in accordance with paragraph 9 of this by-law, play or practice the game of golf;
- 2.17 *Smoking*  
smoke tobacco or any other substance in any building or part thereof;
- 2.18 *Closed Lands*  
enter or remain on any part of local government land:
- 2.18.1 at any time during which the Council has declared that the part shall be closed to the public, and which is indicated by a sign adjacent to the entrance to that part;
- 2.18.2 where the land is enclosed with fences and/or walls, and gates have been closed and locked; or
- 2.18.3 where admission charges are payable, for that person to enter that part without paying those charges;
- 2.19 *Tents*  
(except with the Council or other Government authority) erect any tent or other structure of calico, canvass, plastic or similar material as a place of habitation;
- 2.20 *Camping*  
camp or remain overnight;
- 2.21 *Fauna*
- 2.21.1 take, interfere with or disturb any animal or bird or the eggs or young of any animal or bird;
- 2.21.2 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird; or
- 2.21.3 use, possess or have control of any device for the purpose of killing or capturing any animal or bird;
- 2.22 *Flora*
- 2.22.1 take, uproot or damage any plant;
- 2.22.2 remove, take or disturb any soil, stone, wood, tender or bark;
- 2.22.3 collect or take any dead wood or timber for the purpose of using the same to make or maintain a fire; or
- 2.22.4 ride or drive any vehicle or animal or run, stand or walk on any flowerbed or garden plot;
- 2.23 *Animals*
- 2.23.1 allow any stock to stray into or depasture therein;
- 2.23.2 allow any animal to damage any flower bed, garden plot, tree, lawn or other item or place;
- 2.24 *Fires*  
light any fire except:
- 2.24.1 in a place provided by the Council for that purpose; or
- 2.24.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material;
- 2.25 *Fireworks*  
use, discharge or explode any fireworks;
- 2.26 *Swimming*  
swim or bathe in any pond or lake to which this subparagraph 2.26 applies;
- 2.27 *Bridge jumping*  
jump or dive from any bridge;

2.28 *Use of Boats and Boat Ramps*

2.28.1 use or launch a boat or other object in any body of water except:

- (a) a body of water that the Council has set aside for that purpose; or  
 (b) in an area where a nearby sign states that such activity is allowed and, in accordance with any conditions stated in the sign;

2.28.2 launch or retrieve a boat other than from a boat ramp constructed for that purpose;

2.28.3 allow any vehicle to remain stationary on any boat ramp longer than is necessary to launch or retrieve a boat;

2.28.4 drive or propel any vehicle on such a ramp or thoroughfare at a speed greater than 25 km/h;

2.28.5 hire out a boat on or from any part of a body of water;

2.29 *Toilets*

in any public convenience on local government land:

2.29.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;

2.29.2 smoke tobacco or any other substance;

2.29.3 deposit anything in a pan, urinal or drain that is likely to cause a blockage;

2.29.4 use it for a purpose for which it was not designed or constructed;

2.29.5 enter any toilet that is set aside for use of the opposite sex except where;

(a) a child under the age of five years accompanied by an adult person; and/or

(b) to provide assistance to a disabled person;

2.30 *No Liquor*

2.30.1 to which this subparagraph applies in accordance with paragraph 9 of this by-law consume, carry or be in possession or charge of any liquor (provided the land constitutes a park or reserve) save and except on premises in respect of which a licence is in force pursuant to the Liquor Licensing Act 1997;

2.30.2 to which this subparagraph applies in accordance with paragraph 9 of this by-law excepting sealed containers, consume, carry, be in possession or charge of any liquor in an open container (provided the land constitutes a park or reserve) save and except on premises in respect of which a licence is in force pursuant to the Liquor Licensing Act 1997;

2.31 *Rubbish and rubbish dumps*

2.31.1 interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on local government land;

2.31.2 remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a Council rubbish bin on local government land;

2.32 *Mooring*

2.32.1 moor any boat, house boat, raft or other water craft on or to local government land or in any area that the Council has not set aside for the mooring of any boat, raft or other water craft; or

2.32.2 obstruct any boat, raft or other water craft or any mooring place, or any access to any boat, raft, object (either floating or sunk) whether that access is by water or by land.

3. *Posting of Bills*

No person shall without the Council's permission post any bills, advertisements or other papers or items on a building or structure on local government land or other public place except for any electoral matter posted on a building or structure with the authority of a candidate during the course of a Federal, State or Local Government Election or Referendum.

4. *Prohibited Activities*

No person shall on any local government land:

4.1 *Use of Equipment*

use any form of equipment or property belonging to the Council other than in the manner and for the purpose for which it was designed or set aside;

4.2 *Working on Vehicles*

perform the work of repairing, washing, painting, panel-beating or other work of any nature on or to any vehicle, provided that this paragraph shall not extend to running repairs in the case of breakdown;

4.3 *Annoyances*

annoy or unreasonably interfere with any other person's use of the land by making a noise or creating a disturbance that has not been authorised by the Council;

4.4 *Directions*

fail to comply with any reasonable direction or request from an authorised person of the Council relating to:

4.4.1 that person's use of the land;

4.4.2 that person's conduct and behaviour on the land;

4.4.3 that person's safety on the land; or

4.4.4 the safety and enjoyment of the land by other persons;

4.5 *Missiles*

throw, roll or discharge any stone, substance or missile to the danger of any person or animal;

4.6 *Glass*

wilfully break any glass, china or other brittle material;

4.7 *Defacing Property*

deface, paint, write, cut names or make marks on or fix bills or advertisements to any tree, rock, gate, fence, building, sign or other property of the Council therein except for any electoral matter posted on a building or structure with the authority of a candidate during the course of a Federal, State or Local Government Election or Referendum;

4.8 *Animals*

4.8.1 send, drive, lead, ride or take any animal or permit any animal to be sent, driven, led, ridden or taken on any land which the Council has, by resolution, declared to be prohibited for such purpose;

4.8.2 allow any animal to be let loose or left unattended on any land which the Council has, by resolution, declared to be prohibited for such purpose.

5. *Removal of Animals and Directions to Persons*

5.1 If any animal is found on any part of local government land in breach of a by-law:

5.1.1 any person in charge of the animal shall forthwith remove it from that part on the request of an authorised person; and

5.1.2 any authorised person may remove it therefrom if the person fails to comply with the request, or if no person is in charge of the animal.

5.2 An authorised person may direct any person who is considered to be committing or has committed a breach of this by-law to leave that part of the local government land. Failure to comply with that direction forthwith is a breach of this by-law.

#### 6. Removal of Encroachment or Interference

Any person who encroaches onto or interferes with local government land contrary to this by-law must at the request in writing of an authorised person, cease the encroachment or interference and remove the source of the encroachment or interference, and reinstate the land to the same standard as the state of the land prior to the encroachment or interference.

#### 7. Council may do Work

If a person fails to remove an encroachment or interference on local government land in accordance with a request of an authorised officer pursuant to Clause 6 of this by-law, then the Council may:

- 7.1 undertake the work itself; and
- 7.2 recover the cost of doing so from that person.

#### 8. Exemptions

The restrictions in this by-law do not apply to any Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision of a Council Officer, or an emergency worker when driving an Emergency Vehicle in an emergency situation.

#### 9. Application of Paragraphs

Any of subparagraphs 2.15.2, 2.16, 2.26 and 2.30 of this by-law shall apply only in such portion or portions of the area and at such times as the Council may by resolution direct in accordance with section 246 (3) (e) of the Local Government Act 1999.

#### 10. Construction

This by-law is subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the Renmark Paringa Council held on 29 April 2003 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

B. HURST, Chief Executive Officer

### REMARK PARINGA COUNCIL

#### BY-LAW MADE UNDER THE DOG AND CAT MANAGEMENT ACT 1995 AND THE LOCAL GOVERNMENT ACT 1999

##### *By-law No. 5—Dogs*

FOR the management and control of dogs within the Council's area.

#### 1. Definitions

In this by-law unless the context otherwise requires:

- 1.1 'Act' means the Dog and Cat Management Act 1995;
- 1.2 'approved kennel establishment' means a building, structure or area approved by the relevant authority, pursuant to the Development Act 1993 for the keeping of cats and/or dogs on a temporary or permanent basis;
- 1.3 'council land' means all parklands, reserves, ornamental grounds, streets, roads, jetties, bridges, foreshore, public places and other land vested in or under the control of the Council;
- 1.4 'dog' means an animal of the species *canis familiaris* but does not include a dingo or cross of a dingo;
- 1.5 'premises' means any domestic and non-domestic premises, except a kennel establishment in respect of which a development authorisation is in force under the Development Act 1993;

1.6 'small dwelling' means a flat, a service flat, home unit, or a suite of rooms which is wholly occupied, or designed or intended or adapted to be occupied, as a separate dwelling, but does not include a detached, semi-detached or row dwelling house.

#### 2. Dog Free Areas

No person shall on any Council land to which this paragraph applies, in accordance with paragraph 5 of this by-law cause, suffer or permit any dog under that person's control, charge or authority to be, or remain in that place.

#### 3. Dogs on Leash Areas

No person shall on any Council land to which this paragraph applies, in accordance with paragraph 5 of this by-law, cause, suffer or permit any dog under that person's control, charge or authority to be or remain in that public place unless such dog is restrained by a strong leash not exceeding 2 m in length and either tethered securely to a fixed object or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

#### 4. Dog Exercise Areas

- 4.1 Any person may enter upon any part of Council land to which this paragraph applies in accordance with paragraph 5 of this by-law, for the purpose of exercising a dog under his or her control;
- 4.2 Where a person enters upon such part of Council land for that purpose, he or she shall ensure that the dog or dogs under his or her control remain under effective control (within the meaning of the Dog and Cat Management Act 1995) while on the land;
- 4.3 Signs shall be erected to denote the land to which this paragraph applies, and information shall be provided to the public in a manner determined by the Council's Chief Executive Officer to inform the public about such land.

#### 5. Limit on Dog Numbers

- 5.1 The limit on the number of dogs within a township shall be:
  - 5.1.1 in a small dwelling, one dog;
  - 5.1.2 in premises other than a small dwelling, two dogs; and
  - 5.1.3 outside of a township it shall be two dogs, other than working dogs.
- 5.2 No person shall, without obtaining written permission of the Council, keep any dog on any premises where the number of dogs exceeds the limit:
  - 5.2.1 unless the premises is an approved kennel establishment; or
  - 5.2.2 the Council has exempted any premises from compliance with Clause 5 of this by-law by the granting of an exemption.

#### 6. Application of Paragraphs

Any of paragraphs 2, 3 and subparagraph 4.1 of this by-law shall apply only in such portion or portions of Council land as the Council may by resolution direct in accordance with Section 246 (3) (e) of the Local Government Act 1999.

#### 7. Construction

This by-law is subject to any Act of Parliament and Regulations made thereunder.

The foregoing by-law was duly made and passed at a meeting of the Renmark Paringa Council held on 29 April 2003 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

B. HURST, Chief Executive Officer

## RENMARK PARINGA COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 6—Nuisances Cause by Building Sites*

TO prevent and suppress certain kinds of nuisance caused by rubbish escaping from land on which building work is being undertaken.

1. *Definitions*

- 1.1 'building work' has the same meaning as in the Development Act 1993;
- 1.2 'authorised person' means a person appointed an authorised person pursuant to Section 260 of the Local Government Act 1999;
- 1.3 'Council' means the Renmark Paringa Council.

2. *No Unauthorised Discharge*

- 2.1 The person in charge of building work on land shall take whatsoever steps necessary to ensure that all paper, plastic, or other building materials (not including soil, sand or stones) on the land associated with the building work is secure so that the same does not blow from the land in a wind.
- 2.2 The obligation at Clause 2.1 above does not extend to the prevention of such things blowing from land in a wind of such velocity and nature that material from other properties in the area generally are blown from such land.

3. *Removal of Discharge*

- 3.1 If paper, plastic or other building materials (not including soil, sand or stones) blows from the land in a wind, the person in charge of the building work must remove all such materials from adjacent land at the request in writing of an authorised person.
- 3.2 If the person in charge of building work on land fails to comply with Clause 3.1, then the Council may undertake the work itself and, recover the cost of doing so from that person.

The foregoing by-law was duly made and passed at a meeting of the Renmark Paringa Council held on 29 April 2003 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

B. HURST, Chief Executive Officer

## RENMARK PARINGA COUNCIL

BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999

*By-law No. 7—Cemeteries*

TO provide for the management and control of cemeteries and for prescribing the fees, rents and burial rights in such cemeteries.

1. *Definitions*

In this by-law:

- 1.1 'cemetery' means any fenced premises within the council area, constructed, set aside, and dedicated by the council, as a place for the interment of deceased persons;
- 1.2 'curator' means the person appointed for the time being, by the council to have the control and management of a particular cemetery, and includes the assistant curator;
- 1.3 'attendant' means an employee of the council performing any duties on, or in connection with, any cemetery;
- 1.4 'relevant fee' means the fees prescribed by council and which may be varied from time to time by resolution of council.

2. *Opening Times*

The cemetery shall be open to the public daily from 8 a.m. until 6 p.m., and no person shall remain in the cemetery at other times without the permission of the curator.

3. *Interments*

- 3.1 No interments shall be permitted until application has been made on the relevant form, the relevant fee has been paid, or arrangements satisfactory to the curator have been made for payment of same, and the curator has given approval for such interment;
- 3.2 All interments and/or services shall be carried out within the following times:  
Monday to Saturday: 9 a.m.-noon  
1 p.m.-4 p.m.;  
Public Holidays: 9 a.m.-noon;  
Provided however that no interments shall take place on Good Friday, Easter Monday or Christmas Day;
- 3.3 In an emergency, and at the discretion of the curator, interments may be permitted on Sundays;
- 3.4 An application for interment must be submitted to the curator at least eight normal working hours prior to the requested interment time;
- 3.5 Every grave shall be sunk to a depth of not less than 2 m, provided that future interments may be allowed for, by sinking an additional 0.5 m for each proposed additional interment, to a maximum depth of 3 m.

4. *Leases*

- 4.1 The curator may grant leases over cemetery allotments for the exclusive right of interment;
- 4.2 Applications for leases shall be made in the relevant form to the curator, who shall issue same in the relevant lease form;
- 4.3 Leases may be transferred only to immediate members of the lessees family and upon payment of the relevant fee;
- 4.4 Leases for any unused site may be repurchased by the curator for the original purchase price.

5. *Improvements*

- 5.1 No person shall erect, or place upon any part of the cemetery, any monument, cover, railing or other improvement or decoration, without permission;
- 5.2 No improvements are to be undertaken on public holidays or at weekends;
- 5.3 Masons, and other workers, shall clear away all refuse made by them, and make good all damage caused through them, or their servants;
- 5.4 Monuments shall be of marble, granite, or other durable material approved by the curator. No wooden structure will be allowed, other than in the form of a cross;
- 5.5 No trees, shrubs or living plants of any description shall be planted in the cemetery except with the approval of the curator;
- 5.6 No person shall construct monument/headstone in the grass section which has a height greater than 750 mm. The maximum foundation permitted for such monument/headstone is 1.1 m wide, 0.225 m deep with a 40 mm setback at the front to allow for numbering, and grass edging.

6. *Prohibited Activities*

- 6.1 No person, with the exception of the curator, or attendant, in the performance of their duties, shall in the cemetery:

- 6.1.1 write upon or affix any bill or stencil mark to or cut, break, remove or deface any tree, seat, gate, post, fence, wall, pillar, railing, kerbing, memorial or ornamental work;
- 6.1.2 cut, pluck, gather, take or injure any of the plants or shrubs in the cemetery whether wild or cultivated;
- 6.1.3 interfere with or damage any of the trees, shrubs, flowers or other property;
- 6.1.4 do any damage to any road or pathway;
- 6.1.5 damage any article whatsoever attached to the land;
- 6.1.6 behave in an improper or offensive manner or use profane, indecent or obscene language;
- 6.1.7 carry on any trade, business or calling or promote or advertise the same by means whatsoever without permission;
- 6.1.8 distribute any handbill, card, circular or advertisement;
- 6.1.9 disturb any funeral service.

#### 7. Vehicles

- 7.1 No person shall drive or bring any vehicle into the cemetery without permission;
- 7.2 Any vehicle while in the cemetery, shall not travel at a speed dangerous to pedestrians, or in any case, at a speed greater than 10 km/h.

#### 8. Animals

No person shall bring, or allow, any animal owned by, or under the charge of, that person, into the cemetery.

#### 9. Supervision

- 9.1 All persons who may at any time be in the cemetery, shall be subject to the supervision, direction and control of the curator, or attendant authorised by the curator for that purpose, and shall obey all reasonable directions of the curator, or attendant;
- 9.2 No person under the age of 12 years shall be admitted to the cemetery except in the charge of a responsible person;
- 9.3 Every undertaker, or other person, bringing human remains for interment, shall make such interment under the direction of the curator, or attendant authorised by the curator for that purpose.

The foregoing by-law was duly made and passed at a meeting of the Renmark Paringa Council held on 29 April 2003 by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

B. HURST, Chief Executive Officer

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

- Austin, Carin Sofia*, late of 6 Ellis Street, Enfield, of no occupation, who died on 9 March 2003.
- Bagshaw, Aileen Isabel*, late of 84 Reservoir Road, Modbury, of no occupation, who died on 29 March 2003.
- Cam, Kenneth Frederick*, late of 2 Jelley Street, Woodville, retired factory foreman, who died on 14 March 2003.
- Donnellan, Nellie Florence*, late of 1099 Grand Junction Road, Holden Hill, of no occupation, who died on 19 February 2003.
- Grant, Leslie Keith*, late of 1 Robert Street, Ascot Park, of no occupation, who died on 16 March 2003.
- Harris, Thomas Ernest*, late of 6 Booth Avenue, Linden Park, retired coach builder, who died on 19 March 2003.
- Hughes, Jean Malone*, late of 29 Austral Terrace, Morphettville, of no occupation, who died on 30 March 2003.
- O'Shaughnessy, Andrew John*, late of 1099 Grand Junction Road, Holden Hill, retired precision tool maker, who died on 22 January 2003.

- Razzano, Pasqualina*, late of 38 Sixth Avenue, St Peters, of no occupation, who died on 26 January 2003.
- Richardson, Thomas John*, late of 30 High Street, Port Germein, retired line supervisor, who died on 18 February 2003.
- Sanders, Fred Alexander*, late of 38 Sixth Avenue, St Peters, retired tailor, who died on 27 March 2003.
- Schahinger, Colin Alfred*, late of 15 Rosemary Street, Woodville West, retired electrical mechanic, who died on 29 March 2003.
- Schebella, Phyllis Ada*, late of 12 Kent Street, South Plympton, home duties, who died on 26 March 2003.
- Scott, Judith Lynn*, late of 13 Moseley Street, Glenelg, of no occupation, who died on 16 March 2003.
- Stevens, Shirley Lorraine*, late of 87 Bombay Street, Oaklands Park, retired cleaner, who died on 4 March 2003.
- Thomas, Joyce Beryl*, late of 50 Davenport Terrace, Richmond, home duties, who died on 25 March 2003.
- West, Laurel Louise*, late of 2 MacKay Avenue, North Plympton, home duties, who died on 3 April 2003.

Notice is hereby given pursuant to the Trustee Act 1936, as amended, the Inheritance (Family Provision) Act 1972, and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the Public Trustee, 25 Franklin Street, Adelaide, S.A. 5000, full particulars and proof of such claims, on or before 6 June 2003, otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons who are indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver the same to the Public Trustee.

Dated 8 May 2003.

C. J. O'LOUGHLIN, Public Trustee

#### ESTATE OF SALLY ANNE PARNELL (DECEASED)

TAKE notice that after the expiration of eight days application will be made in the Registry of the Supreme Court of South Australia in its Testamentary Causes Jurisdiction for the sealing of an Order to Administer (with the Will) the estate of Sally Anne Parnell, late of 8 Treveltham Street, Toowoomba in the State of Queensland, home duties (deceased) granted by the Supreme Court of the State of Queensland at Brisbane on 20 September 2002.

Dated 8 May 2003.

C. J. O'LOUGHLIN, Public Trustee,  
Attorney for the Public Trustee in  
and for the State of Queensland

IN the matter of the estate of the undermentioned deceased person:

- Anderson, Francis Russell*, late of Parklyn Senior Citizens' Residence, 6 Booth Avenue, Linden Park, retired company director, who died on 14 November 2002.

Notice is hereby given pursuant to the Trustee Act 1936, as amended, the Inheritance (Family Provision) Act 1972, and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the said estate are directed to send full particulars and evidence of such claims to the undersigned on or before 5 June 2003, otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons who are indebted to the said estate are required to pay the amount of their debt to the undersigned or proceedings will be taken for the recovery thereof and all persons having any property belonging to the said estate are forthwith to deliver the same to the undersigned.

Dated 8 May 2003.

PERPETUAL TRUSTEES S.A. LIMITED (ABN  
8800 8273 916), 89 King William Street,  
Adelaide, S.A. 5000

# ATTENTION

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