



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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ADELAIDE, THURSDAY, 10 DECEMBER 2009

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## GOVERNMENT GAZETTE NOTICES

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Department of the Premier and Cabinet  
Adelaide, 10 December 2009

HIS Excellency the Governor directs it to be notified for general information that he has in the name and on behalf of Her Majesty The Queen, this day assented to the undermentioned Acts passed by the Legislative Council and House of Assembly in Parliament assembled, viz.:

No. 65 of 2009—Children’s Protection (Implementation of Report Recommendations) Amendment Act 2009. An Act to amend the Children’s Protection Act 1993; and to make related amendments to the Health and Community Services Complaints Act 2004.

No. 66 of 2009—Statutes Amendment (Council Allowances) Act 2009. An Act to amend the Local Government Act 1999 and the City of Adelaide Act 1998.

No. 67 of 2009—Classification (Publications, Films and Computer Games) (R 18+ Films) Amendment Act 2009. An Act to amend the Classification (Publications, Films and Computer Games) Act 1995.

No. 68 of 2009—Development (Control of External Painting) Amendment Act 2009. An Act to amend the Development Act 1993.

No. 69 of 2009—Magistrates Court (Special Justices) Amendment Act 2009. An Act to amend the Magistrates Court Act 1991.

No. 70 of 2009—Upper South East Dryland Salinity and Flood Management (Extension of Project) Amendment Act 2009. An Act to amend the Upper South East Dryland Salinity and Flood Management Act 2002.

No. 71 of 2009—Motor Vehicles (Miscellaneous No 2) Amendment Act 2009. An Act to amend the Motor Vehicles Act 1959; and to make a related amendment to the Road Traffic Act 1961.

No. 72 of 2009—Spent Convictions Act 2009. An Act to limit the effect a person’s conviction for certain offences if the person completes a period of crime-free behaviour; and for other purposes.

No. 73 of 2009—Bail (Arson) Amendment Act 2009. An Act to amend the Bail Act 1985.

No. 74 of 2009—Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) (Miscellaneous) Amendment Act 2009. An Act to amend the Criminal Law (Clamping, Impounding and Forfeiture of Vehicles) Act 2007; and to make a related amendment to the Summary Offences Act 1953.

No. 75 of 2009—Outback Communities (Administration and Management) Act 2009. An Act to establish the Outback Communities Authority and to facilitate the administration and management of outback communities; to repeal the Outback Areas Community Development Trust Act 1978; and for other purposes.

No. 76 of 2009—Valuation of Land (Miscellaneous) Amendment Act 2009. An Act to amend the Valuation of Land Act 1971.

No. 77 of 2009—Building and Construction Industry Security of Payment Act 2009. An Act to provide for payments for construction work carried out, and related goods and service supplied, under construction contracts; to make related amendments to the Building Work Contractors Act 1995 and the Commercial Arbitration and Industrial Referral Agreements Act 1986; and for other purposes.

No. 78 of 2009—Statutes Amendment (Children’s Protection) Act 2009. An Act to amend the Children’s Protection Act 1993, the Criminal Law (Sentencing) Act 1988 and the Summary Procedure Act 1921.

No. 79 of 2009—Statutes Amendment (Victims of Crime) Act 2009. An Act to amend the Criminal Law (Sentencing) Act 1988; the Criminal Law Consolidation Act 1935; the Defamation Act 2005; the Freedom of Information Act 1991; and the Victims of Crime Act 2001.

No. 80 of 2009—River Torrens Linear Park (Linear Parks) Amendment Act 2009. An Act to amend the River Torrens Linear Park Act 2006.

No. 81 of 2009—Local Government (Accountability Framework) Amendment Act 2009. An Act to amend the Local Government Act 1999.

No. 82 of 2009—Statutes Amendment and Repeal (Trade Measurement) Act 2009. An Act to amend the Natural Resources Management Act 2004 and to repeal the Trade Measurement Act 1993 and the Trade Measurement Administration Act 1993.

No. 83 of 2009—Anangu Pitjantjatjara Yankunytjatjara Land Rights (Mintabie) Amendment Act 2009. An Act to amend the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981 and to make related amendments to the Opal Mining Act 1995 and to by-laws under the Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981.

No. 84 of 2009—Statutes Amendment (Public Sector Consequential Amendments) Act 2009. An Act to amend various Acts consequent on the enactment of the Public Sector Act 2009 and the Public Sector Management (Consequential) Amendment Act 2009.

No. 85 of 2009—Intervention Orders (Prevention of Abuse) Act 2009. An Act to provide for intervention orders and associated problem gambling and tenancy orders in cases of domestic and non-domestic abuse; to make related amendments to the Bail Act 1985, the Criminal Law Consolidation Act 1935, the Criminal Law (Sentencing) Act 1988, the Cross-border Justice Act 2009, the District Court Act 1991, the Evidence Act 1929, the Firearms Act 1977, the Magistrates Court Act 1991, the Problem Gambling Family Protection Orders Act 2004, the Summary Procedure Act 1921, the Supreme Court Act 1935 and the Youth Court Act 1993; to repeal the Domestic Violence Act 1994; and for other purposes.

No. 86 of 2009—Commonwealth Powers (De Facto Relationships) Act 2009. An Act to refer certain financial matters relating to the breakdown of certain relationships to the Parliament of the Commonwealth for the purposes of section 51 (XXXVII) of the Constitution of the Commonwealth.

By command,

TOM KOUTSANTONIS, for Premier

DPC06/0875

Department of the Premier and Cabinet  
Adelaide, 10 December 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Murray-Darling Basin Natural Resources Management Board, pursuant to the provisions of the Natural Resources Management Act 2004:

Member: (from 14 April 2010 until 13 April 2013)  
Emily Claire Jenke  
Colin Charles Milburn

By command,

TOM KOUTSANTONIS, for Premier

MRMCS09/112

Department of the Premier and Cabinet  
Adelaide, 10 December 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the RESI Corporation Board, pursuant to the provisions of the Electricity Corporations Act 1994:

Director: (from 1 January 2010 until 31 December 2010)  
Andrew George Anastasiades

By command,

TOM KOUTSANTONIS, for Premier

T&F09/079CS

Department of the Premier and Cabinet  
Adelaide, 10 December 2009

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

Director: (from 1 January 2010 until 31 December 2010)  
Andrew George Anastasiades

By command,

TOM KOUTSANTONIS, for Premier

T&F09/080CS

Department of the Premier and Cabinet  
Adelaide, 10 December 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Parole Board of South Australia, pursuant to the provisions of the Correctional Services Act 1982:

Deputy Member: (from 10 December 2009 until 9 December 2012)

Robin Macleish Durant (Deputy to Dodd)

By command,

TOM KOUTSANTONIS, for Premier

MCS09/024SC

Department of the Premier and Cabinet  
Adelaide, 10 December 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the South Australian Psychological Board, pursuant to the provisions of the Psychological Practices Act 1973:

Member: (from 1 January 2010 until 31 December 2012)

Meredith Gwendoline Dickson

Peter Nicholas Gilchrist

Anthony Harold Winefield

Angela Marie Davis

Anne Frances Gannoni

Marie Jose O'Neill

Radomir Stratil

Chair: (from 1 January 2010 until 31 December 2012)

Meredith Gwendoline Dickson

By command,

TOM KOUTSANTONIS, for Premier

HEAC-2009-00019

Department of the Premier and Cabinet  
Adelaide, 10 December 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Board of the Botanic Gardens and State Herbarium, pursuant to the provisions of the Botanic Gardens and State Herbarium Act 1978:

Member: (from 10 December 2009 until 30 June 2013)

David John Wissler Knox

By command,

TOM KOUTSANTONIS, for Premier

EHCS09/0038

Department of the Premier and Cabinet  
Adelaide, 10 December 2009

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

Member: (from 30 April 2010 until 29 April 2013)

Roger Barrington Wickes

Wendy Anne Bell

Presiding Member: (from 30 April 2010 until 29 April 2011)

Sharon Ruth Starick

By command,

TOM KOUTSANTONIS, for Premier

WBSC09/0033

Department of the Premier and Cabinet  
Adelaide, 10 December 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Veterinary Surgeons Board of South Australia, pursuant to the provisions of the Veterinary Practice Act 2003:

Member: (from 1 January 2010 until 31 December 2012)

James Andrew Smith

Deputy Member: (from 1 January 2010 until 31 December 2012)

Jane Eleanor McNicholl (Deputy to Smith)

By command,

TOM KOUTSANTONIS, for Premier

MAFF09/028CS

Department of the Premier and Cabinet  
Adelaide, 10 December 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint Acting Ministers as set out below:

Honourable Paul Holloway, MLC, Minister for Mineral Resources Development, Minister for Urban Development and Planning and Minister for Small Business to be also Acting Premier, Acting Minister for Economic Development, Acting Minister for Social Inclusion and Acting Minister for Sustainability and Climate Change for the period from 29 December 2009 to 4 January 2010 inclusive, during the absence of the Honourable Michael David Rann, MP.

Honourable Paul Holloway, MLC, Minister for Mineral Resources Development, Minister for Urban Development and Planning and Minister for Small Business to be also Acting Minister for the Arts on 4 January 2010, during the absence of the Honourable Michael David Rann, MP.

Honourable Paul Holloway, MLC, Minister for Mineral Resources Development, Minister for Urban Development and Planning and Minister for Small Business to be also Acting Deputy Premier, Acting Treasurer, Acting Minister for Industry and Trade and Acting Minister for Federal/State Relations for the period from 23 December 2009 to 28 December 2009 inclusive, during the absence of the Honourable Kevin Owen Foley, MP.

Department of the Premier and Cabinet  
Adelaide, 10 December 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Independent Gambling Authority, pursuant to the provisions of the Independent Gambling Authority Act 1995:

Member: (from 1 October 2010 until 30 September 2013)

Alan Peter Moss

Presiding Member: (from 1 October 2010 until 30 September 2013)

Alan Peter Moss

By command,

TOM KOUTSANTONIS, for Premier

MGA09/011SC

Honourable Paul Holloway, MLC, Minister for Mineral Resources Development, Minister for Urban Development and Planning and Minister for Small Business to be also Acting Minister for Transport, Acting Minister for Infrastructure and Acting Minister for Energy for the period from 4 January 2010 to 17 January 2010 inclusive, during the absence of the Honourable Patrick Frederick Conlon, MP.

Honourable Patrick Frederick Conlon, MP, Minister for Transport, Minister for Infrastructure and Minister for Energy to be also Acting Deputy Premier, Acting Treasurer, Acting Minister for Industry and Trade and Acting Minister for Federal/State Relations for the period from 29 December 2009 to 3 January 2010 inclusive, during the absence of the Honourable Kevin Owen Foley, MP.

Honourable Patrick Frederick Conlon, MP, Minister for Transport, Minister for Infrastructure and Minister for Energy to be also Acting Minister for Mineral Resources Development, Acting Minister for Urban Development and Planning and Acting Minister for Small Business for the period from 18 January 2010 to 31 January 2010 inclusive, during the absence of the Honourable Paul Holloway, MLC.

Honourable Michael John Atkinson, MP, Attorney-General, Minister for Justice, Minister for Multicultural Affairs and Minister for Veterans' Affairs to be also Acting Deputy Premier, Acting Treasurer, Acting Minister for Industry and Trade and Acting Minister for Federal/State Relations for the period from 4 January 2009 to 8 January 2010 inclusive, during the absence of the Honourable Kevin Owen Foley, MP.

Honourable John David Hill, MP, Minister for Health, Minister for the Southern Suburbs and Minister Assisting the Premier in the Arts to be also Acting Minister for the Arts for the period from 29 December 2009 to 3 January 2010 inclusive, during the absence of the Honourable Michael David Rann, MP.

Honourable John David Hill, MP, Minister for Health, Minister for the Southern Suburbs and Minister Assisting the Premier in the Arts to be also Acting Minister for Education, Acting Minister for Mental Health and Substance Abuse, Acting Minister for Tourism and Acting Minister for the City of Adelaide for the period from 18 December 2009 to 24 December 2009 and for the period from 30 December 2009 to 3 January 2010 inclusive, during the absence of the Honourable Jane Diane Lomax-Smith, MP.

Honourable John David Hill, MP, Minister for Health, Minister for the Southern Suburbs and Minister Assisting the Premier in the Arts to be also Acting Minister for Environment and Conservation for the period from 22 December 2009 to 28 December 2009 inclusive, during the absence of the Honourable Jay Wilson Weatherill, MP.

Honourable Jane Diane Lomax-Smith, MP, Minister for Education, Minister for Mental Health and Substance Abuse, Minister for Tourism and Minister for the City of Adelaide to be also Acting Minister for Health, Acting Minister for the Southern Suburbs and Acting Minister Assisting the Premier in the Arts for the period from 4 January 2010 to 15 January 2010 inclusive, during the absence of the Honourable John David Hill, MP.

Honourable Jay Wilson Weatherill, MP, Minister for Environment and Conservation, Minister for Early Childhood Development, Minister for Aboriginal Affairs and Reconciliation and Minister Assisting the Premier in Cabinet Business and Public Sector Management to be also Acting Minister for Agriculture, Food and Fisheries, Acting Minister for Industrial Relations, Acting Minister for Forests and Acting Minister for Regional Development for the period from 18 January 2010 to 31 January 2010 inclusive, during the absence of the Honourable Paul Caica, MP.

Honourable Gail Elizabeth Gago, MLC, Minister for State/Local Government Relations, Minister for the Status of Women, Minister for Consumer Affairs, Minister for Government Enterprises and Minister Assisting the Minister for

Transport, Infrastructure and Energy to be also Acting Minister for Environment and Conservation for the period from 15 December 2009 to 21 December 2009 inclusive, during the absence of the Honourable Jay Wilson Weatherill, MP.

Honourable Paul Caica, MP, Minister for Agriculture, Food and Fisheries, Minister for Industrial Relations, Minister for Forests and Minister for Regional Development to be also Acting Minister for Police, Acting Minister for Emergency Services and Acting Minister for Recreation, Sport and Racing for the period from 2 January 2010 to 10 January 2010 inclusive, during the absence of the Honourable Michael John Wright, MP.

Honourable Paul Caica, MP, Minister for Agriculture, Food and Fisheries, Minister for Industrial Relations, Minister for Forests and Minister for Regional Development to be also Acting Minister for Early Childhood Development, Acting Minister for Aboriginal Affairs and Reconciliation and Acting Minister Assisting the Premier in Cabinet Business and Public Sector Management for the period from 15 December 2009 to 28 December 2009 inclusive, during the absence of the Honourable Jay Wilson Weatherill, MP.

By command,

TOM KOUTSANTONIS, for Premier

DPC08/037CS

Department of the Premier and Cabinet  
Adelaide, 10 December 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Kevin Owen Foley, MP, Deputy Premier, Treasurer, Minister for Industry and Trade and Minister for Federal/State Relations to be also Acting Premier, Acting Minister for Economic Development, Acting Minister for Social Inclusion and Acting Minister for Sustainability and Climate Change for the period from 12 December 2009 to 21 December 2009 inclusive, during the absence of the Honourable Michael David Rann, MP.

By command,

TOM KOUTSANTONIS, for Premier

DPC030/96Pt4CS

Department of the Premier and Cabinet  
Adelaide, 10 December 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable John David Hill, MP, Minister for Health, Minister for the Southern Suburbs and Minister Assisting the Premier in the Arts to be also Acting Minister for the Arts for the period from 12 December 2009 to 21 December 2009 inclusive, during the absence of the Honourable Michael David Rann, MP.

By command,

TOM KOUTSANTONIS, for Premier

DPC030/96Pt4CS

Department of the Premier and Cabinet  
Adelaide, 10 December 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint Rodney George Hook as the Rail Commissioner for a term of five years commencing on 10 December 2009 and expiring on 9 December 2014, pursuant to section 5 of the Rail Commissioner Act 2009.

By command,

TOM KOUTSANTONIS, for Premier

MTR09/105

Department of the Premier and Cabinet  
Adelaide, 10 December 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint Manuel Delgado as a Deputy Rail Commissioner for a term of five years commencing on 10 December 2009 and expiring on 9 December 2014, pursuant to Section 5 of the Rail Commissioner Act 2009.

By command,

TOM KOUTSANTONIS, for Premier

MTR09/105

Department of the Premier and Cabinet  
Adelaide, 10 December 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint Samuel Luke Clarke as an officer 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 and In-Court Management contract, without pay or other industrial entitlement, staff of G4S Custodial Services Pty Ltd, pursuant to Section 68 of the Constitution Act 1934.

By command,

TOM KOUTSANTONIS, for Premier

MCS09/022SC

Legislative Council Office, 2 December 2009

FORWARDED to the Honourable the Premier the following Resolution, passed by the Legislative Council on 2 December 2009:

That the Regulations under the Firearms Act 1977, concerning Prescribed Firearms, made on 1 October 2009 and laid on the table of this Council on 13 October 2009, be disallowed.

J. M. DAVIS, Clerk

#### ARCHITECTS ACT 1939

##### *By-laws*

THE ARCHITECTS BOARD OF SOUTH AUSTRALIA, by virtue of the Architects Act 1939 and all other powers, hereby makes the following by-laws:

##### *By-laws under the Architects Act 1939*

1. The by-laws made the Architects Board of South Australia, pursuant to the Architects Act 1939 on 31 March 1977 and published in the *Government Gazette* on the same day at pages 999 to 1005 inclusive, as varied are hereinafter referred to as 'the principal by-laws'.

2. By-law 14 of the principal by laws is varied as follows:

- (1) by deleting the words 'The registration fee for natural persons shall be one hundred and thirty-five dollars and for companies three hundred and ninety dollars' and substituting the words 'The registration fee for natural persons shall be one hundred and thirty-five dollars and for companies three hundred and ninety-five dollars'.

3. By-law 15 of the principal by-laws is varied as follows:

- (1) by deleting the words 'three hundred and five dollars' and substituting the words 'three hundred and ten dollars'; and
- (2) by deleting the words 'four hundred and forty five dollars for companies with up to two directors, and 'five hundred dollars' for companies with more than two directors and substituting the words 'four hundred and fifty dollars' for companies with up to two directors and 'five hundred and five dollars' for companies with more than two directors'.

The above by-laws were duly made and passed by the Architects Board of South Australia at a meeting of the board held on 14 October 2009.

These by-laws are to come into operation on 1 January 2010.

A. L. S. DAVIES, Chairman

J. E. BAILEY, Registrar

Confirmed in Executive Council, on 10 December 2009.

KEVIN JOHN SCARCE, Governor

Pursuant to section 10 AA (2) of the Subordinate Legislation Act 1978, I, certify that, in my opinion, it is necessary or appropriate that these by-laws these by-laws come into operation on 1 January 2010.

Endorsed,

PAUL HOLLOWAY, Minister for Urban  
Development and Planning

#### AQUACULTURE ACT 2001

##### *Grant of Aquaculture Lease*

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

LA00162	LA00095
LA00119	LA00120
LA00130	LA00246
LA00247	LA00227
LA00228	LA00201
LA00202	LA00203
LA00204	LA00205
LA00206	LA00207
LA00208	LA00209
LA00210	LA00211
LA00212	LA00213
LA00214	LA00215
LA00216	LA00217
LA00218	LA00219
LA00220	LA00221
LA00222	LA00223
LA00221	LA00225
LA00226	LA00227
LA00228	LA00229
LA00230	LA00231
LA00232	LA00233
LA00234	LA00235
LA00236	LA00237
LA00238	LA00239
LA00174	LA00175
LA00176	LA00177
LA00178	LA00179

Further details are available for all of the above leases granted on the PIRSA Aquaculture Public Register, which can be found at:

<https://info.pir.sa.gov.au/aquapr/page/gui3/map.html>.

PAUL CAICA, Minister for Agriculture,  
Food and Fisheries

## CROWN LANDS ACT 1929: SECTION 5

TAKE NOTICE that pursuant to the Crown Lands Act 1929, I, JAY WEATHERILL, 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 Public Road.

**The Schedule**

Allotments 13 and 14 in Deposited Plan 82243, Out of Hundreds (Renmark), being within the district of Berri and Barmera.

Dated 10 December 2009.

JAY WEATHERILL, Minister for Environment and Conservation

DEH 11/3180

## CROWN LANDS ACT 1929: SECTION 5

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

1. Dedicate the Crown Land defined in The First Schedule as Reserves for Cemetery Purposes and declare that such land shall be under the care, control and management of The District Council of Mount Remarkable.
2. Dedicate the Crown Land defined in The Second Schedule as a Reserve for Conservation Purposes and declare that such land shall be under the care, control and management of The District Council of Mount Remarkable.
3. Vary the proclamation as described in The Third Schedule by declaring that portion of the Town of Port Germein Cemetery as defined in The Third Schedule shall be under the care, control and management of The District Council of Mount Remarkable.
4. Vary the proclamation as described in The Fourth Schedule by declaring that portion of the Public Cemetery of the Hundred of Appila as defined in The Fourth Schedule shall be under the care, control and management of The District Council of Mount Remarkable.

**The First Schedule**

Section 504, Hundred of Wongyarra and Section 510, Hundred of Telowie, County of Frome, exclusive of all necessary roads.

**The Second Schedule**

Section 505, Hundred of Wongyarra, County of Frome, exclusive of all necessary roads.

**The Third Schedule**

Portion of the Town of Port Germein Cemetery, Section 511, Hundred of Telowie, the proclamation of which together with other land was published in the *Government Gazette* of 5 December 1878 at page 1639.

**The Fourth Schedule**

Portion of the Public Cemetery of the Hundred of Appila, Section 641, Hundred of Appila, the proclamation of which together with other land was published in the *Government Gazette* of 15 November 1877 at page 1273.

Dated 10 December 2009.

JAY WEATHERILL, Minister for Environment and Conservation

DEH 13/1212

## DEVELOPMENT ACT 1993

*Adoption of Minister's Code:  
Undertaking Development in Bushfire Protection Areas—  
February 2009 (as amended December 2009)*

*Preamble*

Regulation 106 of the Development Regulations 2008 prescribes the Minister for Urban Development and Planning for the purposes of section 23 (5) of the Development Act 1993. This section provides that a Development Plan may adopt, wholly or partially and with or without modification a code prepared or published by the Minister for Urban Development and Planning under Regulation 106.

The Minister for Urban Development and Planning has prepared the 'Minister's Code—Undertaking Development in Bushfire Protection Areas February 2009 (as amended December 2009)'. Relevant Development Plans will require that an application for a development plan consent or a land division consent in relation to development in a bushfire protection area must be assessed taking into account the mandatory requirements of the Minister's Code.

## NOTICE

PURSUANT to regulation 106 of the Development Regulations 2008, notice is given of the adoption of the Minister's Code—Undertaking Development in Bushfire Protection Areas—February 2009 (amended December 2009) as published by the Minister for Urban Development and Planning.

The adoption of the Minister's Code—Undertaking development in Bushfire Protection Areas—February 2009 (amended December 2009) will take effect for the purposes of the Development Regulations 2008 from the date of this notice.

Dated 8 December 2009.

PAUL HOLLOWAY, Minister for Urban Development and Planning

## DEVELOPMENT ACT 1993, SECTION 25 (17): CITY OF ONKAPARINGA—GENERAL AMENDMENTS (PART 2) DEVELOPMENT PLAN AMENDMENT

*Preamble*

1. The Development Plan amendment entitled 'City of Onkaparinga—General Amendments (Part 2) Development Plan Amendment' (the Plan Amendment) has been finalised in accordance with the provisions of the Development Act 1993.

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

## NOTICE

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

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

Dated 10 December 2009.

PAUL HOLLOWAY, Minister for Urban Development and Planning

## DEVELOPMENT ACT 1993, SECTION 25 (17): CITY OF MOUNT GAMBIER—PENOLA ROAD DISTRICT CENTRE ZONE DEVELOPMENT PLAN AMENDMENT

*Preamble*

1. The Development Plan amendment entitled 'City of Mount Gambier—Penola Road District Centre Zone Development Plan Amendment' (the Plan Amendment) has been finalised in accordance with the provisions of the Development Act 1993.

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

## NOTICE

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

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

Dated 10 December 2009.

PAUL HOLLOWAY, Minister for Urban Development and Planning

DEVELOPMENT ACT 1993, SECTION 28 (1): DECLARATION OF INTERIM OPERATION OF BUSHFIRES (MISCELLANEOUS AMENDMENTS) DEVELOPMENT PLAN AMENDMENT

NOTICE BY THE MINISTER

PURSUANT to section 28 (1) of the Development Act 1993, I, the Hon. Paul Holloway, Minister for Urban Development and Planning, am of the opinion that it is necessary in the interest of the orderly and proper development of the areas affected by the Bushfires (Miscellaneous Amendments) Development Plan Amendment that the Development Plan Amendment should come into operation without delay. I declare that the Development Plan Amendment will come into operation on an interim basis on the day in which this notice is published.

Dated 8 December 2009.

PAUL HOLLOWAY, Minister for Urban Development and Planning

DEVELOPMENT ACT 1993: BUSHFIRES (MISCELLANEOUS AMENDMENTS) DEVELOPMENT PLAN AMENDMENT

PREPARED BY THE MINISTER

*Draft for Public Consultation*

NOTICE is hereby given that the Minister for Urban Development and Planning, pursuant to sections 24 and 26 of the Development Act 1993, has prepared a draft Bushfires (Miscellaneous Amendments) Development Plan Amendment (DPA) to amend the following Development Plans:

Adelaide Hills Council	Naracoorte Lucindale (DC)
Alexandrina Council	Northern Areas Council
Berri Barmera Council	Onkaparinga (City)
Burnside (City)	Playford (City)
Campbelltown (City)	Port Lincoln (City)
Clare & Gilbert Valleys Council	Port Pirie (RC)
Elliston (DC)	Renmark Paringa (DC)
Gawler (CT)	Robe (DC)
Grant (DC)	Salisbury (City)
Kangaroo Island Council	Streaky Bay (DC)
Kingston District Council	Tatiara (DC)
Light Regional Council	Tea Tree Gully (City)
Lower Eyre Peninsula (DC)	The Barossa Council
Mallala (DC)	Tumby Bay Council
Mid Murray Council	Victor Harbor (City)
Mitcham (City)	Wakefield Regional Council
Mount Barker (DC)	Wattle Range Council
Mount Gambier (City)	Yankalilla (DC)
Mount Remarkable (DC)	Yorke Peninsula (DC)
Murray Bridge (RC)	Land not within a Council Area (Coastal Waters)

The draft DPA proposes to establish a more obvious link between Development Plan policy and the Minister's Code: Undertaking development in Bushfire Protection Areas, which has been updated to reflect changes made to the Development Regulations 2008 and building policy. A copy of the Code can be found at: [www.planning.sa.gov.au/go/bushfiresdpa](http://www.planning.sa.gov.au/go/bushfiresdpa).

The draft DPA will be on public consultation from Thursday, 10 December 2009 to Wednesday, 17 February 2010.

Copies of the draft DPA are available during normal office hours at the Department of Planning and Local Government, Level 5, 136 North Terrace, Adelaide and at the Council Offices of the affected council areas (see above).

The DPA can also be viewed on the Internet at:

[www.planning.sa.gov.au/go/bushfiresdpa](http://www.planning.sa.gov.au/go/bushfiresdpa).

Written submissions regarding the draft DPA should be submitted no later than 5 p.m. on Wednesday, 17 February 2010. Submissions should be addressed to:

The Presiding Member, Development Policy Advisory Committee,

Bushfires (Miscellaneous Amendments) DPA,  
c/o Department of Planning and Local Government,  
Post: G.P.O. Box 1815, Adelaide, S.A. 5001; or

Email: [dpac@sa.gov.au](mailto:dpac@sa.gov.au).

Your submission should clearly indicate whether you wish to be heard at the public meeting and at which meeting venue you wish to attend.

Copies of all public submissions will be available for inspection by interested persons at the Department of Planning and Local Government, Level 5, 136 North Terrace, from 18 February 2010 until the conclusion of the public meetings, and will also be available for viewing on the Department of Planning and Local Government website.

The public meetings, at which interested persons may appear to be heard in relation to the draft DPA and the submissions, are scheduled as follows:

<i>Clare</i>	<i>Mount Gambier</i>
Time Date: 7 p.m., Tuesday, 16 March 2010.	Time Date: 7 p.m., Tuesday, 23 March 2010.
Venue: Clare Town Hall Function Room, 229 Main North Road, Clare, S.A. 5453.	Venue: Quality Inn International Motel (Pavilion Room), Millicent Road, Mount Gambier, S.A. 5290.
<i>Port Lincoln</i>	<i>Adelaide</i>
Time Date: 7 p.m., Tuesday, 30 March 2010.	Time Date: 7 p.m., Tuesday, 6 April 2010.
Venue: Port Lincoln Hotel (Ballroom), 1 Lincoln Highway, Port Lincoln, S.A. 5606.	Venue: Mercure Hotel (James Alexander Room), 125 North Terrace, Adelaide, S.A. 5000.

The public meeting may not be held if no submissions are received or if no-one requests to be heard at a meeting venue. Please check the Department of Planning and Local Government's website before the scheduled date of the meeting to find out whether it is being held.

If you would like more information about the draft DPA, please contact David Gibson by telephone 8463 5558 or via email at [David.Gibson2@sa.gov.au](mailto:David.Gibson2@sa.gov.au).

Dated 10 December 2009.

Secretary, Development Policy Advisory Committee

EMERGENCY MANAGEMENT ACT 2004

STATE EMERGENCY RELIEF FUND

*Appointments*

I HEREBY appoint the following persons to the State Emergency Relief Fund Committee as ongoing members for a term of three years, pursuant to the Emergency Management Act 2004. The appointments will commence on the date that the notice of appointment is published in the *South Australian Government Gazette*:

- Barry Joseph Grear AO
- Veronica Margaret Faggotter
- Raina Nella Nechvoglod
- Sherree Goldsworthy
- Helen Kay Lamont

Dated 8 December 2009.

J. RANKINE, Minister for Families and Communities

ELECTORAL ACT 1985: PART 3, DIVISION 2

*Remote Subdivisions*

PURSUANT to section 15 of the Electoral Act 1985, I, Kay Marie Mousley, Electoral Commissioner, hereby revoke the declaration contained on page 3809 of the *South Australia Government Gazette* dated 27 October 2005 and declare the following subdivisions to be remote subdivisions:

Chaffey-Barker  
Flinders-Grey  
Giles-Grey  
Goyder-Grey  
Hammond-Barker  
MacKillop-Barker  
Stuart-Grey

Dated 10 December 2009.

K. MOUSLEY, Electoral Commissioner

ECSA 138/09

## ELECTORAL ACT 1985: SECTION 15

TAKE notice that pursuant to section 15 of the Electoral Act 1985, I, Kay Marie Mousley, the Electoral Commissioner, divide the House of Assembly electoral districts, named in the Schedule, that were defined in the Electoral Districts Boundaries Commission Order of 29 March 2007 and that become effective at the next general elections.

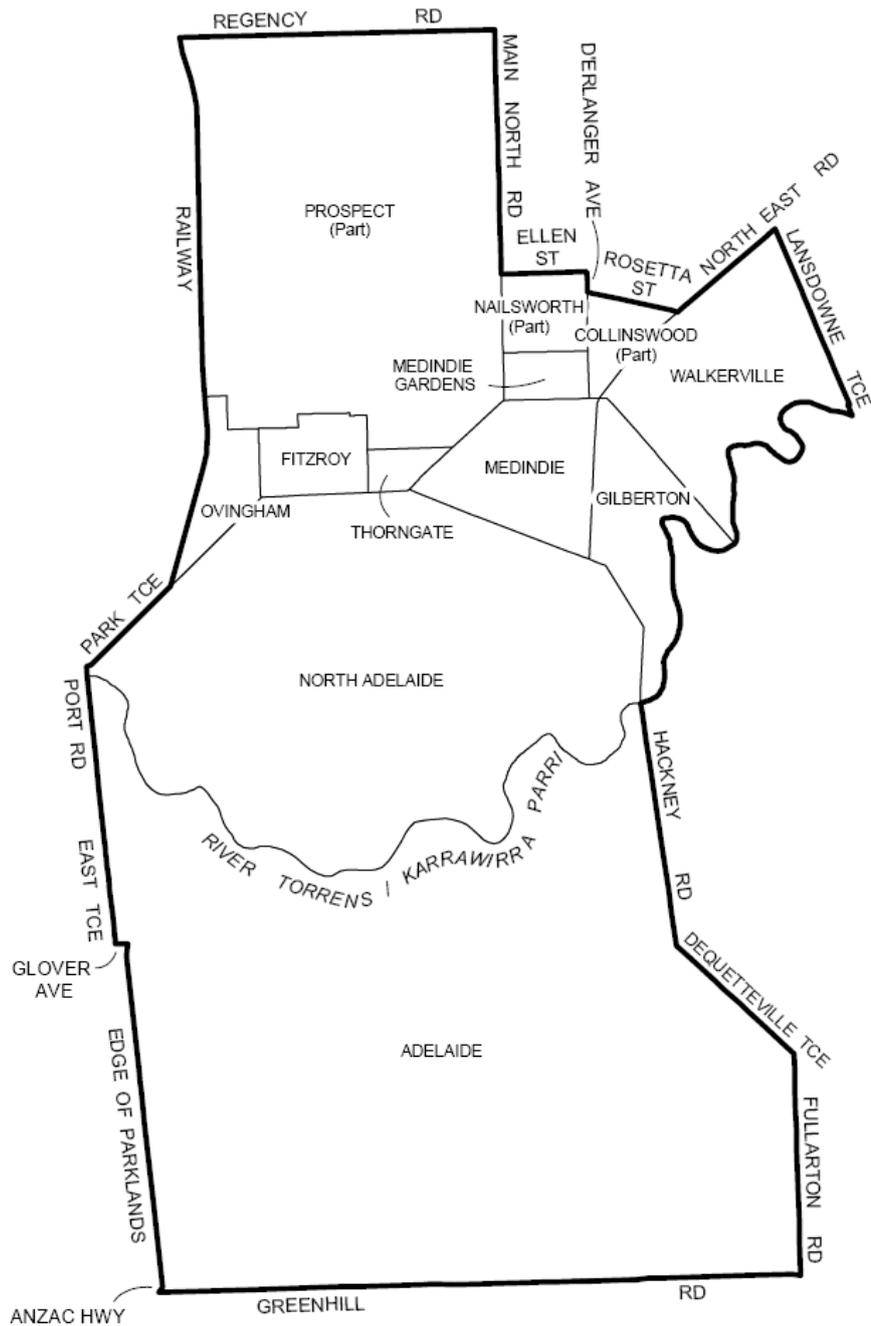
The division of the district boundaries into 87 subdivisions are named, delineated and described in the separate sketch plans contained in the Schedule.

## THE SCHEDULE

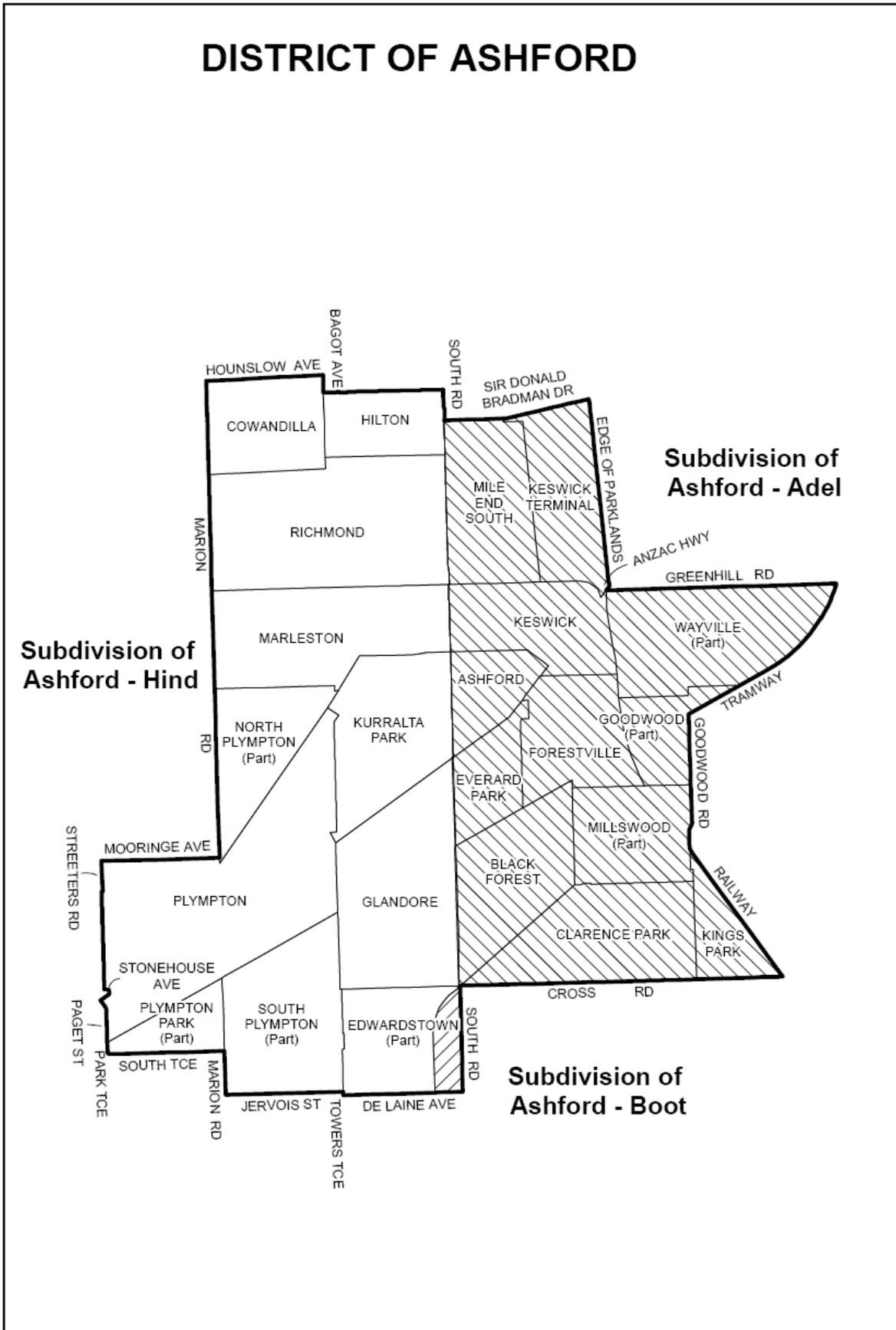
Adelaide	Light
Ashford	Little Para
Bragg	MacKillop
Bright	Mawson
Chaffey	Mitchell
Cheltenham	Morialta
Colton	Morphett
Croydon	Mount Gambier
Davenport	Napier
Elder	Newland
Enfield	Norwood
Finniss	Playford
Fisher	Port Adelaide
Flinders	Ramsay
Florey	Reynell
Frome	Schubert
Giles	Stuart
Goyder	Taylor
Hammond	Torrens
Hartley	Unley
Heysen	Waite
Kaurna	West Torrens
Kavel	Wright
Lee	

# DISTRICT OF ADELAIDE

## Subdivision of Adelaide - Adel

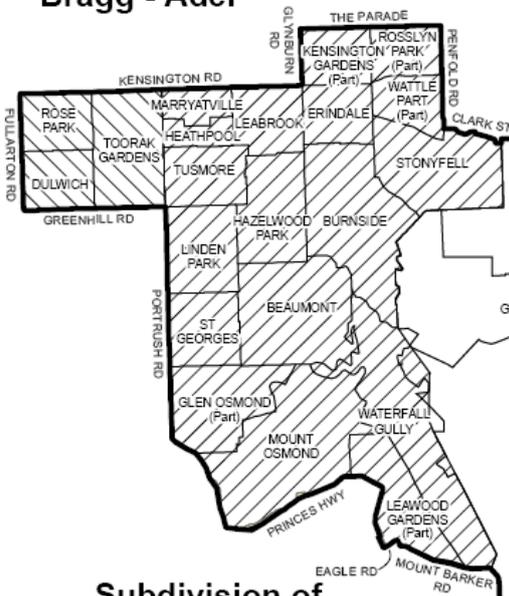


# DISTRICT OF ASHFORD

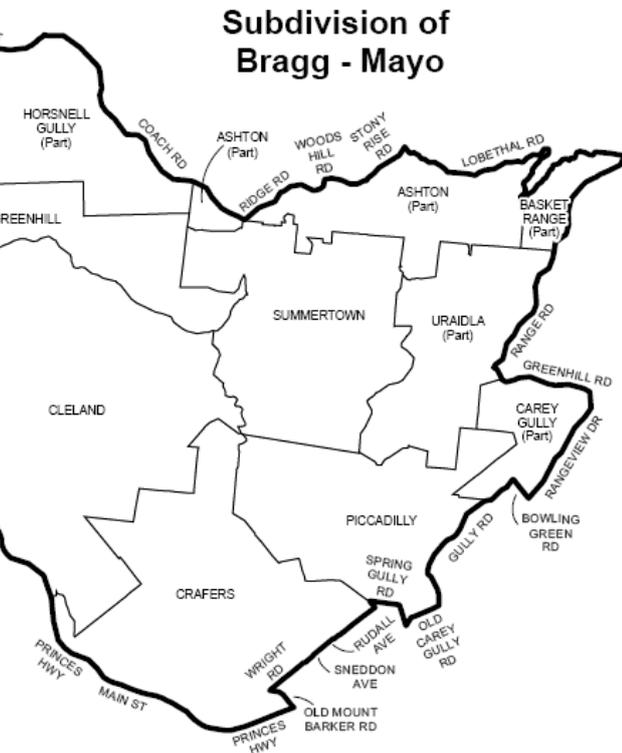


# DISTRICT OF BRAGG

## Subdivision of Bragg - Adel



## Subdivision of Bragg - Mayo



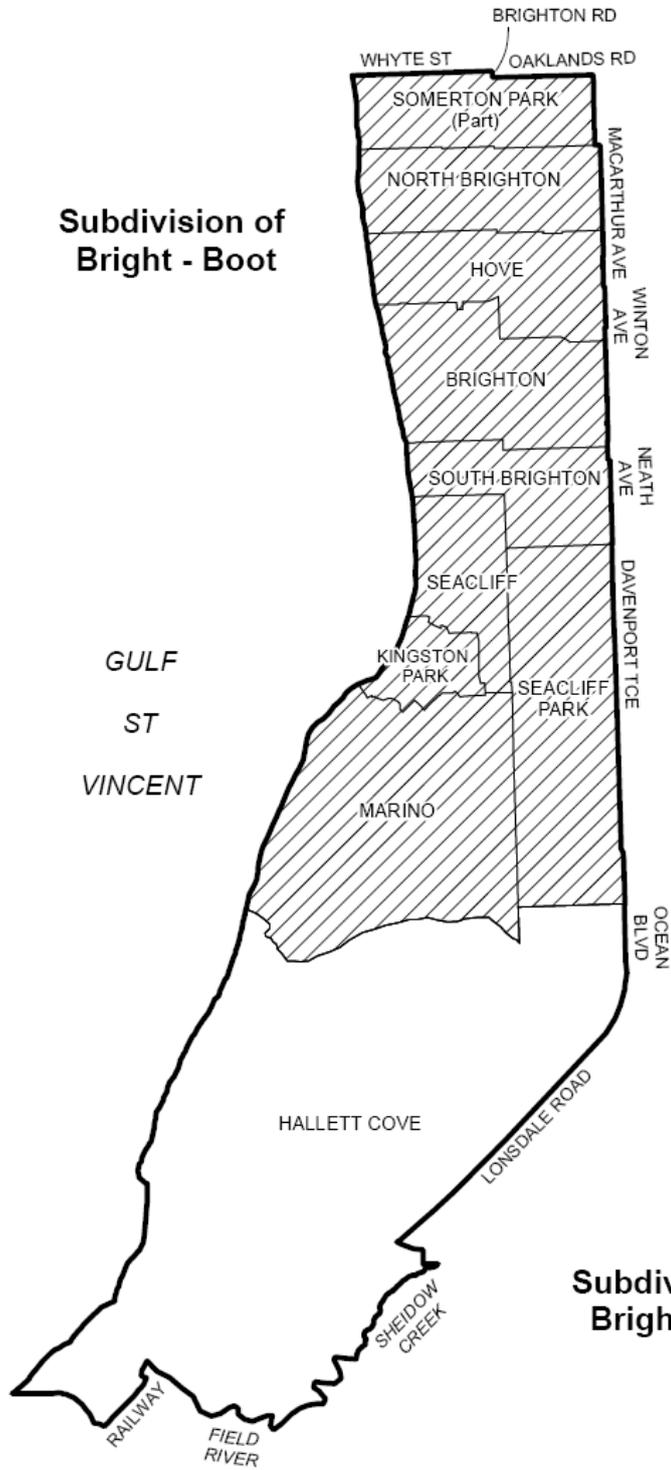
## Subdivision of Bragg - Stur



# DISTRICT OF BRIGHT

**Subdivision of  
Bright - Boot**

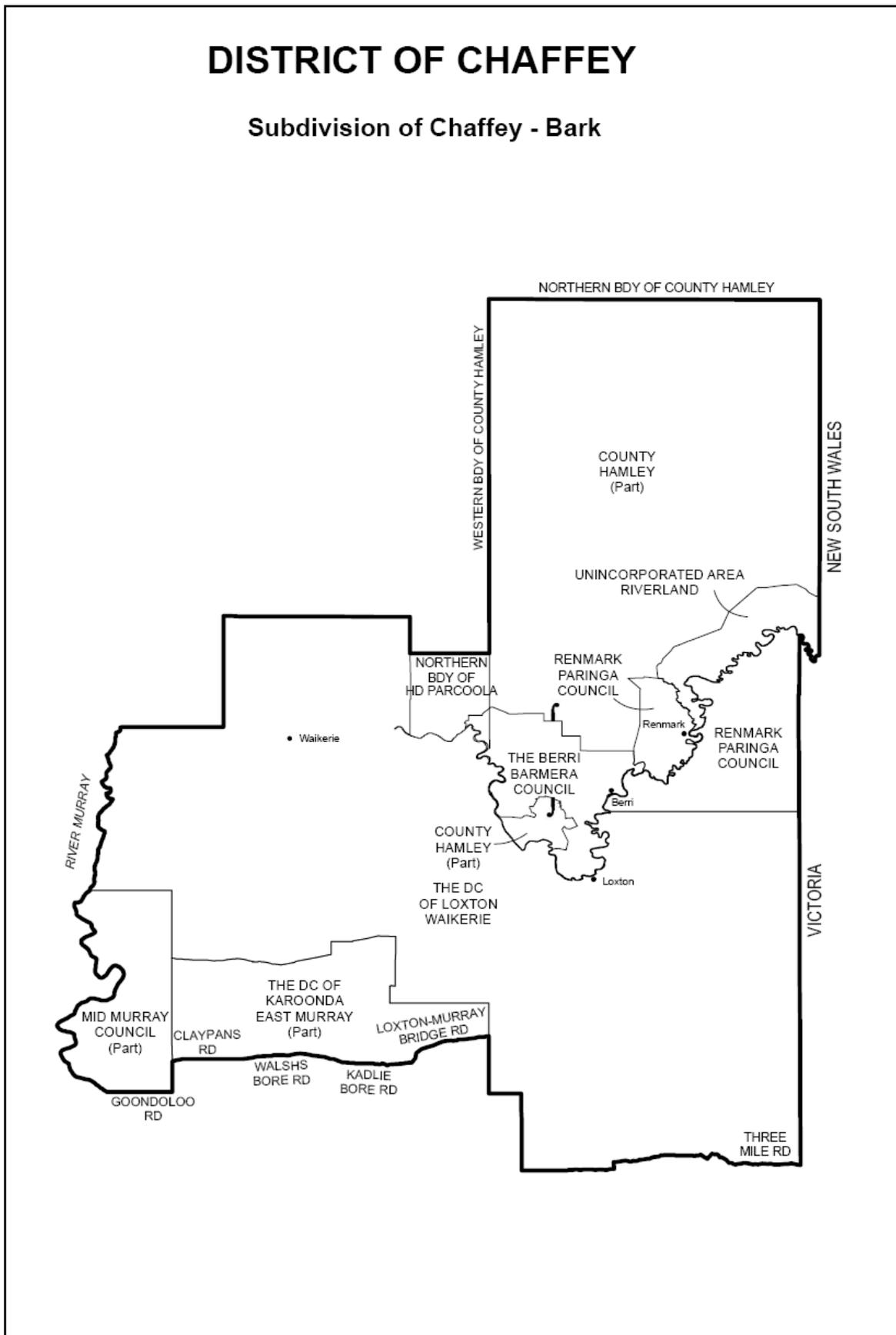
GULF  
ST  
VINCENT



**Subdivision of  
Bright - King**

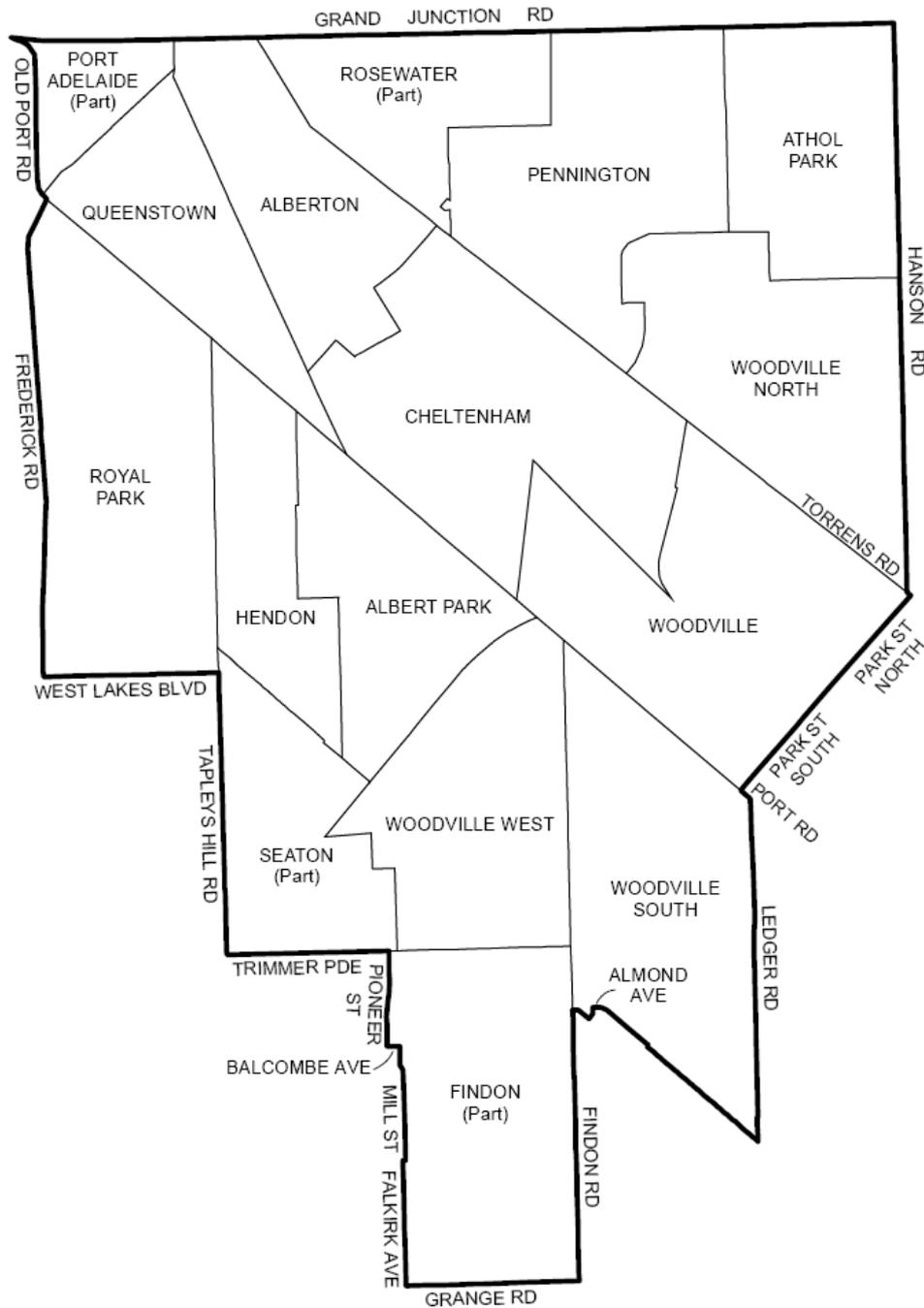
# DISTRICT OF CHAFFEY

## Subdivision of Chaffey - Bark



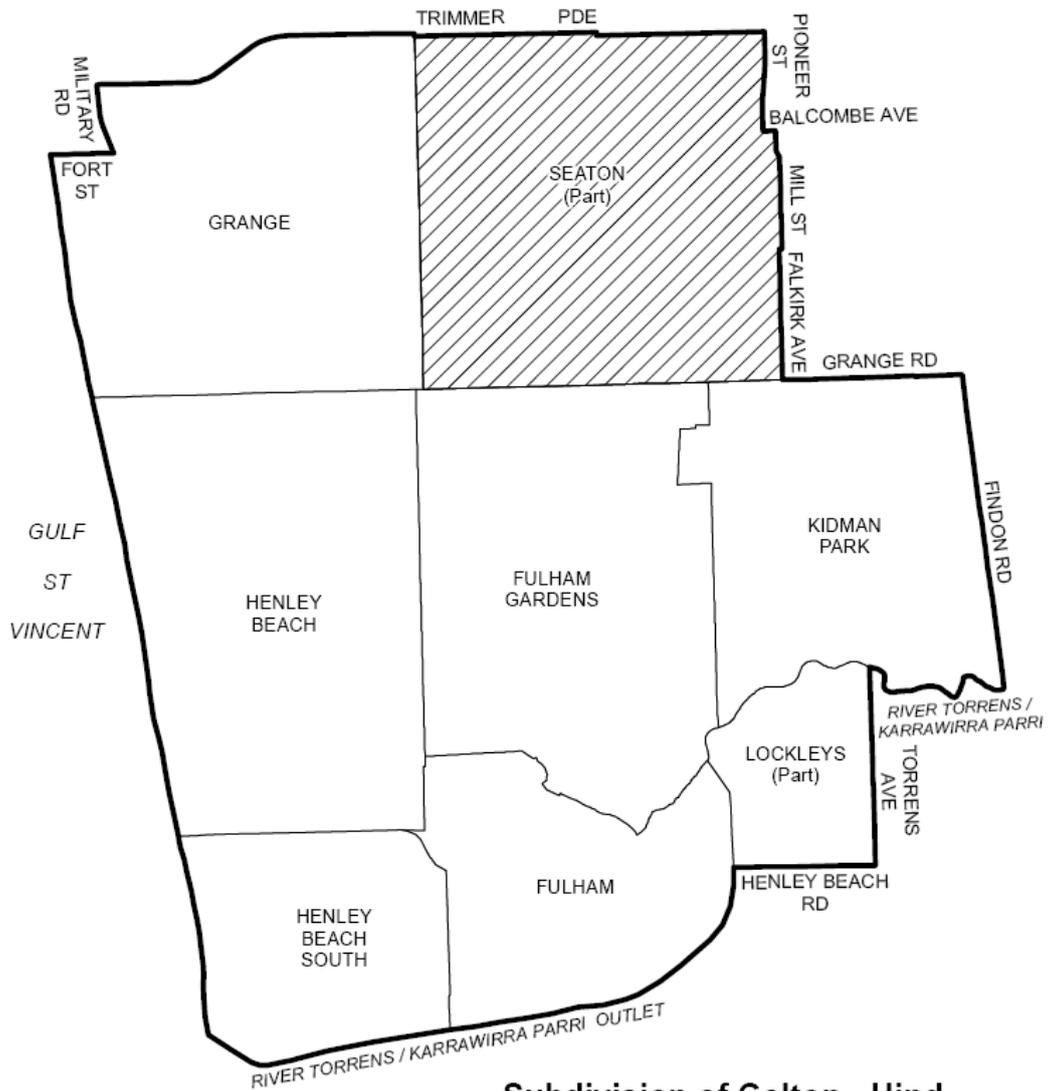
# DISTRICT OF CHELTENHAM

## Subdivision of Cheltenham - Pade



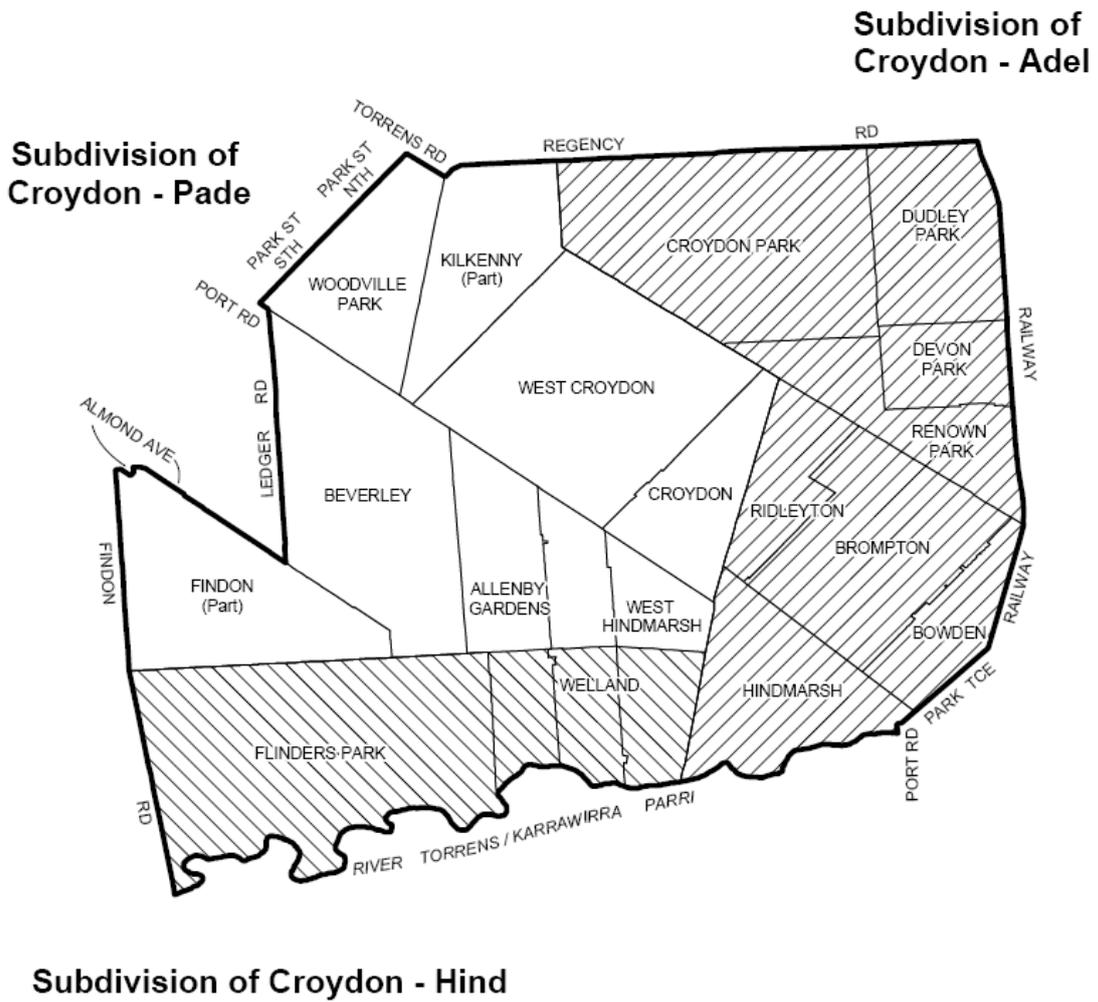
# DISTRICT OF COLTON

## Subdivision of Colton - Pade



## Subdivision of Colton - Hind

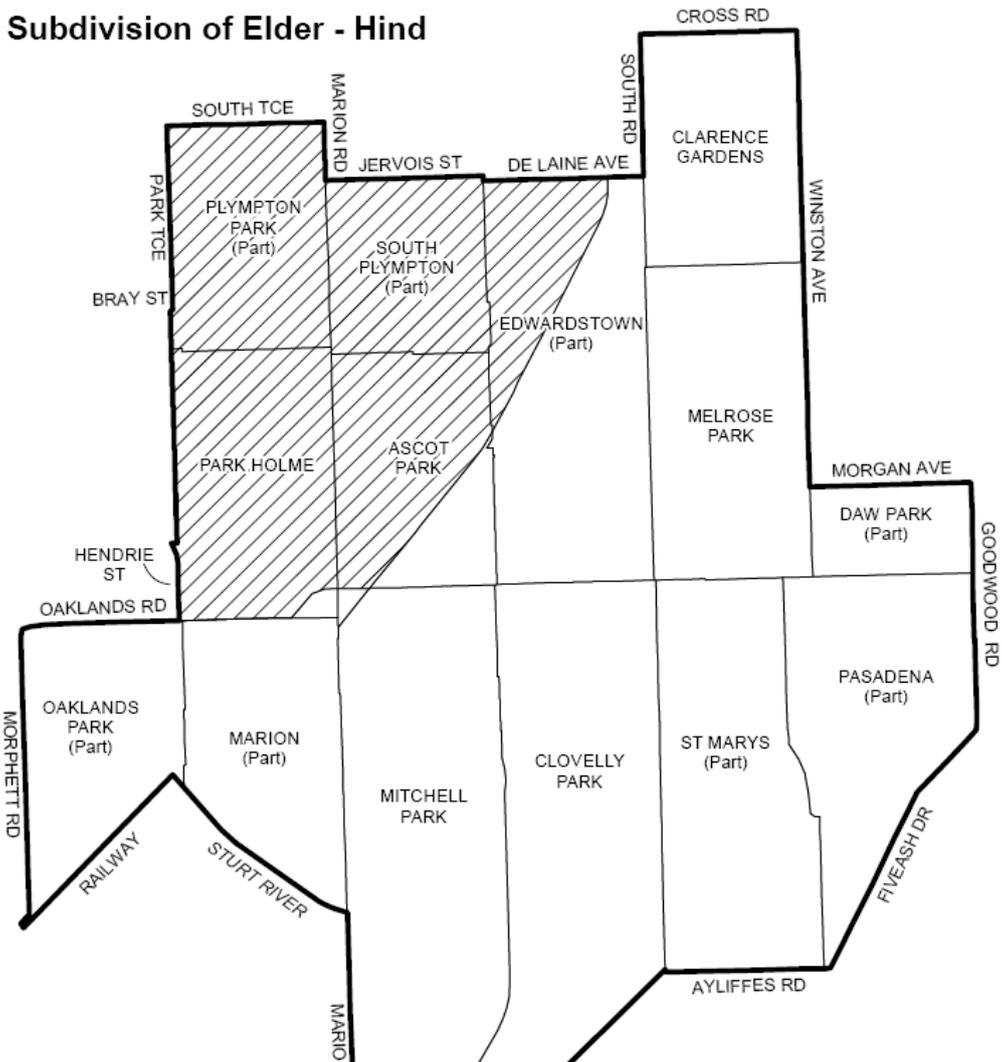
# DISTRICT OF CROYDON





# DISTRICT OF ELDER

## Subdivision of Elder - Hind

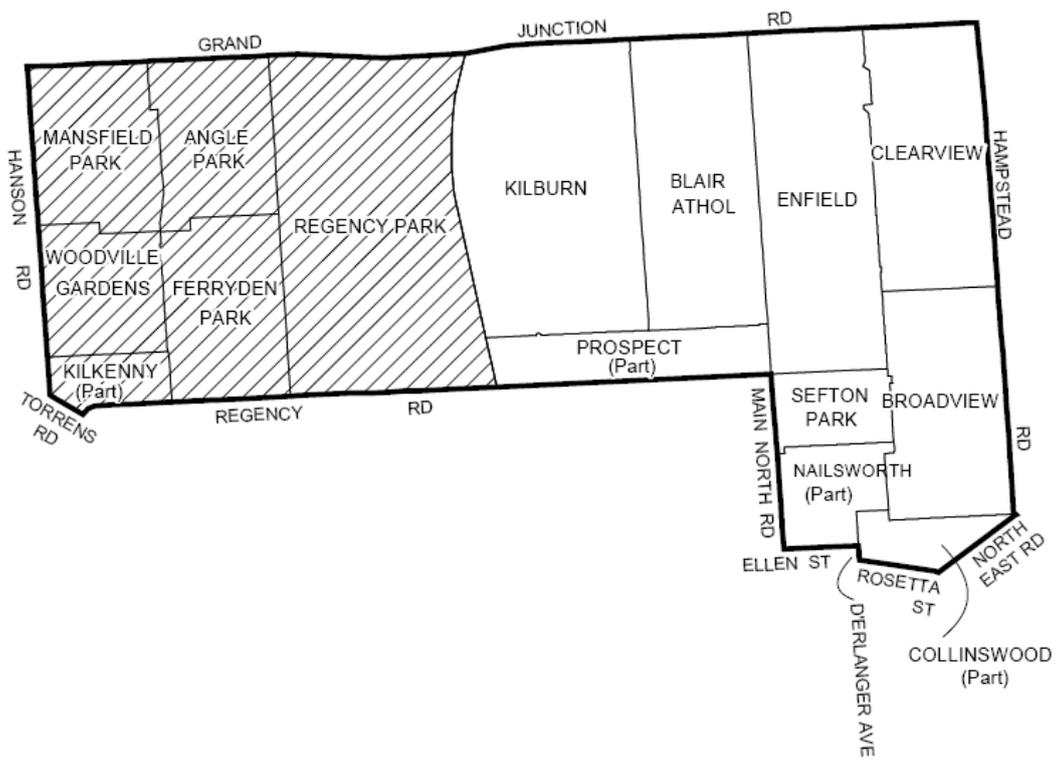


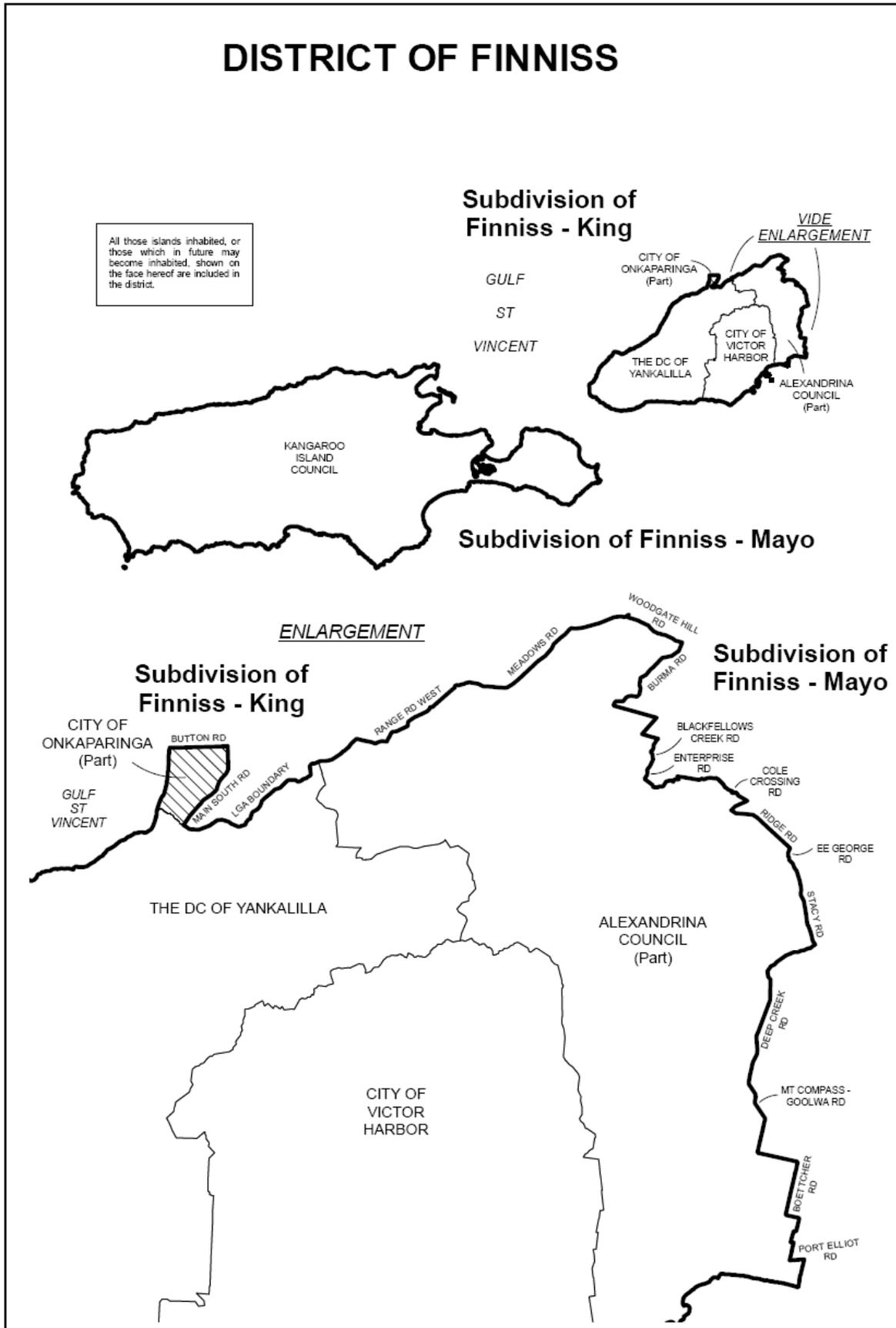
## Subdivision of Elder - Boot

# DISTRICT OF ENFIELD

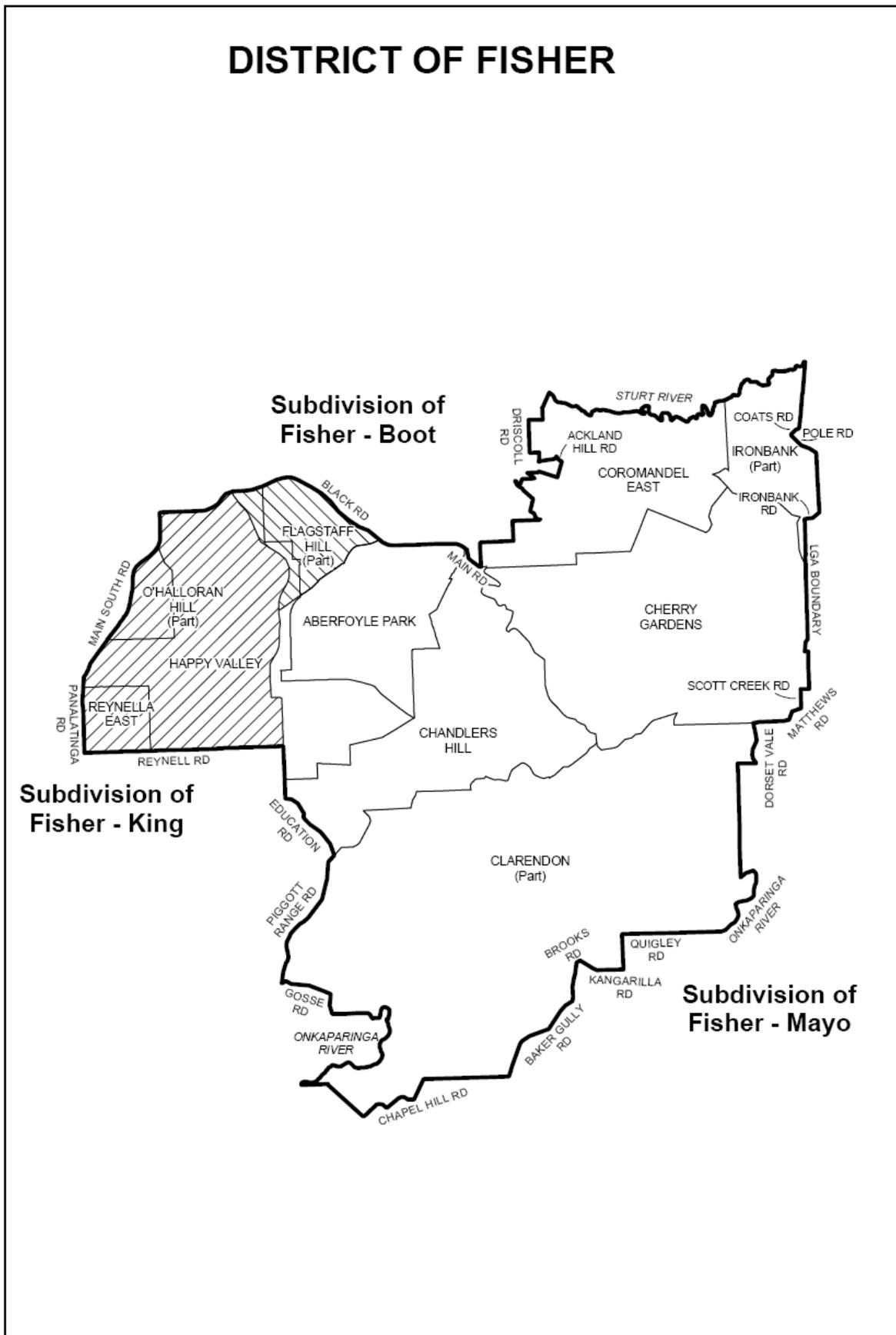
## Subdivision of Enfield - Adel

## Subdivision of Enfield - Pade



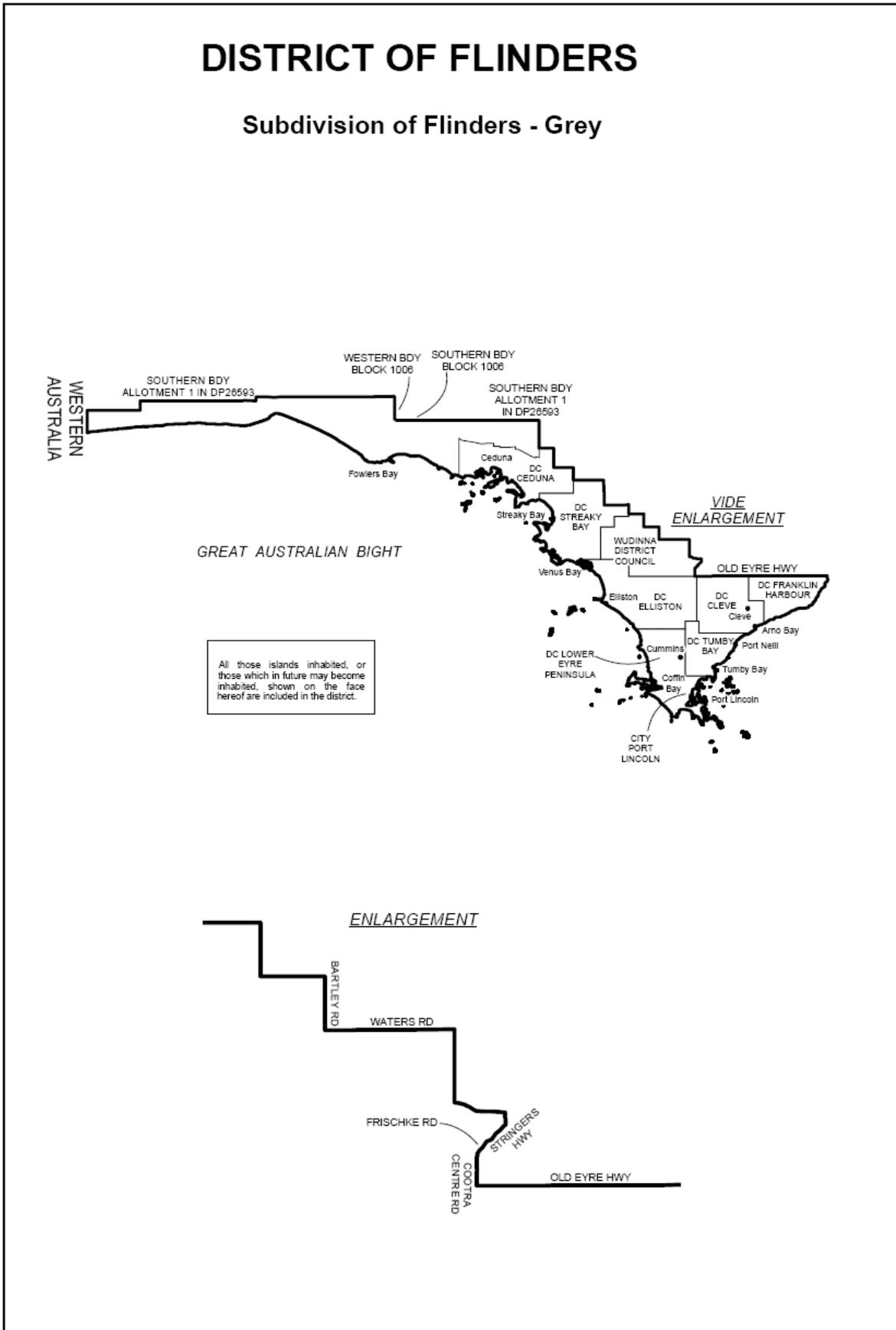


# DISTRICT OF FISHER



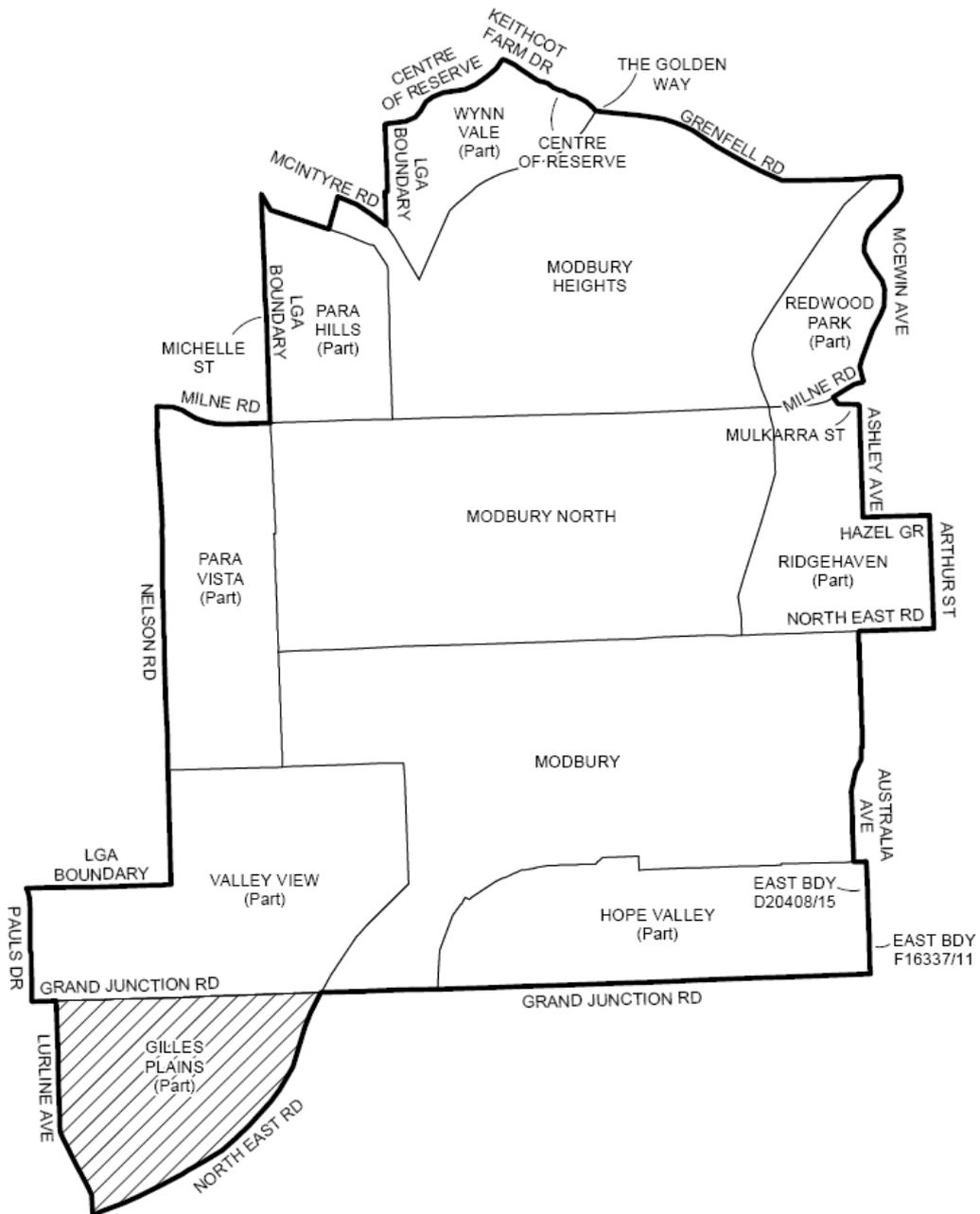
# DISTRICT OF FLINDERS

## Subdivision of Flinders - Grey



# DISTRICT OF FLOREY

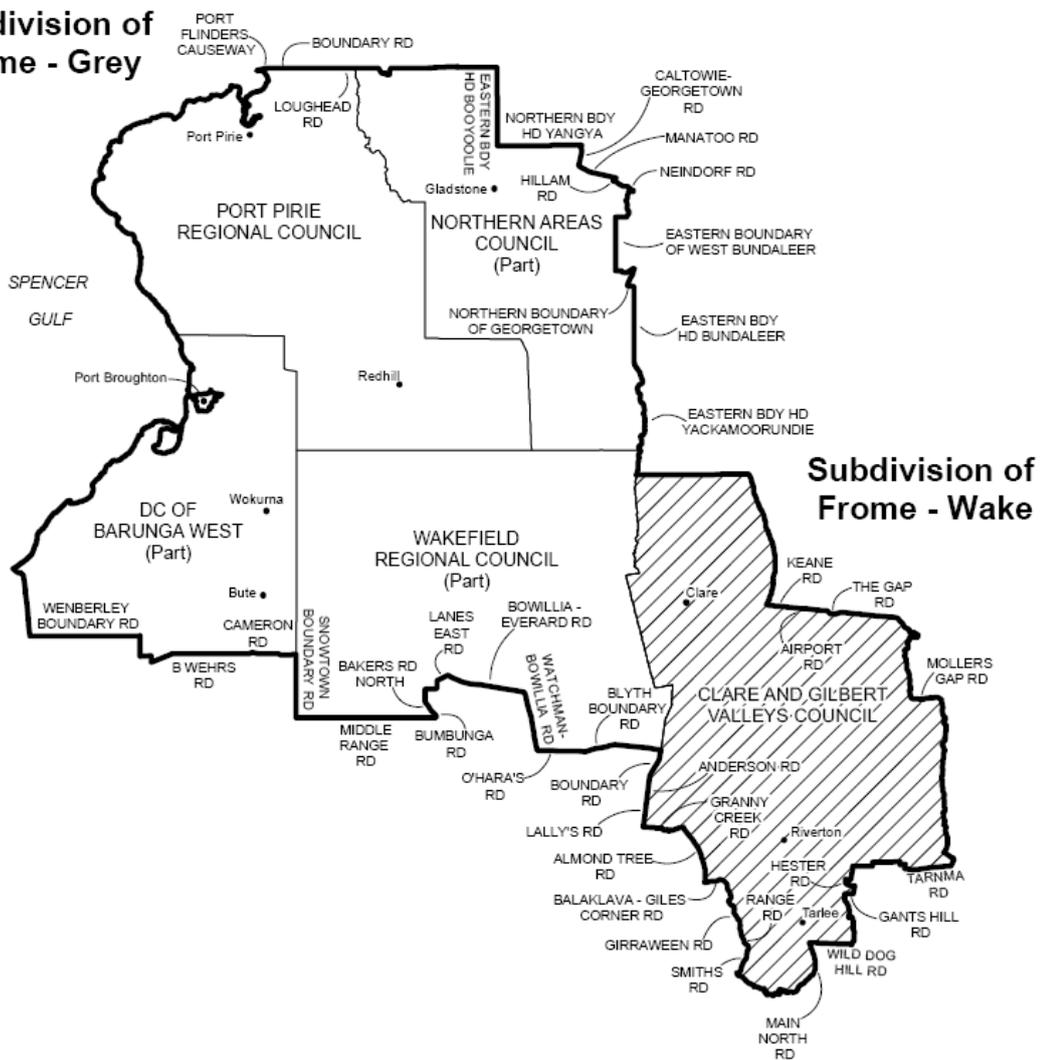
## Subdivision of Florey - Maki



## Subdivision of Florey - Stur

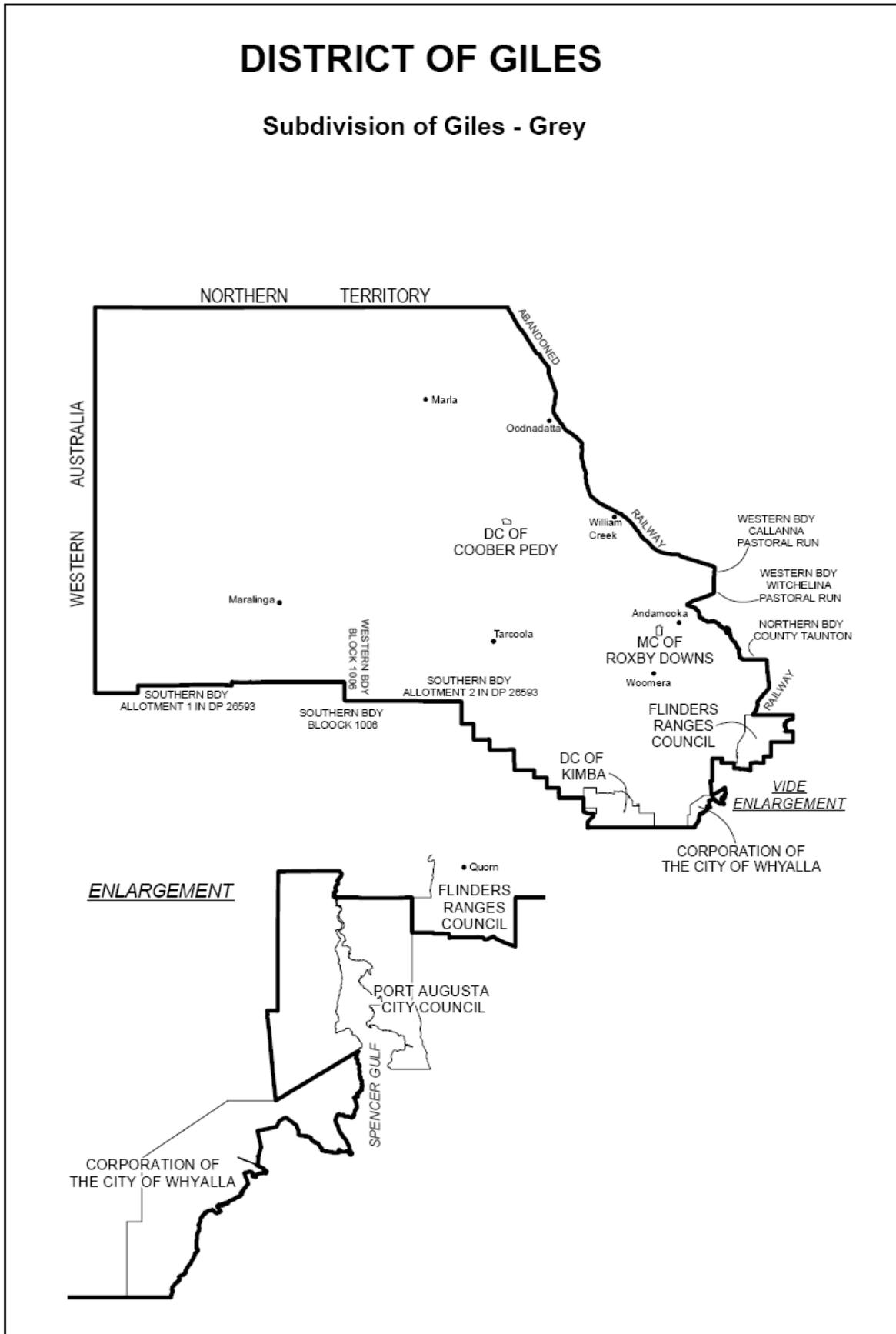
# DISTRICT OF FROME

## Subdivision of Frome - Grey



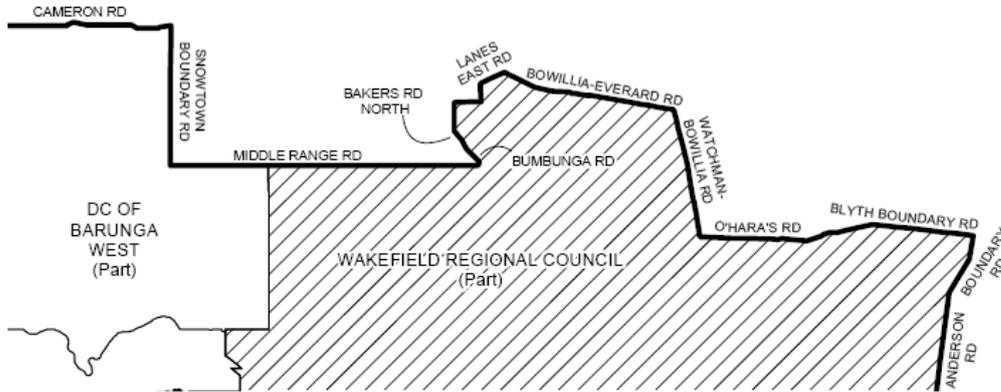
# DISTRICT OF GILES

## Subdivision of Giles - Grey



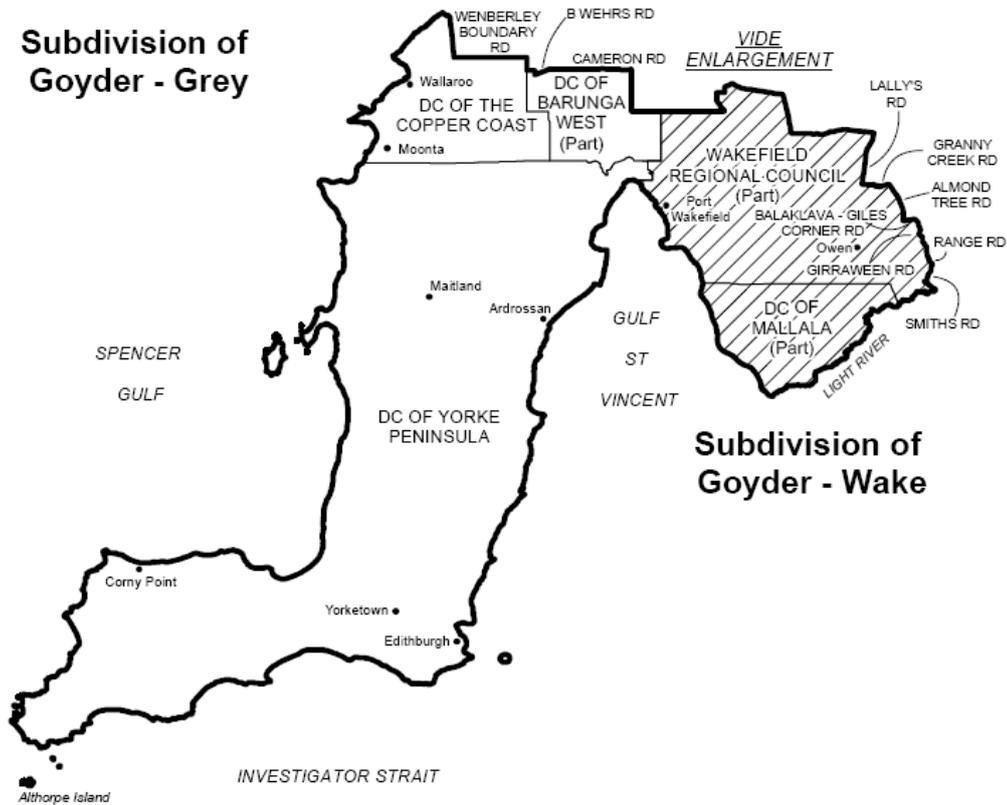
# DISTRICT OF GOYDER

## ENLARGEMENT

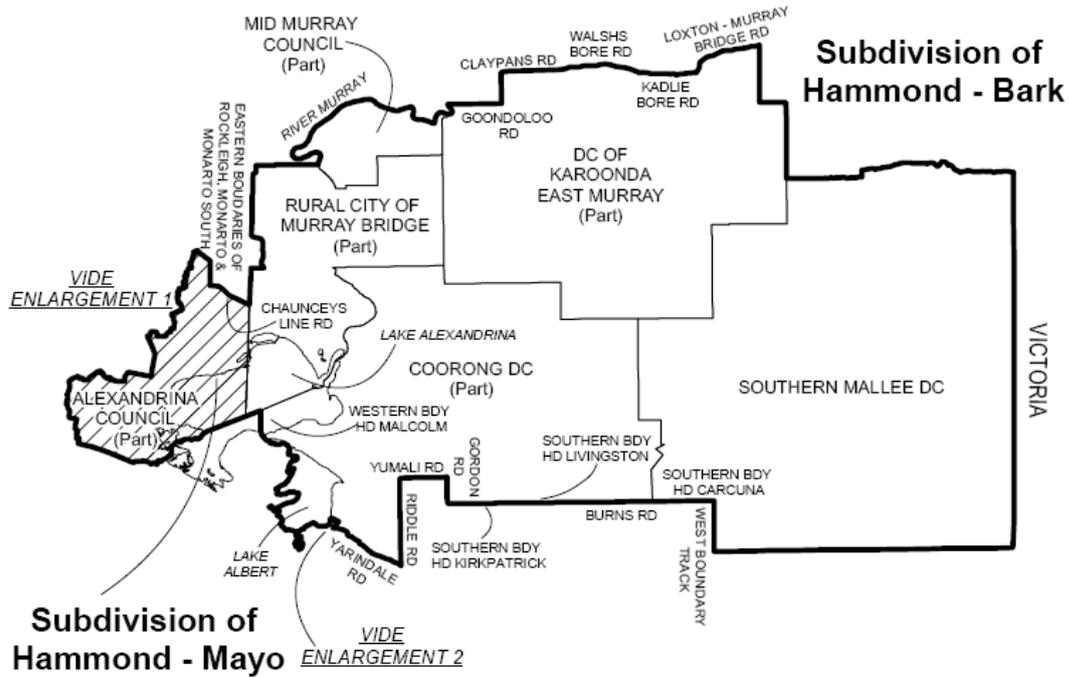


## Subdivision of Goyder - Grey

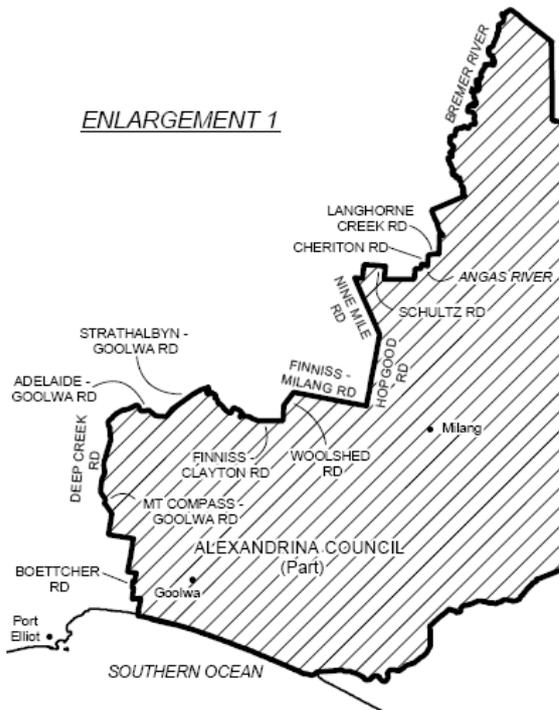
## VIDE ENLARGEMENT



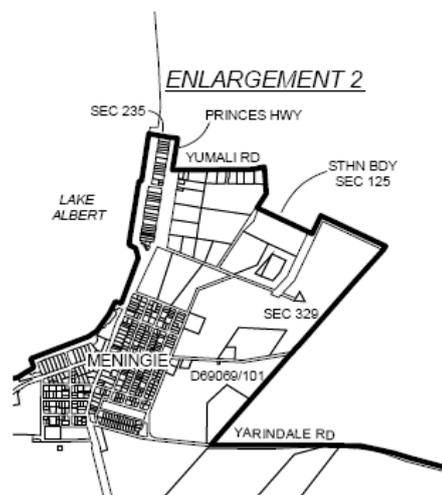
# DISTRICT OF HAMMOND



ENLARGEMENT 1

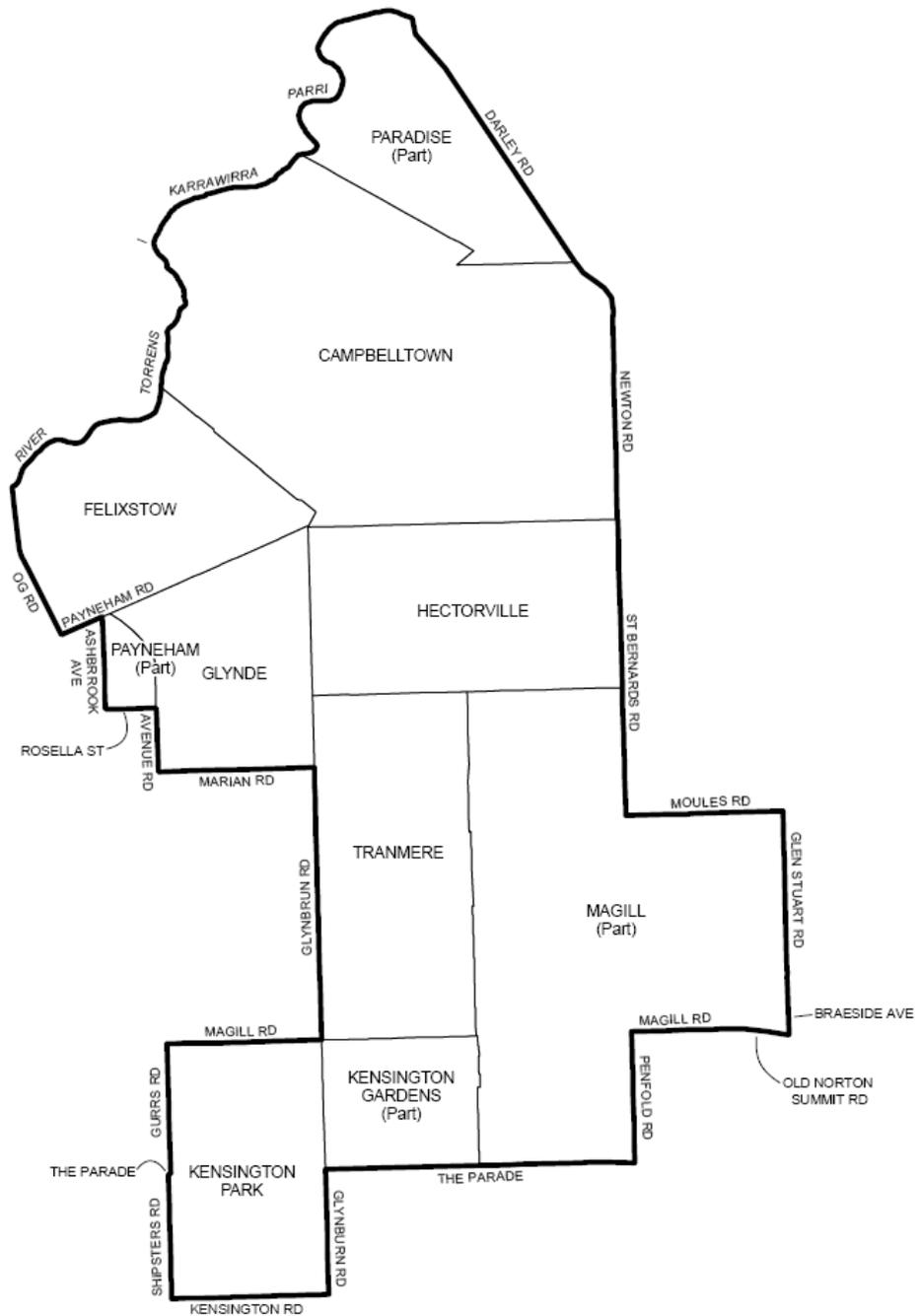


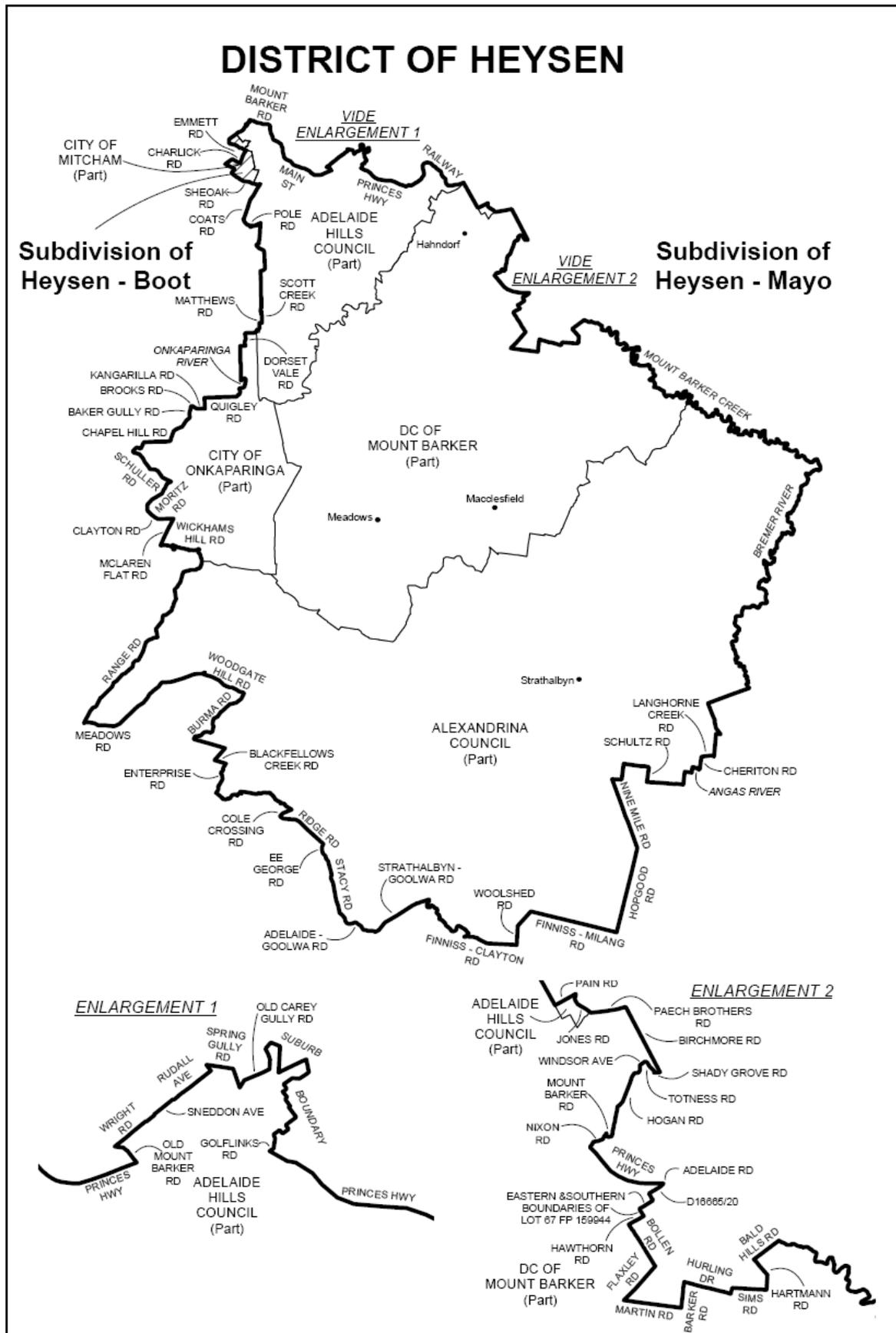
ENLARGEMENT 2



# DISTRICT OF HARTLEY

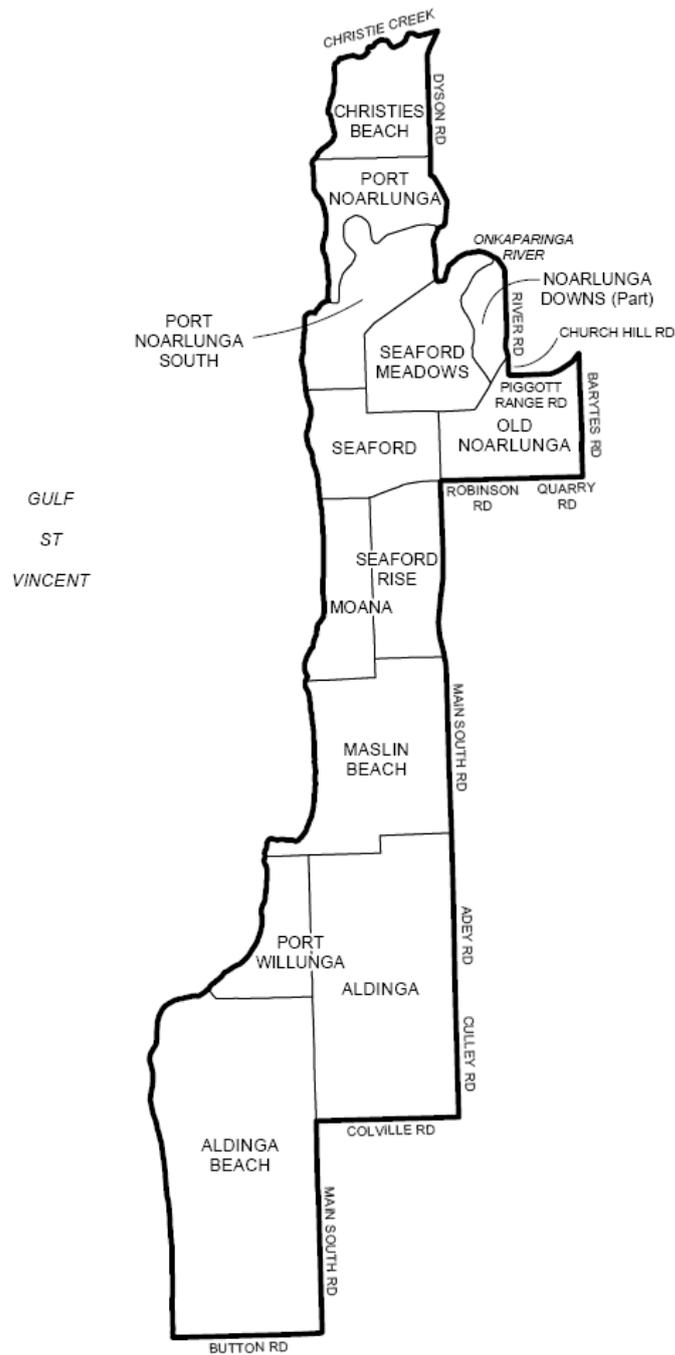
## Subdivision of Hartley - Stur





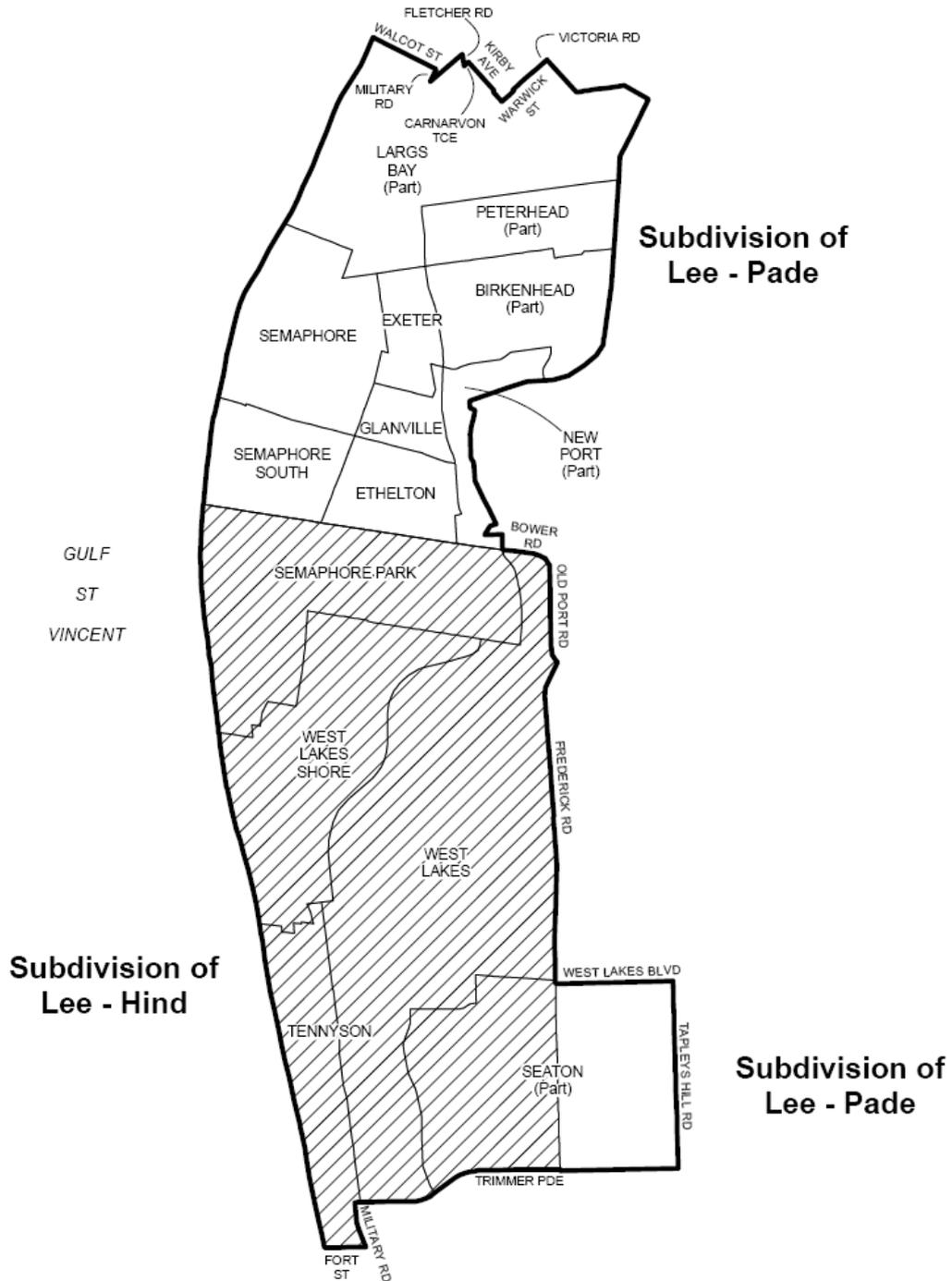
# DISTRICT OF KAURNA

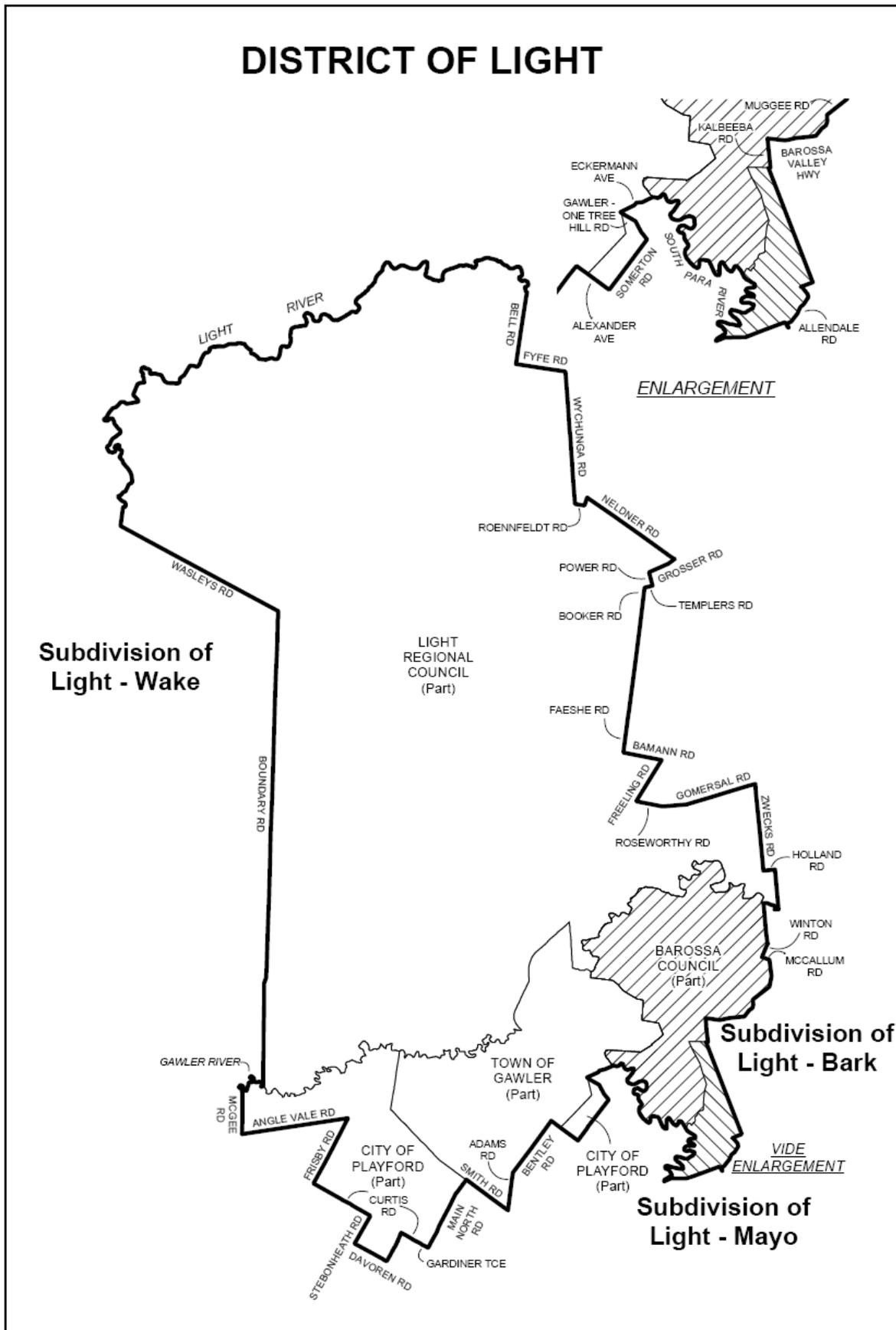
## Subdivision of Kaurna - King





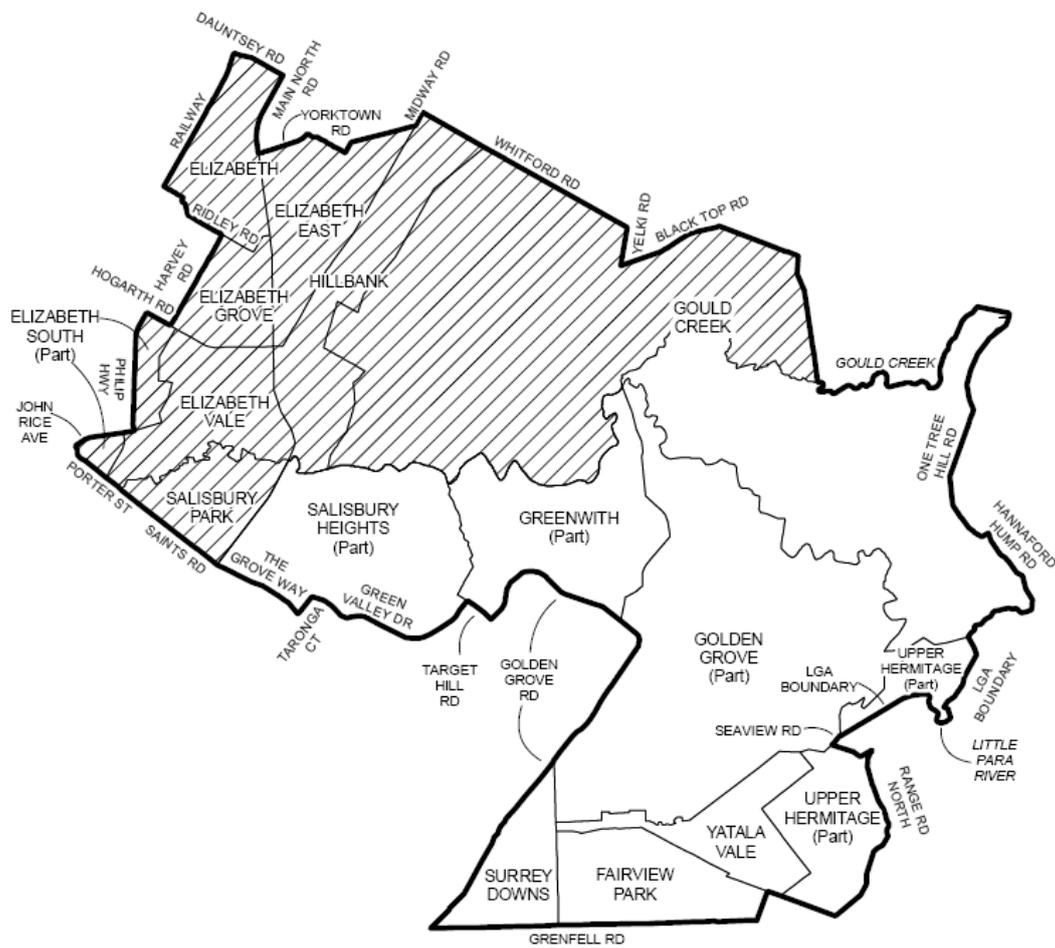
# DISTRICT OF LEE





# DISTRICT OF LITTLE PARA

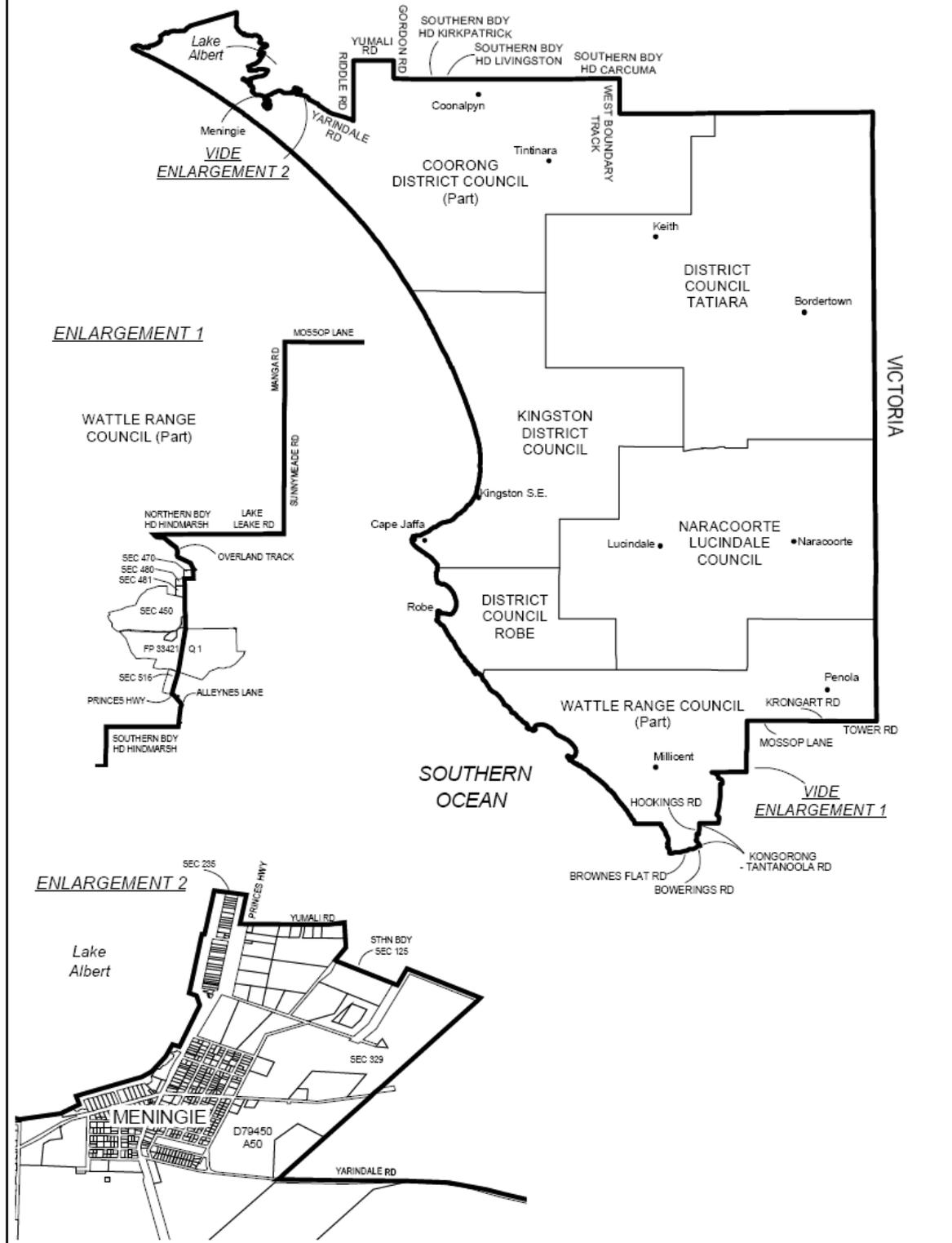
## Subdivision of Little Para - Wake



## Subdivision of Little Para - Maki

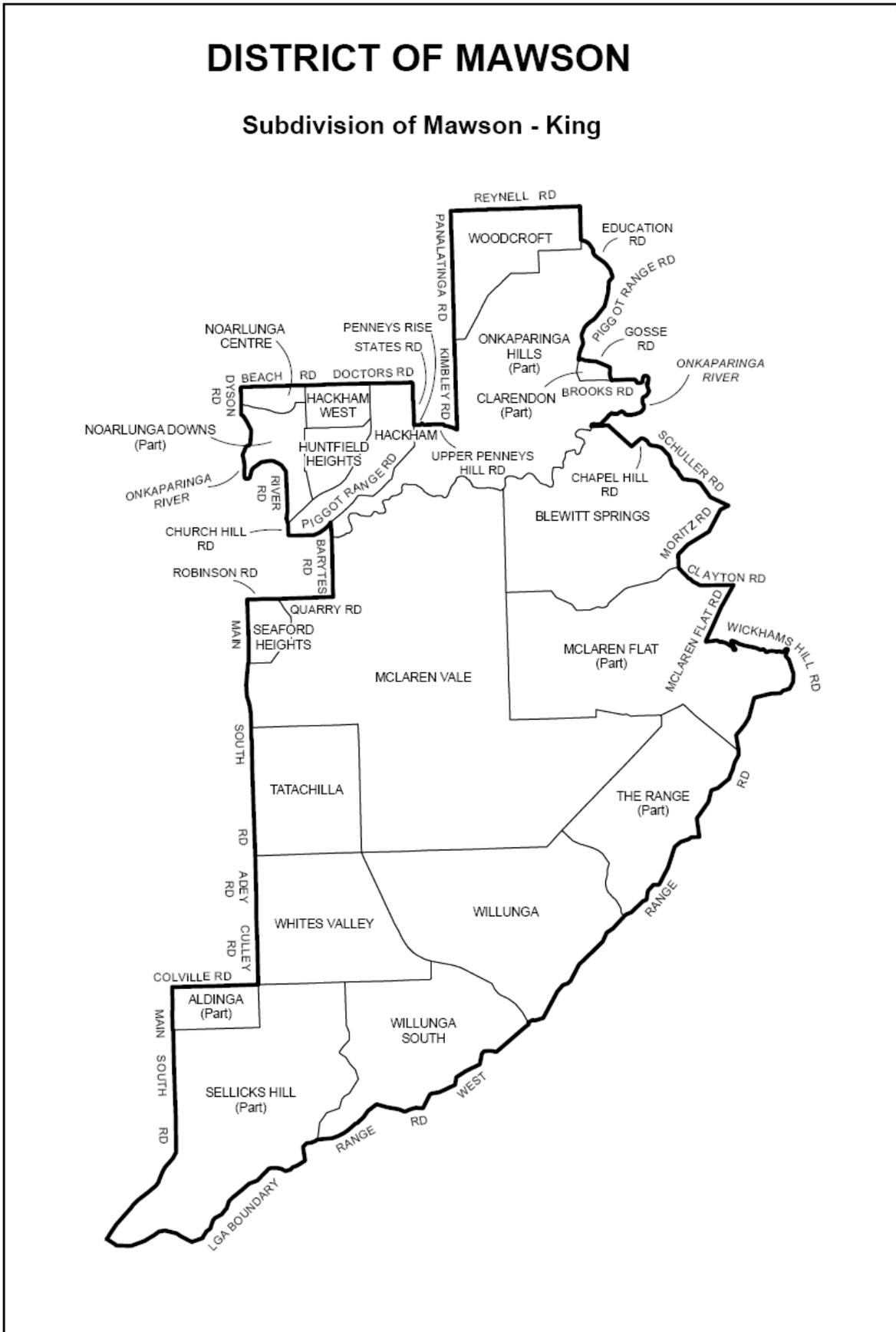
# DISTRICT OF MACKILLOP

## Subdivision of Mackillop - Bark



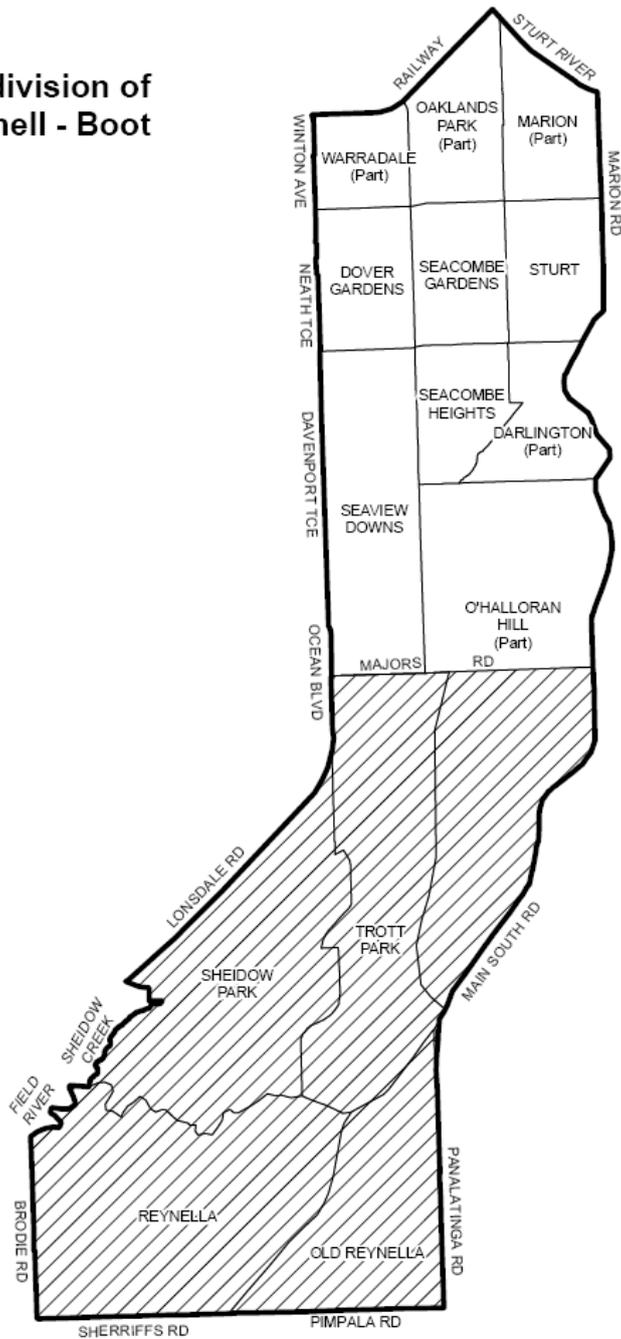
# DISTRICT OF MAWSON

## Subdivision of Mawson - King



# DISTRICT OF MITCHELL

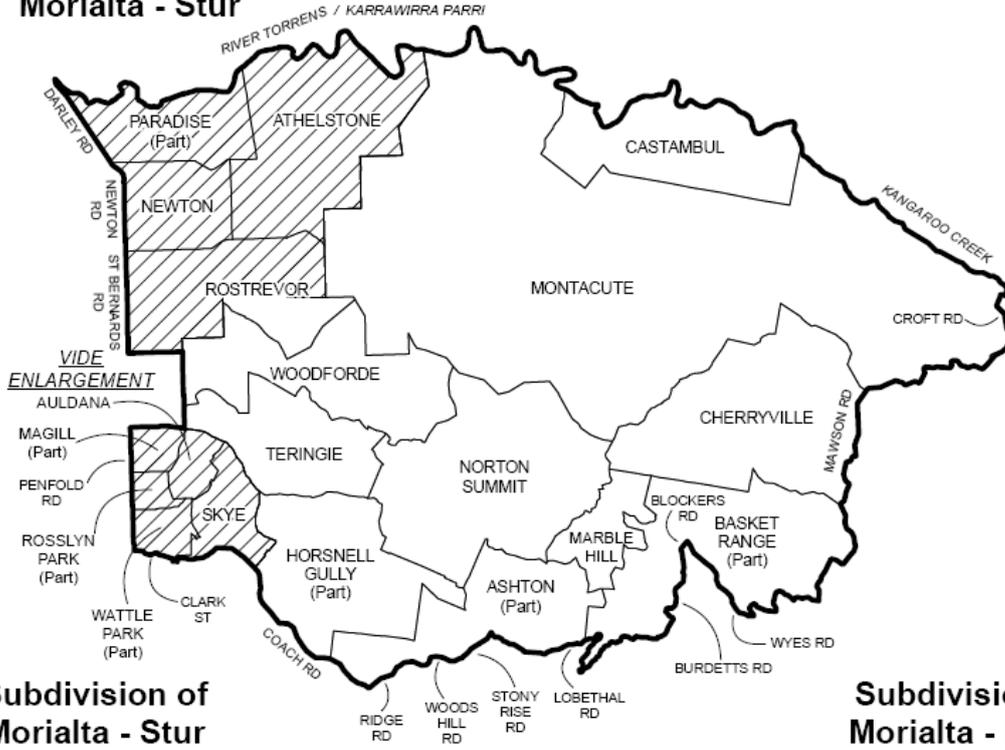
**Subdivision of Mitchell - Boot**



**Subdivision of Mitchell - King**

# DISTRICT OF MORIALTA

## Subdivision of Morialta - Stur



## Subdivision of Morialta - Stur

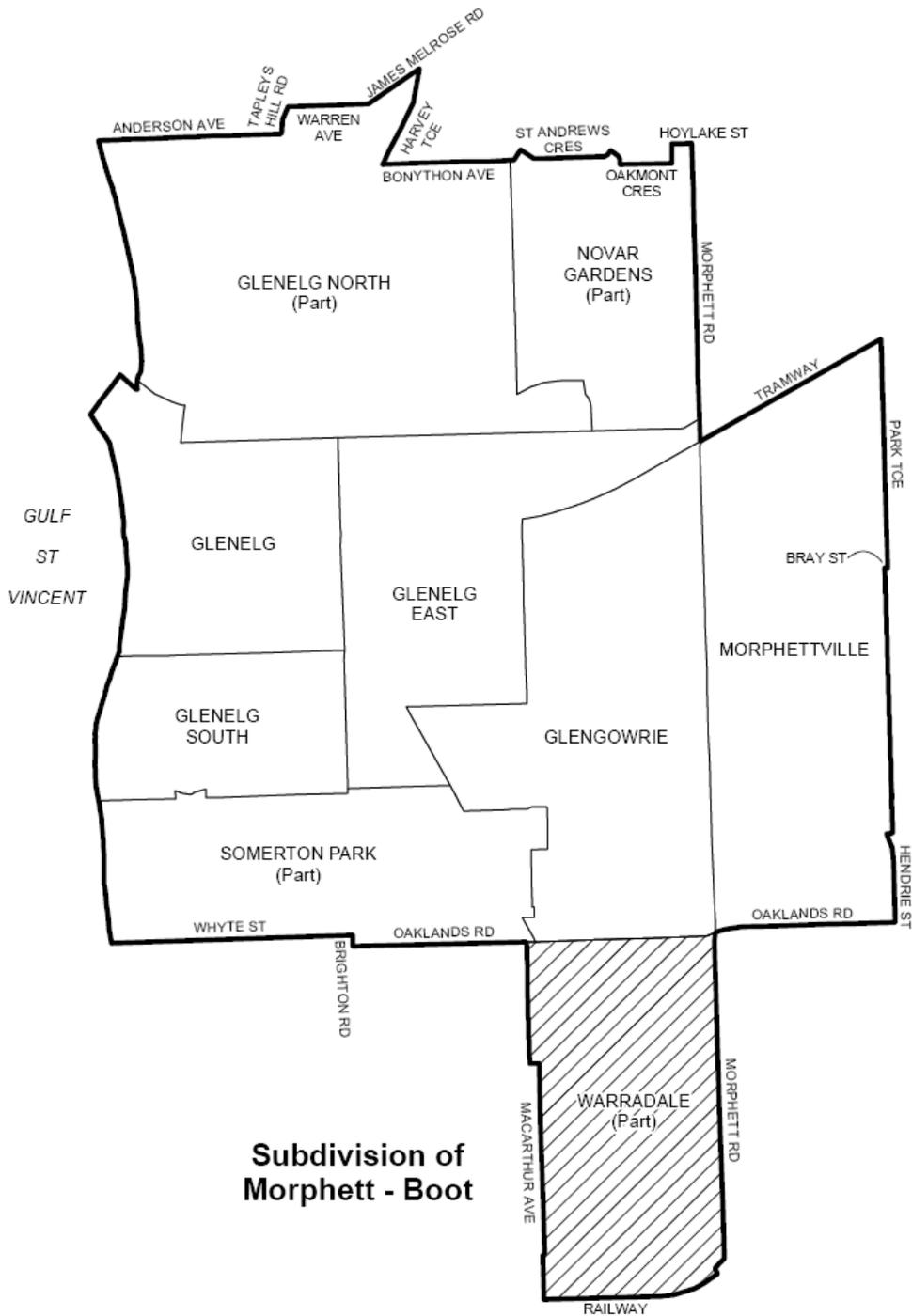
## Subdivision of Morialta - Mayo

*ENLARGEMENT*



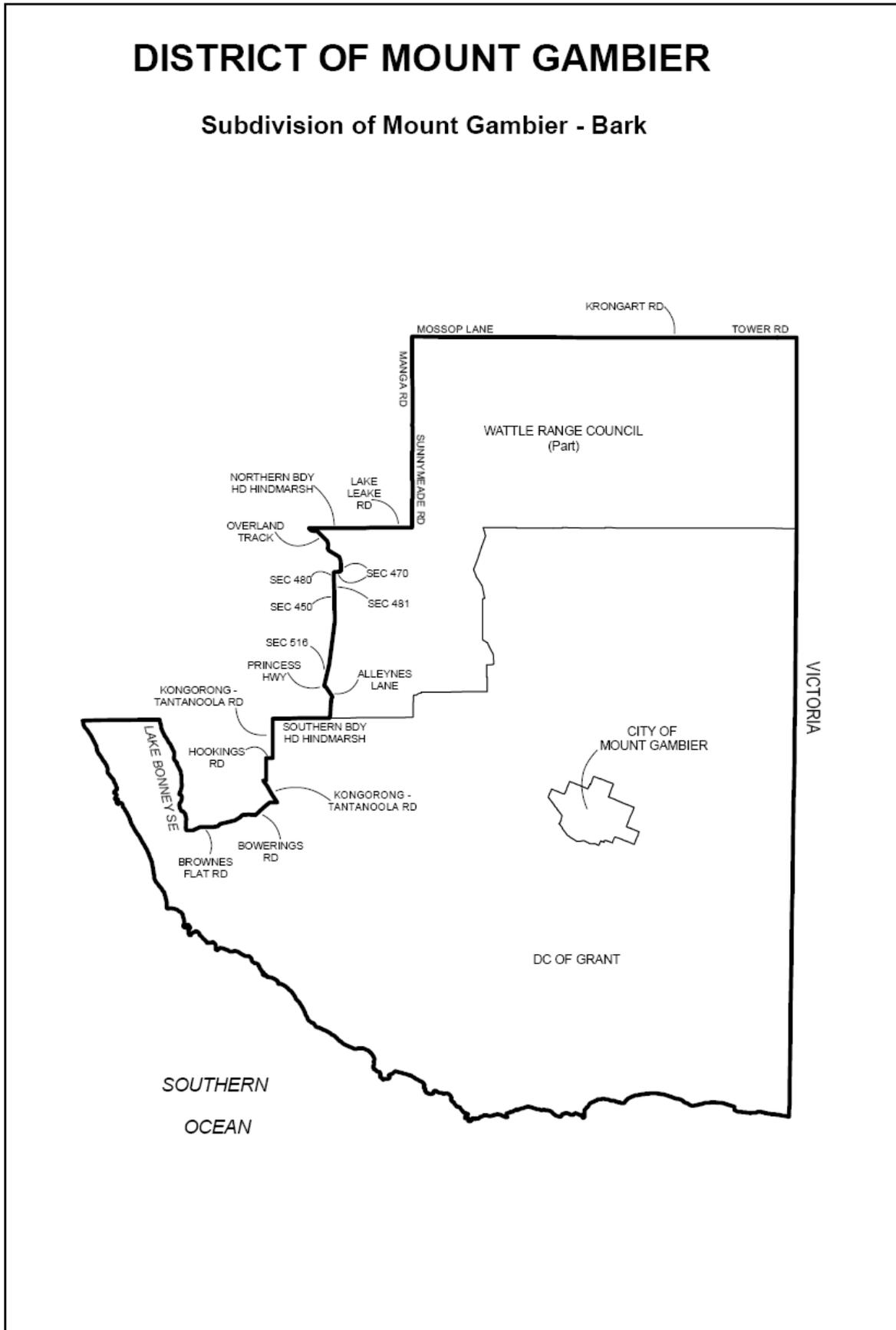
# DISTRICT OF MORPHETT

## Subdivision of Morphett - Hind



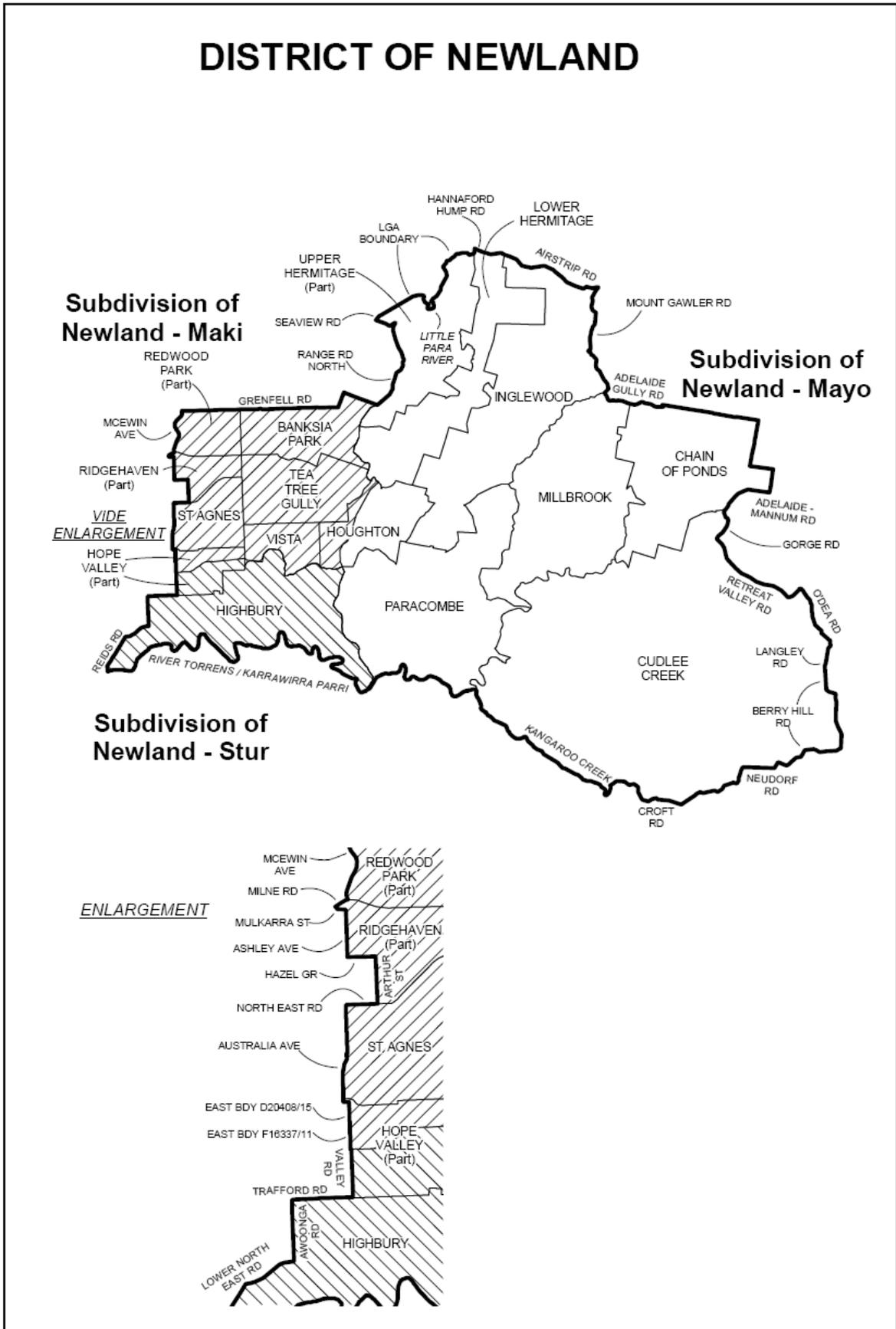
# DISTRICT OF MOUNT GAMBIER

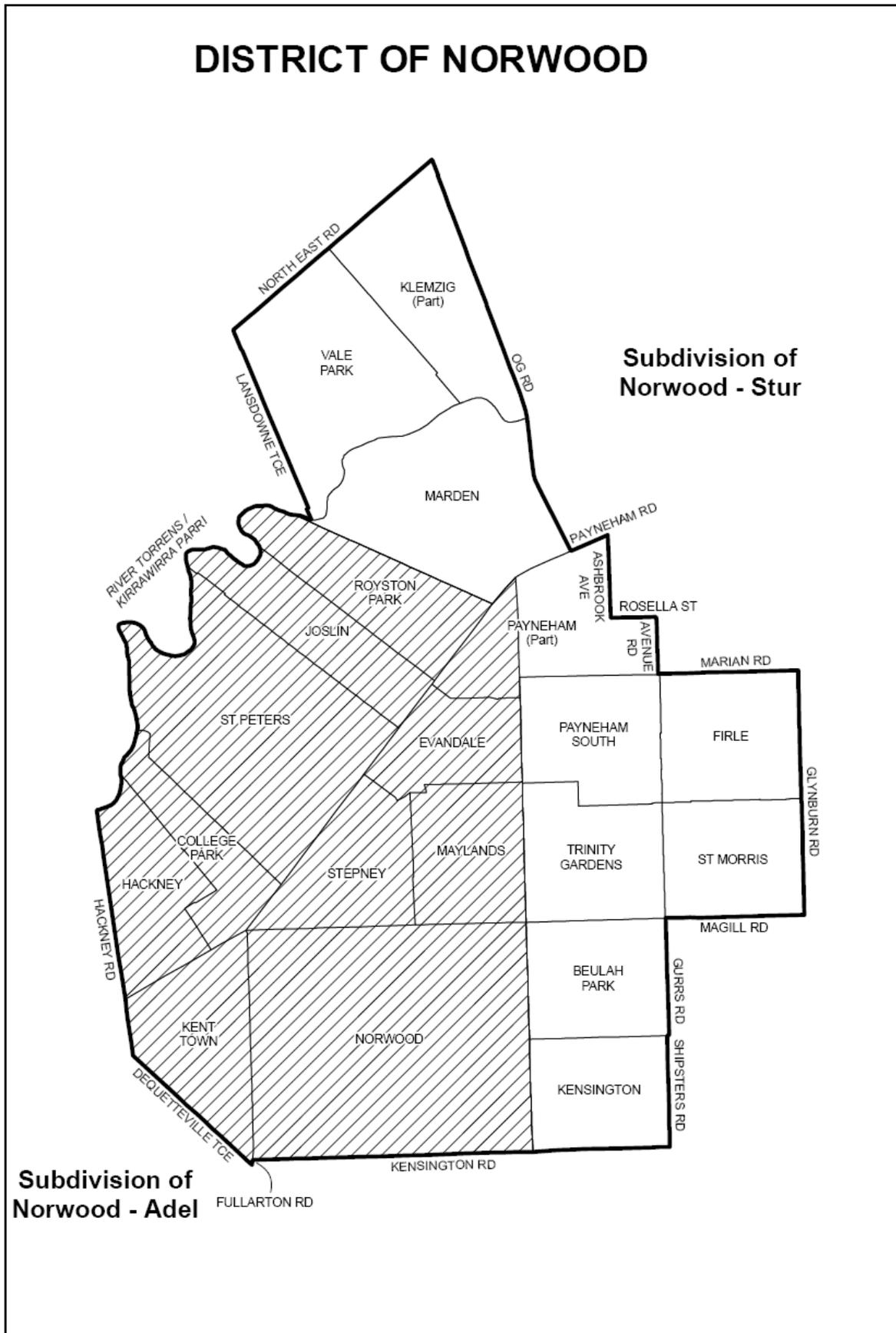
## Subdivision of Mount Gambier - Bark





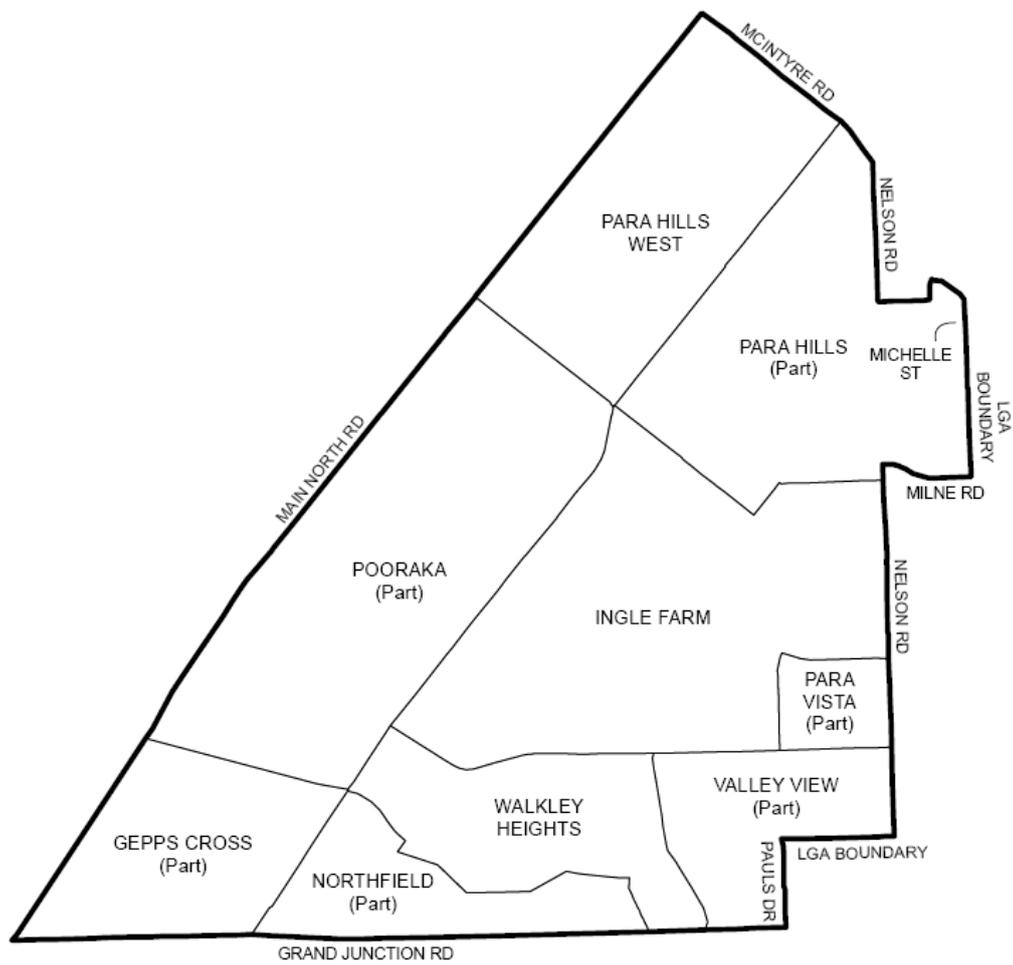
# DISTRICT OF NEWLAND





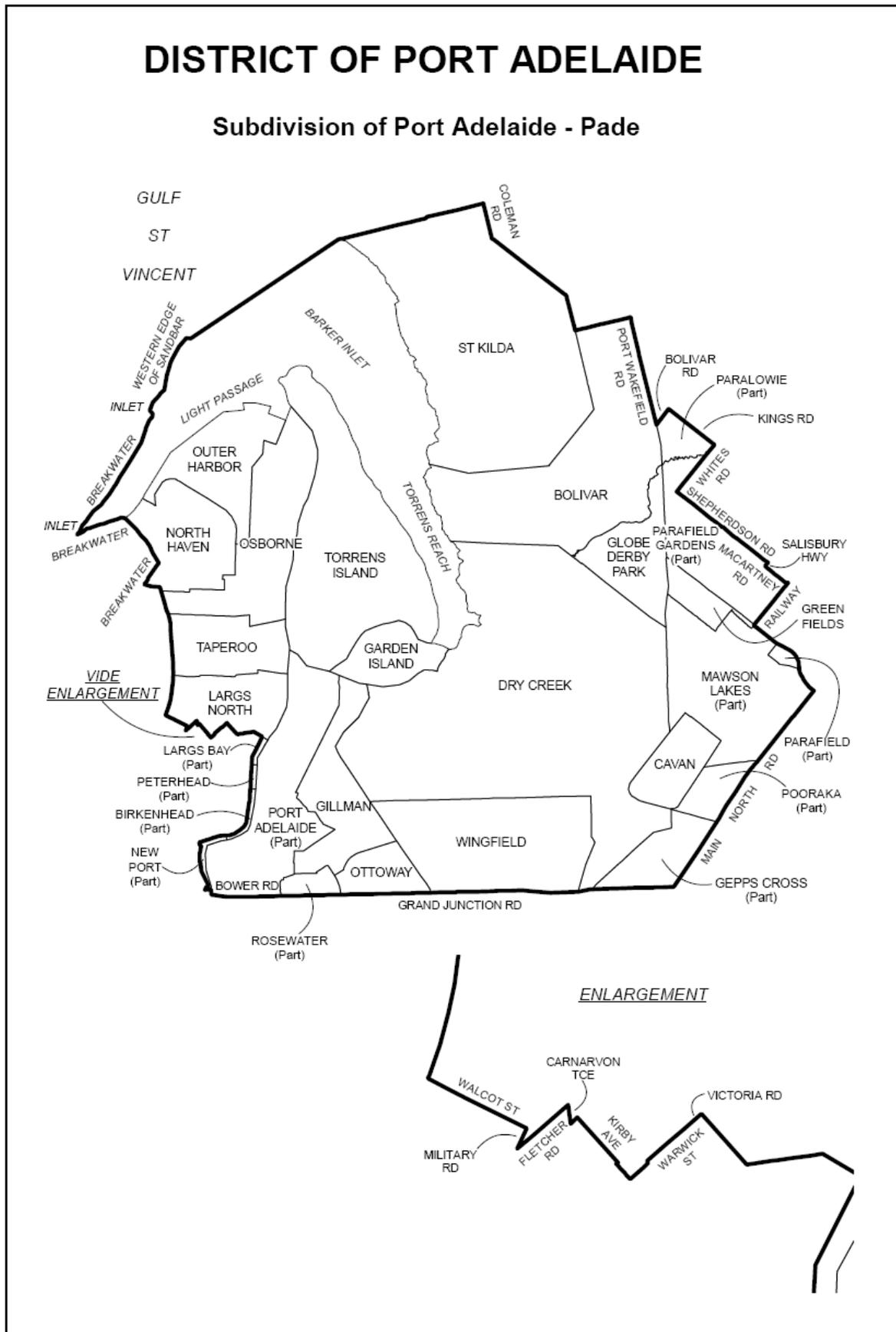
# DISTRICT OF PLAYFORD

## Subdivision of Playford - Maki

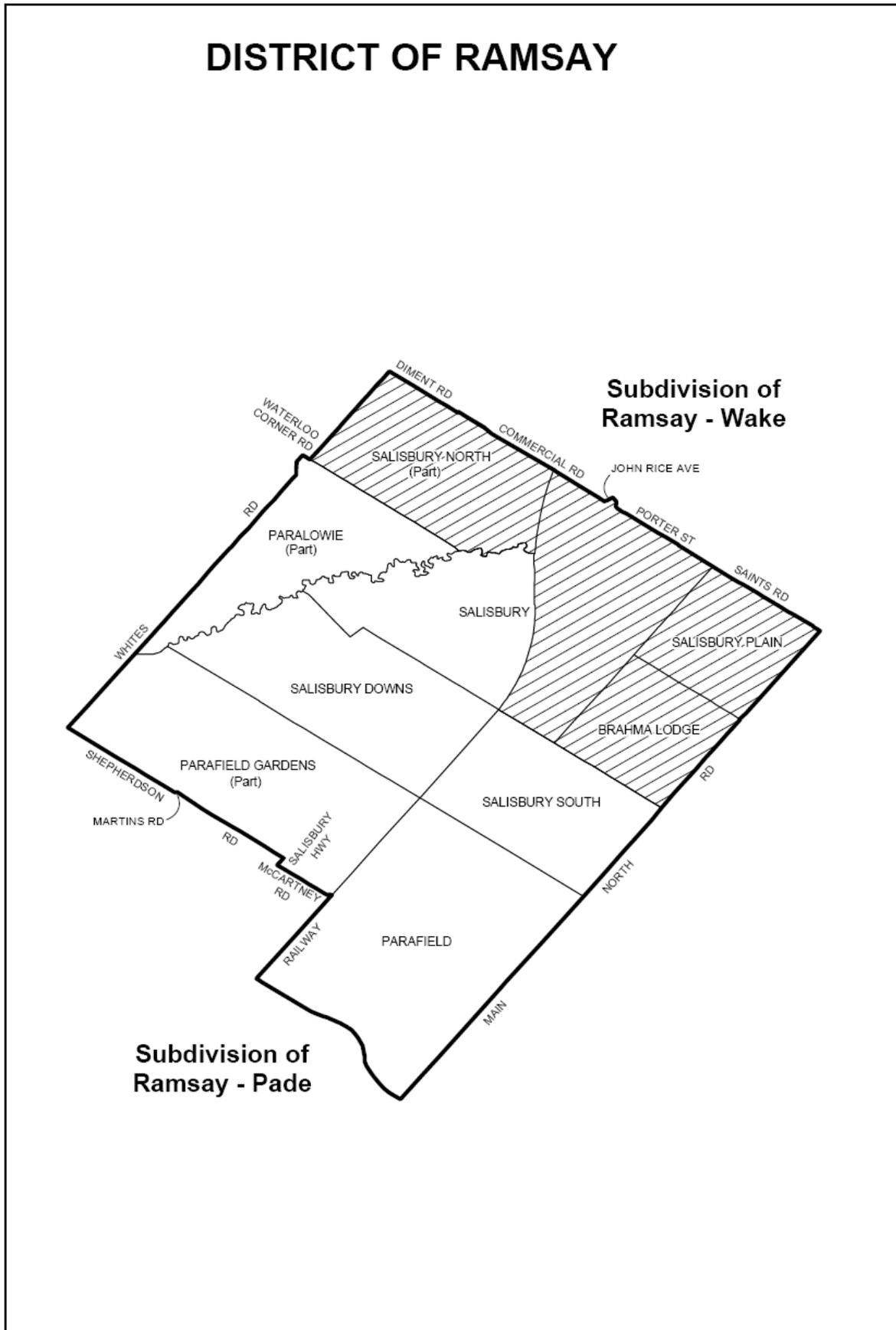


# DISTRICT OF PORT ADELAIDE

## Subdivision of Port Adelaide - Pade

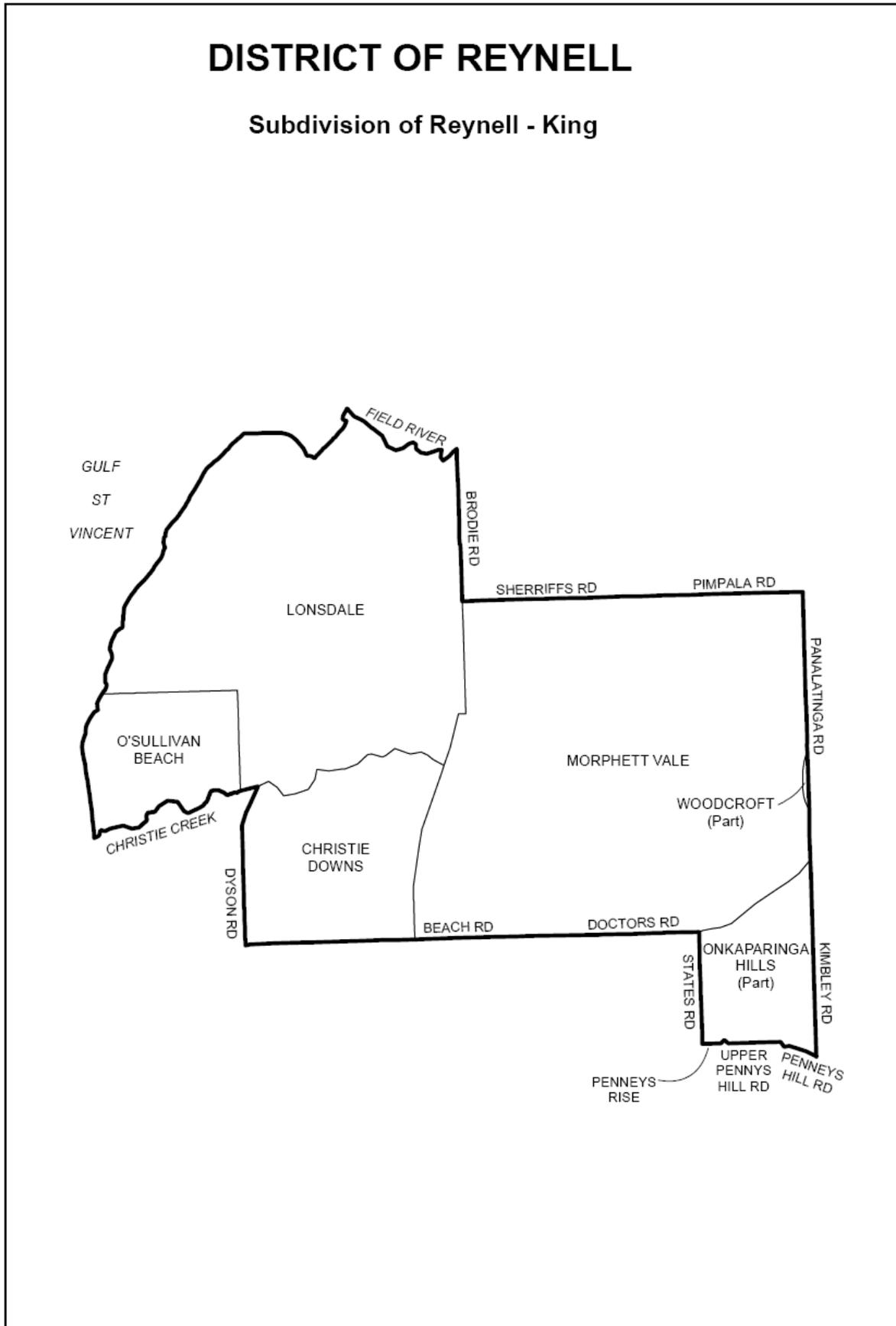


# DISTRICT OF RAMSAY



# DISTRICT OF REYNELL

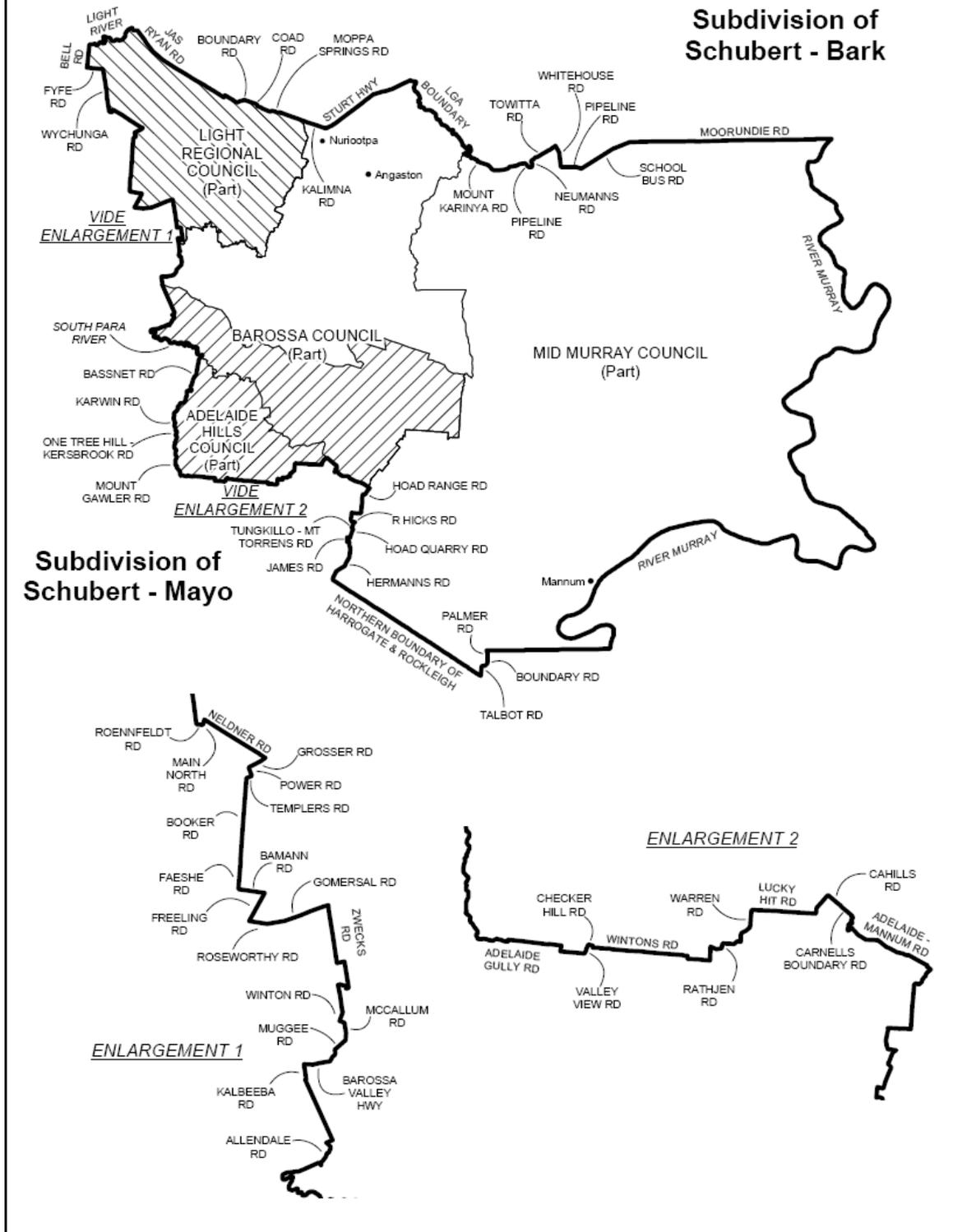
## Subdivision of Reynell - King

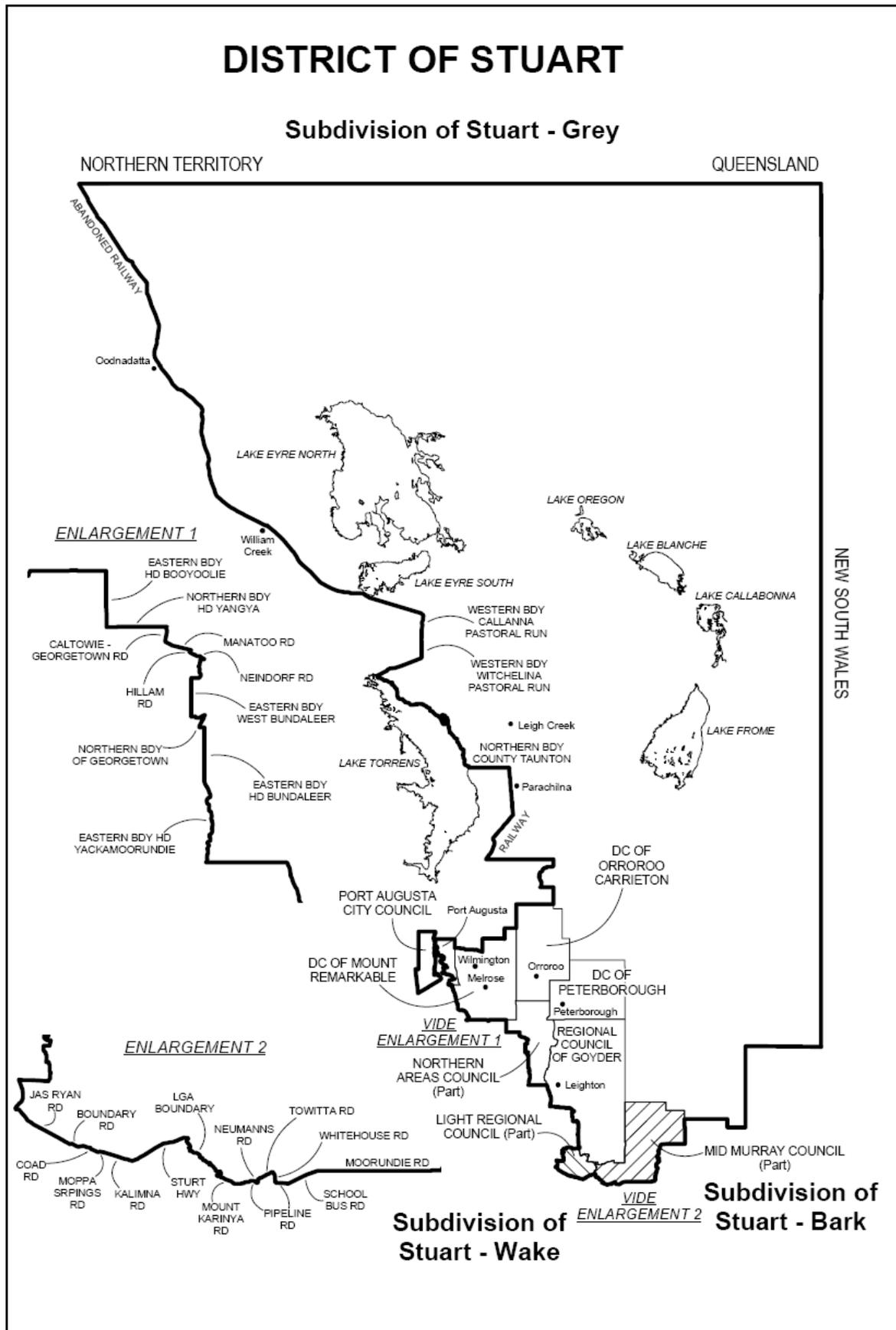


# DISTRICT OF SCHUBERT

## Subdivision of Schubert - Wake

## Subdivision of Schubert - Bark



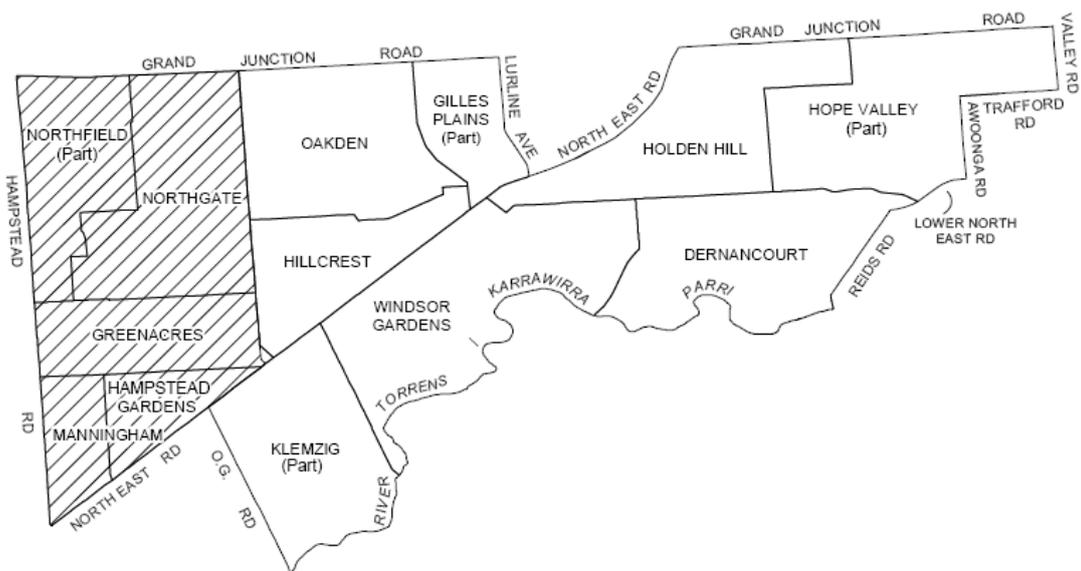




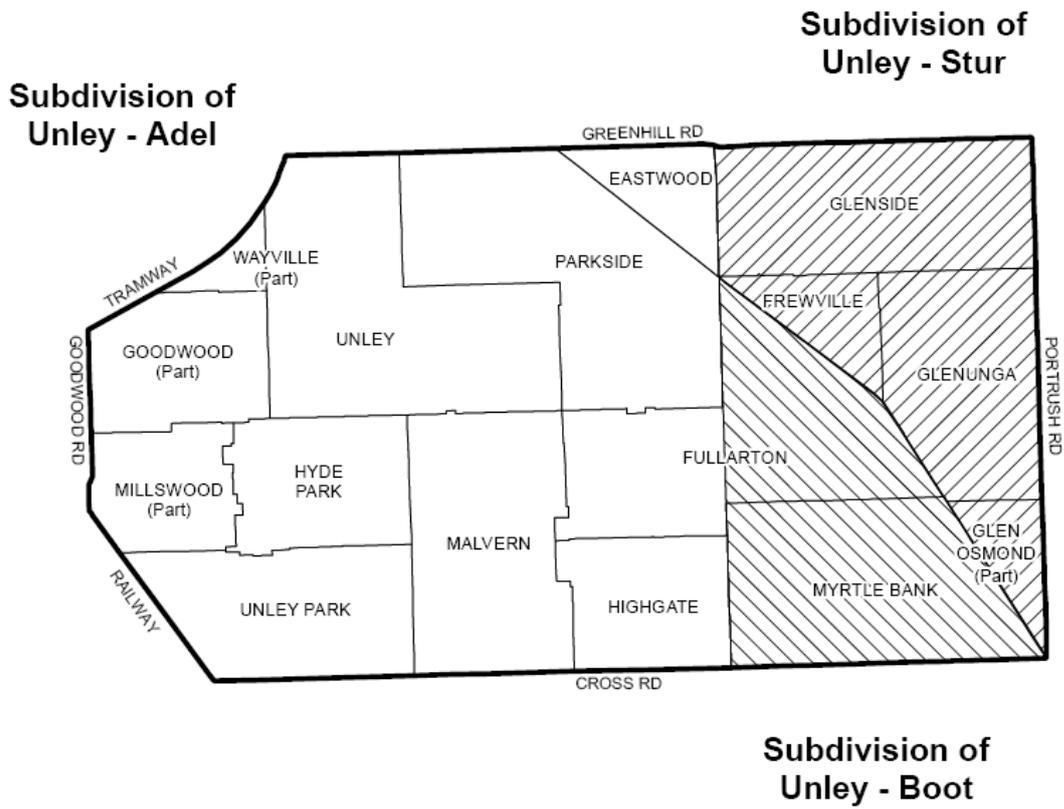
# DISTRICT OF TORRENS

## Subdivision of Torrens - Adel

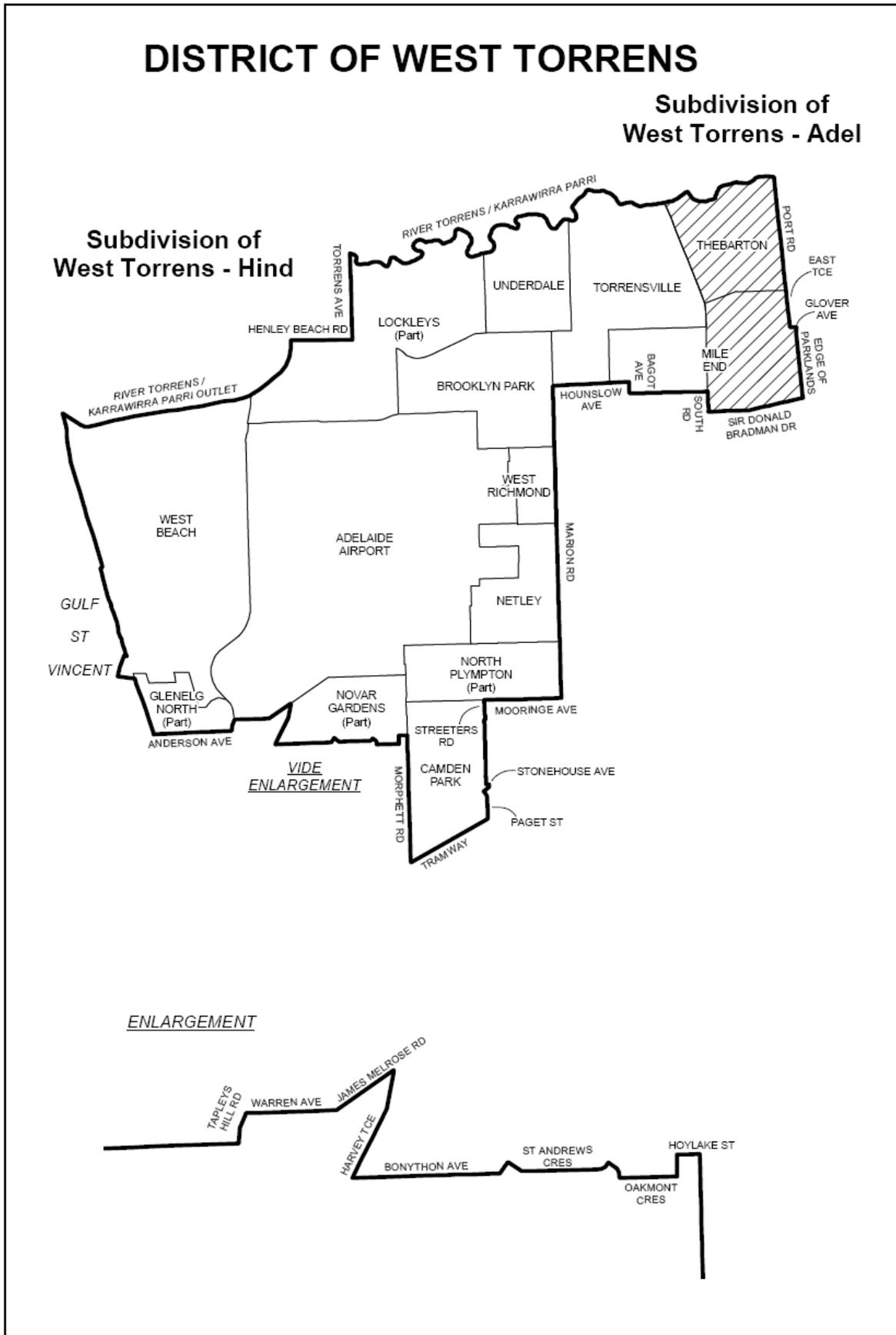
## Subdivision of Torrens - Stur

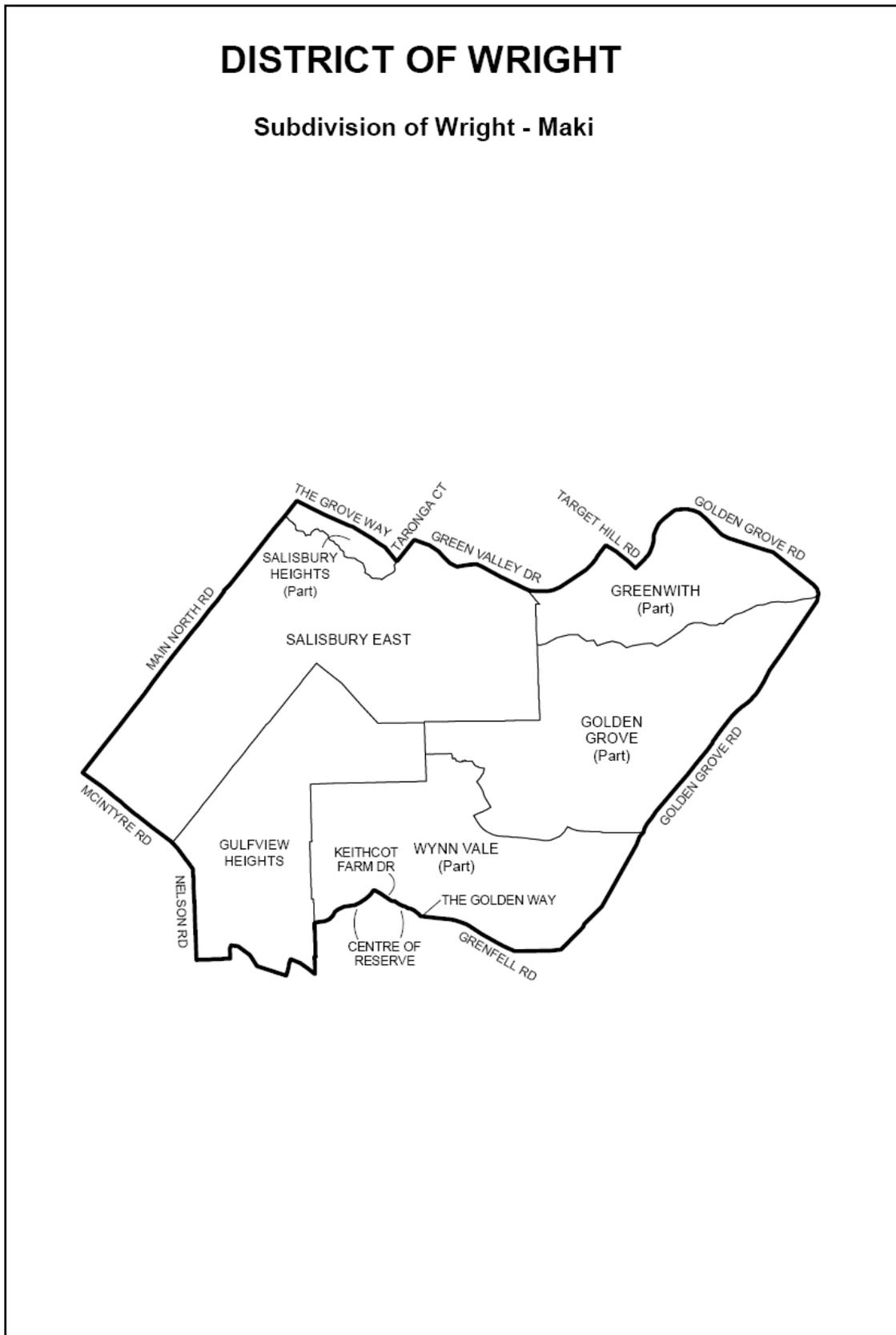


# DISTRICT OF UNLEY









Dated 10 December 2009.

K. MOUSLEY, Electoral Commissioner

## ENVIRONMENT PROTECTION ACT 1993

*Approval of Category B Containers*

I, ANDREA KAYE WOODS, Team Leader, Container Deposit Legislation and Delegate of the Environment Protection Authority ('the Authority'), pursuant to section 68 of the Environment Protection Act 1993 (SA) ('the Act') hereby:

*Approval of Category B Containers*

Approve as Category B Containers, subject to the conditions in subclauses (1), (2), (3) and (4) below, each of the classes of containers identified by reference to the following matters described in the first 4 columns of Schedule 1 of this Notice which are sold in South Australia:

- (a) the product which each class of containers shall contain;
  - (b) the size of the containers;
  - (c) the type of containers; and
  - (d) the name of the holders of these approvals.
- (1) That containers of the class to which the approval relates must bear the refund marking specified by the Authority for containers of that class.
  - (2) The holder of the approval must have in place an effective and appropriate waste management arrangement in relation to containers of that class. For the purpose of this approval notice the company named in Column 5 of Schedule 1 of this Notice is the nominated super collector.
  - (3) In the case of an approval in relation to Category B containers that the waste management arrangement must require the holder of the approval to provide specified super collectors with a declaration in the form determined by the Authority in relation to each sale of such containers by the holder of the approval as soon as practicable after the sale.
  - (4) The holder of these approvals must ensure that if a sticker bearing the refund marking has been approved and is applied to the container, then the sticker must not be placed on any portion of the opening mechanism or in any other place that would require complete or partial removal of the sticker before the contents may be consumed.

## SCHEDULE 1

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size (mL)	Container Type	Approval Holder	Collection Arrangements
Ayam Natural Coconut Water with Pulp	320	Can—Steel	A. Clouet (Australia) Pty Ltd	Statewide Recycling
Lobethal Bierhaus Chocolate Oatmeal Stout	330	Glass	Adelaide Hills Craft Brewing Pty Ltd trading as Lobethal Bierhaus	Marine Stores Ltd
7 Cherry Up Antioxidant	355	Can—Aluminium	Charming Waters	Statewide Recycling
A&W Cream Soda	355	Can—Aluminium	Charming Waters	Statewide Recycling
Big Red Vanilla Float	355	Can—Aluminium	Charming Waters	Statewide Recycling
Blue Sky Organic Black Cherry Cherish	355	Can—Aluminium	Charming Waters	Statewide Recycling
Blue Sky Organic Ginger Ale	355	Can—Aluminium	Charming Waters	Statewide Recycling
Blue Sky Organic Lemon Lime	355	Can—Aluminium	Charming Waters	Statewide Recycling
Blue Sky Organic New Century Cola	355	Can—Aluminium	Charming Waters	Statewide Recycling
Blue Sky Organic Orange Divine	355	Can—Aluminium	Charming Waters	Statewide Recycling
Blue Sky Organic Root Beer Encore	355	Can—Aluminium	Charming Waters	Statewide Recycling
Dr Pepper Cherry	355	Can—Aluminium	Charming Waters	Statewide Recycling
Dr Pepper Cherry Vanilla	355	Can—Aluminium	Charming Waters	Statewide Recycling
Tango Apple	330	Can—Aluminium	Charming Waters	Statewide Recycling
Tango Cherry	330	Can—Aluminium	Charming Waters	Statewide Recycling
Tango Orange	330	Can—Aluminium	Charming Waters	Statewide Recycling
Vimto Fizzy	330	Can—Aluminium	Charming Waters	Statewide Recycling
Welchs Sparkling Grape Soda	355	Can—Aluminium	Charming Waters	Statewide Recycling
Welchs Sparkling Strawberry Soda	355	Can—Aluminium	Charming Waters	Statewide Recycling
Dai Viet Super 4.9%	330	Glass	Do Bottle Shop	Statewide Recycling
Maisels Weisse Alcohol Free 0.5%	500	Glass	Empire Liquor	Statewide Recycling
Hellena Lemonade	1 250	PET	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Hortex Aronii Juice	1 000	LPB—Aseptic	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Hortex Beetroot Apple Juice	1 000	LPB—Aseptic	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Hortex Blackcurrant Juice	1 000	LPB—Aseptic	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Hortex Grape Juice	1 000	LPB—Aseptic	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Hortex Multifruit Juice	1 000	LPB—Aseptic	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Hortex Multivitamina Juice	1 000	LPB—Aseptic	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Hortex Red Grapefruit Juice	1 000	LPB—Aseptic	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Hortex Sour Cherry Juice	1 000	LPB—Aseptic	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Kubus Carrot Apple Banana Juice	1000	Glass	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Kubus Carrot Apple Banana Juice	330	Glass	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Kubus Carrot Apple Orange Juice	1 000	Glass	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Kubus Carrot Apple Orange Juice	330	Glass	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Kubus Carrot Apple Peach Juice	1 000	Glass	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Kubus Carrot Apple Peach Juice	330	Glass	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Kubus Carrot Apple Peach Juice	330	Glass	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Kubus Carrot Apple Raspberry Juice	1 000	Glass	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Kubus Carrot Apple Raspberry Juice	330	Glass	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Kubus Carrot Apple Strawberry Juice	1 000	Glass	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Kubus Carrot Apple Strawberry Juice	330	Glass	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Kubus Kiwi Banana Juice	1 000	Glass	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Muszynianski Water	1 500	PET	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Zywiec Lemon Mineral Water	1 500	PET	Euro Dell Imports Pty Ltd	Marine Stores Ltd

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size (mL)	Container Type	Approval Holder	Collection Arrangements
Zywiec Water	1 500	PET	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Zywiec Water	500	PET	Euro Dell Imports Pty Ltd	Marine Stores Ltd
Cascade Stout Smooth and Rich	375	Glass	Fosters Australia	Marine Stores Ltd
Pure Blonde Naked	375	Can—Aluminium	Fosters Australia	Marine Stores Ltd
Maiden Ale	650	Glass	Fresh Cellars trading as Brewboys	Marine Stores Ltd
Fanta Strawberry	330	Can—Aluminium	Funworks	Flagcan Distributors
Mountain Dew Code Red	330	Can—Aluminium	Funworks	Flagcan Distributors
Mountain Dew Voltage	330	Can—Aluminium	Funworks	Flagcan Distributors
Pepsi Wild Cherry	330	Can—Aluminium	Funworks	Flagcan Distributors
Nekta Liquid Kiwi Fruit	1 250	Glass	Holmac Sales Pty Ltd	Marine Stores Ltd
Froopers Apple & Blackcurrant Fruit Drink	200	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Apple & Blackcurrant Fruit Drink	250	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Apple Fruit Drink	250	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Apple Fruit Drink	200	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Apple Raspberry Flavoured Fruit Drink	200	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Looney Tunes Orange Fruit Drink	200	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Looney Tunes Tropical Fruit Drink	200	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Orange Fruit Drink	200	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Peach & Strawberry Flavoured Fruit Drink	200	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Froopers Tropical Fruit Drink	200	HDPE	Intertrading Australia Pty Ltd	Statewide Recycling
Aleve Blood Orange	330	Glass	L Z Enterprises Pty Ltd	Statewide Recycling
Aleve Dragonfruit Lime	330	Glass	L Z Enterprises Pty Ltd	Statewide Recycling
Aleve Passionfruit	330	Glass	L Z Enterprises Pty Ltd	Statewide Recycling
Aleve Pink Grapefruit	330	Glass	L Z Enterprises Pty Ltd	Statewide Recycling
Aleve Raspberry Cranberry	330	Glass	L Z Enterprises Pty Ltd	Statewide Recycling
Amuse Blueberry Water	380	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Amuse Fruit Delight Water	380	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Amuse Raspberry Water	380	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Barbie Peach Strawberry Flavoured Fruit Drink	250	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Barbie Raspberry Flavoured Fruit Drink	250	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Barbie Tropical Flavoured Fruit Drink	250	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Ben 10 Lime Flavoured Fruit Drink	250	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Ben 10 Orange Flavoured Fruit Drink	250	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Ben 10 Raspberry Flavoured Fruit Drink	250	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Bob The Builder Apple Blackcurrant Flavoured Fruit Drink	250	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Diego Raspberry Flavoured Fruit Drink	250	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Dora Apple Blackcurrant Flavoured Fruit Drink	250	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Dora Peach Strawberry Flavoured Fruit Drink	250	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Dora Tropical Flavoured Fruit Drink	250	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Hulk Wild Berry Flavoured Fruit Drink	300	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Spiderman Apple Blackcurrant Flavoured Fruit Drink	300	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Strawberry Shortcake Apple Strawberry Flavoured Fruit Drink	250	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Strawberry Shortcake Peach Flavoured Fruit Drink	250	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Thomas The Tank Apple Flavoured Fruit Drink	250	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Transformers Lime Flavoured Fruit Drink	300	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Transformers Orange Flavoured Fruit Drink	300	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Transformers Raspberry Flavoured Fruit Drink	300	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Wolverine Apple Blackcurrant Flavoured Fruit Drink	300	PET	L Z Enterprises Pty Ltd	Statewide Recycling
Budweiser	355	Can—Aluminium	Lion Nathan Australia Limited	Marine Stores Ltd
Budweiser	355	Glass	Lion Nathan Australia Limited	Marine Stores Ltd
Mangrove Mountain Springs Organic	350	PET	Mangrove Mountain Springs Pty Ltd	Marine Stores Ltd
Mangrove Mountain Springs Organic Pure Natural Spring Water	600	PET	Mangrove Mountain Springs Pty Ltd	Marine Stores Ltd
Mangrove Mountain Springs Pure Natural Spring Water	1 500	PET	Mangrove Mountain Springs Pty Ltd	Marine Stores Ltd
Mangrove Mountain Springs Pure Natural Spring Water	3 000	PET	Mangrove Mountain Springs Pty Ltd	Marine Stores Ltd
Horleys Pro Fit Chocolate Flavoured Dairy Drink	250	LPB—Aseptic	Naturalac Nutrition Ltd trading as Horleys	Statewide Recycling
Horleys Pro Fit Strawberry Flavoured Dairy Drink	250	LPB—Aseptic	Naturalac Nutrition Ltd trading as Horleys	Statewide Recycling
Horleys Pro Fit Vanilla Flavoured Dairy Drink	250	LPB—Aseptic	Naturalac Nutrition Ltd trading as Horleys	Statewide Recycling

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size (mL)	Container Type	Approval Holder	Collection Arrangements
Horleys Protein Hit Double Chocolate	375	LPB—Aseptic	Naturalac Nutrition Ltd trading as Horleys	Statewide Recycling
Horleys Sculpt Chocolate Flavour	250	LPB—Aseptic	Naturalac Nutrition Ltd trading as Horleys	Statewide Recycling
Horleys Sculpt Vanilla Flavour	250	LPB—Aseptic	Naturalac Nutrition Ltd trading as Horleys	Statewide Recycling
Zywiec Beer	500	Can—Aluminium	Negro International Pty Ltd	Marine Stores Ltd
Hawaiian Noni Fruit Drink	1 000	HDPE	Neways International Australia Pty Ltd	Statewide Recycling
7Up Cherry	330	Can—Aluminium	Nonnel Pty Ltd trading as Lollipops Wholesale	Flagcan Distributors
Abbot Ginger Beer	330	Can—Aluminium	Nonnel Pty Ltd trading as Lollipops Wholesale	Flagcan Distributors
American Cream Soda	330	Can—Aluminium	Nonnel Pty Ltd trading as Lollipops Wholesale	Flagcan Distributors
Ben Shaw Dandelion & Burdock	330	Can—Aluminium	Nonnel Pty Ltd trading as Lollipops Wholesale	Flagcan Distributors
Cherry Coke	330	Can—Aluminium	Nonnel Pty Ltd trading as Lollipops Wholesale	Flagcan Distributors
D & G Old Jamaica Ginger Beer	330	Can—Aluminium	Nonnel Pty Ltd trading as Lollipops Wholesale	Flagcan Distributors
Dandelion & Burdock	330	Can—Aluminium	Nonnel Pty Ltd trading as Lollipops Wholesale	Flagcan Distributors
Dr Pepper	330	Can—Aluminium	Nonnel Pty Ltd trading as Lollipops Wholesale	Flagcan Distributors
IRN Bru	330	Can—Aluminium	Nonnel Pty Ltd trading as Lollipops Wholesale	Flagcan Distributors
Tango Cherry	330	Can—Aluminium	Nonnel Pty Ltd trading as Lollipops Wholesale	Flagcan Distributors
Tango Orange	330	Can—Aluminium	Nonnel Pty Ltd trading as Lollipops Wholesale	Flagcan Distributors
Tizer	330	Can—Aluminium	Nonnel Pty Ltd trading as Lollipops Wholesale	Flagcan Distributors
Vimto Sparkling	330	Can—Aluminium	Nonnel Pty Ltd trading as Lollipops Wholesale	Flagcan Distributors
Whole Kids Organic Juice Fresh Apple & Blackcurrant	250	LPB—Aseptic	Nourish Foods Pty Ltd	Statewide Recycling
Whole Kids Organic Juice Fresh Apple & Pear	250	LPB—Aseptic	Nourish Foods Pty Ltd	Statewide Recycling
Cherry Coke	355	Can—Aluminium	Nutcracker Sweet	Statewide Recycling
Dr Pepper	355	Can—Aluminium	Nutcracker Sweet	Statewide Recycling
Grape Fanta	355	Can—Aluminium	Nutcracker Sweet	Statewide Recycling
Smart Juice Tropical Fruit & Veg	400	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Brewers Choice Ginger Beer	1 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Ceda Creaming Soda	2 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Ceda Creaming Soda	1 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Ceda Creaming Soda	2 000	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Club Dry Ginger Ale	1 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Club Lemon Lime Bitters	1 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Club Soda Water	1 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Club Tonic Water	1 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Crush Lime	1 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Crush Orange	2 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Crush Orange	2 000	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Crush Orange	1 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Crush Passion	2 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Crush Passion	1 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Crush Pine	2 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Crush Pine	1 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size (mL)	Container Type	Approval Holder	Collection Arrangements
Tru Blu Crush Pine	2 000	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Diet Crush Orange	1 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Diet Crush Passion	1 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Diet Pub Squash Lemon Soda Squash	1 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu H2O	600	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Lido Lemonade	2 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Lido Lemonade	1 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu Lido Lemonade	2 000	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu McSars Double Sars Sarsaparilla	2 000	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu The Original Pub Squash Lemon Soda Squash	2 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Tru Blu The Original Pub Squash Lemon Soda Squash	1 250	PET	P & N Beverages Australia Pty Ltd	Flagcan Distributors
Arundel Sussex Gold	500	Glass	Palais Imports	Marine Stores Ltd
Belvoir Old Dalby	500	Glass	Palais Imports	Marine Stores Ltd
Camerons Monkey Stout	500	Glass	Palais Imports	Marine Stores Ltd
Camerons Strongarm	500	Glass	Palais Imports	Marine Stores Ltd
Coach House Blueberry	500	Glass	Palais Imports	Marine Stores Ltd
Cotleigh Barn Owl	500	Glass	Palais Imports	Marine Stores Ltd
Cotleigh Golden Seahawk	500	Glass	Palais Imports	Marine Stores Ltd
Crouch Vale Amarillo	500	Glass	Palais Imports	Marine Stores Ltd
Cwmbran Full Malty	500	Glass	Palais Imports	Marine Stores Ltd
Dark Star Espresso Stout	500	Glass	Palais Imports	Marine Stores Ltd
Dorset Chesil	500	Glass	Palais Imports	Marine Stores Ltd
Dorset Jurassic	500	Glass	Palais Imports	Marine Stores Ltd
Felinfoel Double Dragon	500	Glass	Palais Imports	Marine Stores Ltd
Goffs Black Knight Ale	500	Glass	Palais Imports	Marine Stores Ltd
Goffs Joustier Ale	500	Glass	Palais Imports	Marine Stores Ltd
Grainstore Rutland Panther	500	Glass	Palais Imports	Marine Stores Ltd
Grainstore Ten Fifty	500	Glass	Palais Imports	Marine Stores Ltd
Pottons Shambles	500	Glass	Palais Imports	Marine Stores Ltd
Pottons Village Bike	500	Glass	Palais Imports	Marine Stores Ltd
RCH Firebox Bitter	500	Glass	Palais Imports	Marine Stores Ltd
RCH Old Slug	500	Glass	Palais Imports	Marine Stores Ltd
Whittingtons Cats Whiskers	500	Glass	Palais Imports	Marine Stores Ltd
Woods Hopping Mad	500	Glass	Palais Imports	Marine Stores Ltd
Woods Shropshire Lad	500	Glass	Palais Imports	Marine Stores Ltd
Fever Tree Premium Lemon Tonic	200	Glass	Rio Coffee Pty Ltd	Statewide Recycling
Fever Tree Spring Soda Water	200	Glass	Rio Coffee Pty Ltd	Statewide Recycling
Zuegg Skipper 100% Apple	200	Glass	Rio Coffee Pty Ltd	Statewide Recycling
Zuegg Skipper 100% Brasil	200	Glass	Rio Coffee Pty Ltd	Statewide Recycling
Zuegg Skipper 100% Grapefruit	200	Glass	Rio Coffee Pty Ltd	Statewide Recycling
Zuegg Skipper 100% Orange	200	Glass	Rio Coffee Pty Ltd	Statewide Recycling
Zuegg Skipper 100% Pineapple	200	Glass	Rio Coffee Pty Ltd	Statewide Recycling
Zuegg Skipper ACE	200	Glass	Rio Coffee Pty Ltd	Statewide Recycling
Zuegg Skipper Apricot	200	Glass	Rio Coffee Pty Ltd	Statewide Recycling
Zuegg Skipper Blood Orange	200	Glass	Rio Coffee Pty Ltd	Statewide Recycling
Zuegg Skipper Kiwi and Apple	200	Glass	Rio Coffee Pty Ltd	Statewide Recycling
Zuegg Skipper Peach	200	Glass	Rio Coffee Pty Ltd	Statewide Recycling
Zuegg Skipper Pear	200	Glass	Rio Coffee Pty Ltd	Statewide Recycling
Magners Irish Cider	568	Glass	Suntory (Aust) Pty Ltd	Statewide Recycling
Magners Pear	568	Glass	Suntory (Aust) Pty Ltd	Statewide Recycling
Midori & Lemonade	300	Can—Aluminium	Suntory (Aust) Pty Ltd	Statewide Recycling
Aquaessence Alkaline Spring Water Anti Oxidant Infused	350	Guala Pack	Water for Life Pty Ltd	Statewide Recycling
Aquaessence Alkaline Spring Water Anti Oxidant Infused	600	Guala Pack	Water for Life Pty Ltd	Statewide Recycling

## GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 July 2009

	\$		\$
Agents, Ceasing to Act as.....	42.75	Firms:	
Associations:		Ceasing to Carry on Business (each insertion).....	28.50
Incorporation .....	21.70	Discontinuance Place of Business .....	28.50
Intention of Incorporation .....	53.50	Land—Real Property Act:	
Transfer of Properties .....	53.50	Intention to Sell, Notice of.....	53.50
Attorney, Appointment of.....	42.75	Lost Certificate of Title Notices .....	53.50
Bailiff's Sale.....	53.50	Cancellation, Notice of (Strata Plan) .....	53.50
Cemetery Curator Appointed.....	31.75	Mortgages:	
Companies:		Caveat Lodgement.....	21.70
Alteration to Constitution .....	42.75	Discharge of.....	22.70
Capital, Increase or Decrease of .....	53.50	Foreclosures.....	21.70
Ceasing to Carry on Business .....	31.75	Transfer of .....	21.70
Declaration of Dividend.....	31.75	Sublet.....	10.90
Incorporation .....	42.75	Leases—Application for Transfer (2 insertions) each .....	10.90
Lost Share Certificates:		Lost Treasury Receipts (3 insertions) each.....	31.75
First Name.....	31.75	Licensing .....	63.50
Each Subsequent Name.....	10.90	Municipal or District Councils:	
Meeting Final.....	35.75	Annual Financial Statement—Forms 1 and 2 .....	598.00
Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20.....	425.00
Conduct of Winding Up (equivalent to 'Final		Default in Payment of Rates:	
Meeting')		First Name .....	85.00
First Name.....	42.75	Each Subsequent Name.....	10.90
Each Subsequent Name.....	10.90	Noxious Trade.....	31.75
Notices:		Partnership, Dissolution of.....	31.75
Call.....	53.50	Petitions (small).....	21.70
Change of Name .....	21.70	Registered Building Societies (from Registrar-	
Creditors.....	42.75	General).....	21.70
Creditors Compromise of Arrangement .....	42.75	Register of Unclaimed Moneys—First Name.....	31.75
Creditors (extraordinary resolution that 'the Com-		Each Subsequent Name .....	10.90
pany be wound up voluntarily and that a liquidator		Registers of Members—Three pages and over:	
be appointed').....	53.50	Rate per page (in 8pt) .....	272.00
Release of Liquidator—Application—Large Ad.....	85.00	Rate per page (in 6pt) .....	359.00
—Release Granted .....	53.50	Sale of Land by Public Auction.....	54.00
Receiver and Manager Appointed.....	49.50	Advertisements.....	3.00
Receiver and Manager Ceasing to Act.....	42.75	½ page advertisement .....	127.00
Restored Name.....	40.00	½ page advertisement .....	254.00
Petition to Supreme Court for Winding Up.....	74.50	Full page advertisement.....	498.00
Summons in Action.....	63.50	Advertisements, other than those listed are charged at \$3.00 per	
Order of Supreme Court for Winding Up Action.....	42.75	column line, tabular one-third extra.	
Register of Interests—Section 84 (1) Exempt.....	96.00	Notices by Colleges, Universities, Corporations and District	
Removal of Office.....	21.70	Councils to be charged at \$3.00 per line.	
Proof of Debts .....	42.75	Where the notice inserted varies significantly in length from	
Sales of Shares and Forfeiture.....	42.75	that which is usually published a charge of \$3.00 per column line	
Estates:		will be applied in lieu of advertisement rates listed.	
Assigned .....	31.75	South Australian Government publications are sold on the	
Deceased Persons—Notice to Creditors, etc.....	53.50	condition that they will not be reproduced without prior	
Each Subsequent Name.....	10.90	permission from the Government Printer.	
Deceased Persons—Closed Estates .....	31.75		
Each Subsequent Estate .....	1.40		
Probate, Selling of .....	42.75		
Public Trustee, each Estate .....	10.90		

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## GOVERNMENT GAZETTE NOTICES

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

## MISCELLANEOUS LEGISLATION AND GOVERNMENT PUBLICATIONS PRICES AS FROM 1 JULY 2009

Acts, Bills, Rules, Parliamentary Papers and Regulations					
Pages	Main	Amends	Pages	Main	Amends
1-16	2.60	1.20	497-512	36.25	35.25
17-32	3.50	2.20	513-528	37.25	36.00
33-48	4.55	3.25	529-544	38.50	37.25
49-64	5.75	4.40	545-560	39.50	38.50
65-80	6.70	5.55	561-576	40.50	39.50
81-96	7.80	6.45	577-592	41.75	40.00
97-112	8.90	7.60	593-608	43.00	41.50
113-128	9.95	8.75	609-624	43.75	42.75
129-144	11.10	9.85	625-640	45.00	43.25
145-160	12.20	10.90	641-656	46.00	45.00
161-176	13.30	12.00	657-672	46.75	45.50
177-192	14.50	13.10	673-688	48.75	46.75
193-208	15.60	14.40	689-704	49.50	47.75
209-224	16.50	15.20	705-720	50.25	49.00
225-240	17.60	16.30	721-736	52.00	50.00
241-257	18.90	17.20	737-752	52.50	51.00
258-272	19.90	18.30	753-768	53.50	52.00
273-288	21.00	19.70	769-784	54.50	53.50
289-304	21.90	20.60	785-800	55.50	54.50
305-320	23.20	21.80	801-816	57.00	55.00
321-336	24.20	22.80	817-832	58.00	57.00
337-352	25.40	24.10	833-848	59.00	58.00
353-368	26.25	25.20	849-864	60.00	58.50
369-384	27.50	26.25	865-880	61.50	60.00
385-400	28.75	27.25	881-896	62.00	60.50
401-416	29.75	28.25	897-912	63.50	62.00
417-432	31.00	29.50	913-928	64.00	63.50
433-448	32.00	30.75	929-944	65.00	64.00
449-464	32.75	31.50	945-960	66.00	64.50
465-480	33.25	32.50	961-976	68.50	65.50
481-496	35.25	33.25	977-992	69.50	66.00

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## Christmas/New Year Holiday Publishing Information

***Last Gazette for 2009 will be Wednesday, 23 December 2009.***

Closing date for notices for publication will be  
**4 p.m. Monday, 21 December 2009.**

***First Gazette for 2010 will be Thursday, 7 January 2010.***

Closing date for notices for publication will be  
**4 p.m. Tuesday, 5 January 2010.**

*(There will **NOT** be a Gazette in the period between these two dates.)*

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It would be appreciated if *Government Gazette* notices for publication be addressed to:

**Email address for *Government Gazette* notices:**

governmentgazette@dpc.sa.gov.au

When sending a document via Email please confirm your transmission with a faxed copy, including the date the notice is to be published.

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Attention: *Government Gazette* Section

**Inquiries telephone: 8207 1045**

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Box 9  
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# Dental Board of South Australia

## CODES OF PRACTICE

These Codes of Practice were approved by the Minister for Health pursuant to sub-section 13(1)(e) of the *Dental Practice Act 2001 (SA)* on the 10<sup>th</sup> day of November 2009.



**Address:** 9/59 Fullarton Road, KENT TOWN SA 5067

**Telephone:** (08) 8364 5358

**Fax:** (08) 8364 5351

**Email:** [registrar@dentalboardsa.com.au](mailto:registrar@dentalboardsa.com.au)

**Website:** [www.dentalboardsa.com.au](http://www.dentalboardsa.com.au)

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## Advertising

Code of Practice

Issue date: November 2009

Last Updated:

Next review date:

Approved by the Minister for Health: 10 November 2009



### PREAMBLE

1. This Code of Practice has been developed pursuant to the *Dental Practice Act 2001* (SA) (the Act) which provides that one of the functions of the Dental Board of South Australia (the Board) is to prepare or endorse codes of conduct or professional standards for registered persons or codes of conduct for dental services providers.

2. For the purposes of this Code of Practice:

“**Registrant**” means a dental practitioner or dental student with current registration under the Act; and

“**Provider**” means a dental services provider as defined by the Act.

### PURPOSE

3. The purpose of this Code of Practice is:

- to ensure the legitimacy of all advertising to protect the health and safety of the public; and
- to maintain public confidence in the dental profession; and
- to protect the public from advertising that is false, deceptive or misleading; and
- to provide guidance to registrants/providers about the advertising of dental treatment.

### SCOPE

4. This Code of Practice applies to all registrants with current registration under the Act and to all providers.

### REVIEW

5. This Code of Practice will be reviewed and updated within three years of the issue date or earlier if any changes to legislation, national or international standards or any developments in the provision of dental treatment indicate a need for review.

### INTRODUCTION

6. The Board recognizes that it is valuable to provide information to the public about registrants/providers and the services they provide. Advertising can provide a means of conveying honest, accurate and reliable information on the availability of dental treatment and procedures to consumers helping them obtain a better understanding of services and options available and enabling them to make informed decisions.

7. All registrants/providers have a legal and ethical responsibility to provide the public with clear and accurate information regarding the availability of dental treatment.
8. The regulatory framework for advertising dental treatment includes the Commonwealth Trade Practices Act 1974 (Cth), the Fair Trading Act 1987 (SA) and the Dental Practice Act 2001 (SA) (the Act) as well as responsibilities under common law. Registrants/providers must comply with State and Commonwealth legislation which can be accessed at [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au) and [www.comlaw.gov.au](http://www.comlaw.gov.au) or at the Board's offices, as well as with common law and this Code of Practice.
9. The Board has established a Code of Ethics and an After Hours Service Code of Practice with which registrants/providers must additionally comply and which include reference to Advertising.

## REQUIREMENTS

10. Advertising used to inform the public of the availability of dental treatment will be considered acceptable by the Board if it is information published in the public interest and it is factual, honest, accurate, clear, verifiable and not misleading.
11. A registrant/provider must ensure that statements, claims or representations about professional qualifications, experience and or services are truthful and not misleading or deceptive and do not breach the Code of Ethics or any statutory or common law requirements.
12. A registrant/provider must not advertise a dental practice or dental treatment in a manner which is or is intended to be false, misleading or deceptive.
13. A registrant/provider must ensure that any advertising or publicity relating to the registrant/provider or his or her practice is neither vulgar, sensational nor otherwise such as would be likely to bring the registrant/provider or the dental profession into disrepute.
14. A registrant/provider must not advertise dental treatment in a way that offers inducements, gifts or discounts without setting out the terms and conditions of the offer.
15. A registrant/provider must not advertise dental treatment in a way that refers to, uses or quotes from testimonials or purported testimonials.
16. Advertising must not encourage (directly or indirectly) the indiscriminate or unnecessary use of dental treatment or medicines.
17. A Dentist must not, by advertising, claim to be a Specialist or in any way infer that he or she is a Specialist, unless he or she is so registered on the appropriate Specialist Register.
18. A Specialist employing a Dentist who is not a Specialist must not in any way infer by advertising that the employed Dentist is a Specialist.

19. A person must not hold himself or herself out by advertising as a registered person of a particular class, or permit another person by advertising to do so, unless the first person is registered on the appropriate register.
20. A person must not, by advertising, hold out another person as a registered person of a particular class unless the other person is registered on the appropriate register.
21. A registrant/provider must use all reasonable endeavours to ensure that the staff of the registrant/provider act in a manner consistent with this Code of Practice and with common law and State and Commonwealth legislation.

### **NON-COMPLIANCE**

22. The Board may investigate allegations and take disciplinary proceedings against a registrant/provider who has contravened or failed to comply with this Code of Practice.
23. A contravention of or failure to comply with this Code of Conduct will, of itself, amount to unprofessional conduct.

### **FURTHER INFORMATION**

**APPENDIX 1** contains an **Advice to Consumers** and an **Advice to Registrants/Providers**.

The **Advice to Consumers** highlights issues that a consumer may address in assessing advertisements by registrants/providers and may assist registrants/providers in considering the content of advertisements.

The **Advice to Registrants/Providers** provides a series of questions which a registrant/provider may consider in determining the content of advertisements.

## APPENDIX 1

### ADVICE TO CONSUMERS

The following checklist, adapted from the 'Checklist for Consumers' in the Australian Competition & Consumer Commission's publication 'Fair treatment? Summary of the Guide to the Trade Practices Act 1974 for the advertising or promotion of medical and health services', with tips for consumers on interpreting advertising and selection of medical and health services [available at the website: [acc.gov.au](http://acc.gov.au)], may assist consumers. Read advertisements carefully before choosing a registrant/provider. Keep the following points in mind:

- Beware of exaggerated predictions about treatment. Ask for proof of the claims that are being made.
- Read the small print. A registrant/provider offering a discount or other inducement must, by law, set out the terms and conditions of that offer in writing.
- A person whose photograph appears in the advertisement may be a model, not a patient of that registrant/provider.
- Before and after photographs can be manipulated to exaggerate the effects of treatment.
- Be cautious about phrases like "No needle", "No pain" or "No drill". Such "techniques" do exist, but are only suitable for a minority of patients.
- Be cautious about claims of advanced training in "Cosmetic Dentistry". There is no such registered specialty.
- To check on a registrant's registration or qualifications, search the register at the Board's website: <http://www.dentalboardsa.com.au> or ☎ (08) 8364 5358.

### ADVICE TO REGISTRANTS/PROVIDERS

The following checklist (adapted from the Australian Competition & Consumer Commission's publication *Fair Treatment? Guide to the Trade Practices Act for the advertising or promotion of medical and health services* [available at the website: [acc.gov.au](http://acc.gov.au)]) may help registrants/providers in drafting advertisements.

- Have we thought about our target audience and how they are likely to receive the promotional message? In particular, have we considered any special characteristics or vulnerability of our target audience?
- Have we considered the fact that the media chosen to reach our target audience may also reach other consumers?
- Can our claims be substantiated on an objective basis?
- Do we have reasonable grounds to make statements about future matters, including the effects of treatment?
- Have we explained all limitations and qualifications on promotional offers?
- Are all material terms and conditions located in the main text?

- 
- Where disclaimers and qualifications have been used, are they clearly drawn to the consumer's attention?
  - If comparisons are made with other services, are these comparisons fair, accurate and current?
  - Have we understated/overstated the risks involved?
  - Have we understated/overstated the pain involved?
  - Have we understated/overstated the likely effects or results?
  - Have we used terms like "specialist", "specialty" or "specialising" in a way that may be misleading or deceptive?
  - Have we used irrelevant qualifications or memberships as a marketing tool, without clearly explaining what they represent?
  - Where reference has been made to certification or approval, is the reference accurate?
  - When before and after photographs are used, are they standardised (e.g., taken using the same light, poses and photographic techniques?)
  - When models are used, is it clear to consumers that the models have or have not undergone the procedure being promoted?
  - Are claims about the time taken for services or treatment and/or the possible effects accurate?
  - Have we ensured that claims about time do not incorrectly imply services are minor and of minimal risk?
  - Have we disclosed any relevant financial interests?
  - Do we have a complaints mechanism and policy?

## After Hours Service

Code of Practice

Issue Date: November 2009

Last Updated:

Next Review Date:

Approved by the Minister for Health: 10 November 2009



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### PREAMBLE

1. This Code of Practice has been developed pursuant to the *Dental Practice Act 2001* (SA) (the Act) which provides that one of the functions of the Dental Board of South Australia (the Board) is to prepare or endorse codes of conduct or professional standards for registered persons or codes of conduct for dental services providers.

2. For the purposes of this Code of Practice:

“**Registrant**” means a dental practitioner or dental student with current registration under the Act; and

“**Provider**” means a dental services provider as defined by the Act.

### PURPOSE

3. The Board has developed this Code of Practice to clarify the wording used in advertisements for any after hours or 24 hour services offered to the public by registrants/providers.

### SCOPE

4. This Code of Practice applies to all registrants with current registration under the Act and to all providers.

### REVIEW

5. This Code of Practice will be reviewed and updated within three years of the issue date or earlier if any changes to legislation, national or international standards or any developments in the provision of dental treatment indicate a need for review.

### DEFINITION OF TERMS USED IN THIS CODE OF PRACTICE

6. **After Hours Service** refers to the availability of a registrant/provider to provide dental treatment to the public outside the advertised normal opening hours of the practice. This dental treatment must be provided at the advertised premises, at the advertised times.

7. **24 Hour Service** is a type of service where a registrant/provider is available at all times, i.e. 24 hours a day, to provide dental treatment to the public.

8. **24 Hour Telephone Assistance** refers to providing members of the public with a telephone number they can contact at all times (i.e. 24 hours a day) to receive dental advice or be referred to an available emergency dental service.

## REQUIREMENTS

9. If an after hours or 24 hour service of any type is being advertised by a registrant/provider, then:
  - a. the type of service being offered, the location of the service and the specific hours during which the service operates must be clearly and unambiguously communicated to the public; and
  - b. the service that is being offered must be available at the times specified and at the location specified.
10. When a 24 hour service is advertised, the registrant/provider does not need to be physically on-site at the advertised location but must be able to be contacted and available to attend to patients there, should this be required, at any time.
11. A 24 hour telephone assistance service must inform callers how to obtain prompt dental treatment. The telephone service must be available 24 hours a day. (A call answering service provided by a third party service provider, or a taped telephone message which advises how to get in touch with the registrant/provider who is on-call, are two examples of how such a service could be provided). If the service consists of an answering machine it must either provide another number that the caller can contact to receive a prompt answer, or the registrant/provider must frequently check for messages throughout the 24 hour period.
12. A registrant/provider who wishes to provide an after hours service to established patients must either:
  - a. advise established patients of the after-hours number by way of practice notice or stationery; or
  - b. advise callers on an answering machine or answering service that the service is for established patients only.

A registrant/provider must not advertise an after-hours service in a way that implies access to all patients if the service is for established patients.

13. A registrant/provider must make every attempt to inform potential patients and, in particular, new patients of the fees that will apply for all after-hours and 24 hour services. In some cases these services may attract higher fees. This information must ensure that before utilising this service, patients:
  - a. are aware if higher-than-normal fees apply; and
  - b. are advised further of the costs of dental treatment when a diagnosis and treatment plan for the visit is established; and
  - c. are given an opportunity to consent to the progression of dental treatment; and
  - d. are informed if the nature of dental treatment and the cost varies as the treatment progresses.

Registrants/providers must have a process for obtaining consent for dental treatment from all patients in these circumstances.

14. Registrants/providers must be aware of the difficulties of defending themselves against allegations of unprofessional conduct in unsupervised settings, which may occur more frequently in after-hours services. A genuine attempt must be made to ensure a third person is present.

15. When, in an emergency situation, a registrant/provider attends a patient who is an established patient of another registrant/provider, the emergency registrant/provider must, at the earliest practical time, provide a summary of the diagnosis and the dental treatment provided to the patient's established registrant/provider for inclusion in the records of that patient.
16. The fundamental nature of an emergency after-hours visit must remain the provision of emergency dental treatment on behalf of the patient's established registrant/provider with the intent that the patient will be referred back to the established registrant/provider for completion of, or future, dental treatment. Any decision by the patient to appoint the emergency registrant/provider as their regular registrant/provider must be made freely and without coercion by the emergency registrant/provider.

### **NON-COMPLIANCE**

17. The Board may investigate allegations and take disciplinary proceedings against a registrant/provider who has contravened or failed to comply with this Code of Practice.
18. A contravention of or failure to comply with this Code of Conduct will, of itself, amount to unprofessional conduct.

# Dental Appliance Therapy for the Treatment of Sleep Disorders

Code of Practice



Issue Date: November 2009

Last Updated:

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Approved by the Minister for Health: 10 November 2009

## PREAMBLE

1. This Code of Practice has been developed pursuant to the Dental Practice Act 2001 (SA) (the Act) which provides that one of the functions of the Dental Board of South Australia (the Board) is to prepare or endorse codes of conduct or professional standards for registered persons or codes of conduct for dental services providers.

2. For the purposes of this Code of Practice:

“**Registrant**” means a dental practitioner or dental student with current registration under the Act; and

“**Provider**” means a dental services provider as defined by the Act.

## PURPOSE

3. The Board has developed this Code of Practice to document the minimum standard of clinical practice required of registrants in the use of dental appliances to treat sleep disorders, in order to minimize the risk of harm to patients.

## SCOPE

4. This Code of Practice applies to all registrants with current registration under the Act and to all providers.

## REVIEW

5. This Code of Practice will be reviewed and updated within three years of the issue date or earlier if any changes to legislation, national or international standards or any developments in the provision of dental treatment indicate a need for review.

## INTRODUCTION

6. Dental Appliance Therapy (Mandibular Advancement Splint) has a significant and recognised role to play in the treatment of sleep disorders such as snoring and obstructive sleep apnoea.

7. Dental appliance therapy is an option for the treatment of sleep-disordered breathing caused by upper airway obstruction. Dental Appliance Therapy is used as an alternative or adjunct to the other available medical therapies.

8. There are, however, significant consequences of not treating sleep disorders properly, including cardiovascular and respiratory disease. Similarly, there may be clinical consequences for the mouth, teeth and temporomandibular joints following the use of dental appliances, including temporomandibular disorders and permanent occlusal changes.
9. Therefore, these devices must only be provided and fitted by Registered Dentists or Registered Dental Specialists following an assessment by a Sleep Clinician who specializes in sleep disorders. Usually a Sleep Clinician would be a Registered Respiratory Physician or an Ear Nose and Throat Surgeon. The Sleep Clinician will direct the patient toward the most effective therapeutic option (e.g. lifestyle changes, continuous positive airway pressure (CPAP), dental or surgical options) and involve the services of a multi-disciplinary group.
10. The management of sleep disordered breathing by the use of dental appliances requires a multidisciplinary team approach in both the initial diagnosis and prescription, and in the on-going monitoring of the efficacy of the treatment, with the Sleep Clinician taking primary responsibility for the overall management of the patient's sleep disordered breathing.

## REQUIREMENTS

11. It is a fundamental requirement of this Code of Practice that registrants must have completed an appropriate course of education or training.

## CLINICAL MANAGEMENT

12. A Registered Dentist must be responsible for the clinical management of the **dental** aspects of this type of therapy and should advise the patient's usual treating Dentist (when the patient has one) of his/her involvement in the patient's sleep therapy treatment and ensure that the patient's general dental care continues to be addressed by the patient's usual treating Dentist (or by a Specialist to whom the patient's usual treating Dentist has referred the patient). The Registered Dentist will work in cooperation with the patient's Sleep Clinician who must be responsible for the medical aspects of the management of sleep disordered breathing.

## DIAGNOSIS

13. Dental appliance therapy for sleep-disordered breathing must not commence unless a Sleep Clinician has endorsed, in writing, such therapy as a treatment option for the patient. The written endorsement from the Sleep Clinician must be contemporaneous with the treatment provided. Should there be a significant delay between the written endorsement from the Sleep Clinician and the treatment, the patient should be referred back to a Sleep Clinician for contemporaneous written endorsement for dental appliance therapy.

## TREATMENT AND FOLLOW-UP CARE

14. If treatment using a dental appliance is medically indicated, the role of the Dentist or Specialist is in providing the appliance and in supervising the patient's treatment from a dental point of view. This includes:
- a. determining if the patient is a suitable candidate for an appliance from a dental perspective;
  - b. evaluating and selecting the optimal appliance for the individual patient, having regard to the efficacy and side-effects of the appliances available;
  - c. prescribing the fabrication of the device;
  - d. fitting and adjusting the appliance;
  - e. providing follow-up care, including:
    - i. ensuring that the patient is using the device correctly and that it is properly adjusted and not causing discomfort;
    - ii. monitoring the health of the oral structures and the integrity of the occlusion; and
    - iii. assessing whether side-effects and complications involving the cranio-facial complex are developing, such as the appliance producing temporomandibular problems or causing occlusal changes.

Follow-up visits need to occur at regular intervals for the life of the appliance.

15. Treatment must be monitored by both the Dentist and the Sleep Clinician.
16. Taking into consideration the treatment provided, there must be appropriate communication between the Dentist or Specialist and the Sleep Clinician and between the Dentist and the patient's usual treating Dentist.

## DOCUMENTATION AND TRAINING

17. Registrants/providers who are providing dental treatment in this area must:
- a. follow the recommendations for the use of dental appliances for the treatment of sleep disorders that are documented in the American Sleep Disorders Association's publication *Practice Parameters for the Treatment of Snoring and Obstructive Sleep Apnoea with Oral Appliances*. The essence of these clinical guidelines has been incorporated in the requirements documented above; and
  - b. ensure their knowledge is up to date in this area.

## NON-COMPLIANCE

18. The Board may investigate allegations and take disciplinary proceedings against a registrant/provider who has contravened or failed to comply with this Code of Practice.
19. A contravention of or failure to comply with this Code of Conduct will, of itself, amount to unprofessional conduct.

## RESOURCES

### Documents

- Chan, A.S.L., Lee, R.W.W. and Cistulli, P.A. (2007) Dental Appliance Treatment for Obstructive Sleep Apnoea. *Chest*, 132; pp.693-699.
- Kushida, C.A., Morgenthaler, T.I., Littner, M.R., Alessi, C.A., Bailey, D., Coleman, Jr., J., Friedman, L., Hirshkowitz, M., Kapen, S., Kramer, M., Lee-Chiong, T., Owens, J. and Pancer, J.P. (2005) Practice Parameters for the Treatment of Snoring and Obstructive Sleep Apnea with Oral Appliances: An Update for 2005. An American Academy of Sleep Medicine Report. *Sleep* 29 (2), pp. 240-243.
- Ferguson, K.A., Cartwright, R., Rogers, R. and Schmidt-Nowara, W. (2006) Oral Appliances for Snoring and Obstructive Sleep Apnea: A Review. *Sleep* 29 (2), pp. 244-262.
- Sherring D, Vowles N, Antic R, Krishnan S, Goss AN. (2001) Obstructive sleep apnoea: a review of the orofacial implications. *Australian Dental Journal* 46 (3); pp. 154-165.
- Australian Dental Association Inc. *Use of Dental Appliances to treat sleep disorders* Policy Statement 5.7, November 11/12 2004  
<http://www.ada.org.au/PolGuides.asp>

### Organizations

- American Academy of Sleep Medicine  
<http://www.aasmnet.org/>
- American Academy of Dental Sleep Medicine  
<http://www.aadsm.org/>
- Australian Dental Association  
<http://www.ada.org.au/>
- Australasian Sleep Association  
<http://www.sleepaus.on.net/>
- Thoracic Society of Australia and New Zealand  
<http://www.thoracic.org.au>

## Dental Records

Code of Practice

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### PREAMBLE

1. This Code of Practice has been developed pursuant to the *Dental Practice Act 2001* (SA) (the Act) which provides that one of the functions of the Dental Board of South Australia (the Board) is to prepare or endorse codes of conduct or professional standards for registered persons or codes of conduct for dental services providers.

2. For the purposes of this Code of Practice:

“**Registrant**” means a dental practitioner or dental student with current registration under the Act; and

“**Provider**” means a dental services provider as defined by the Act.

### PURPOSE

3. The Board has developed this Code of Practice to ensure that registrants/providers maintain records that serve the best interests of their patients by contributing to the safety and continuity of their dental treatment.

### SCOPE

4. This Code of Practice applies to all registrants with current registration under the Act and to all providers.

5. This Code of Practice prescribes the minimum requirements for the keeping of all dental records including paper-based records, electronic records, x-rays, video records, photographic records, diagnostic casts and all media upon which records are kept.

6. There are a number of laws that have an impact on the keeping of dental records and registrants/providers must manage their dental records in accordance with this Code of Practice and the requirements of State and Commonwealth statutes and their associated regulations including:

- a. the *Health and Community Services Complaints Act 2004* (SA)
- b. the *Privacy Act 1988* (Cth)
- c. the *Drugs Act 1908* (SA)
- d. the *Controlled Substances Act 1984* (SA)
- e. the *Freedom of Information Act 1991* (SA)
- f. the *State Records Act 1997* (SA)
- g. the *Radiation Protection and Control Act 1982* (SA)
- h. the *Environment Protection Act 1993* (SA).

Registrants/providers may access State legislation at [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au) and Commonwealth legislation at [www.comlaw.gov.au](http://www.comlaw.gov.au) or at the Board's offices.

## **REVIEW**

7. This Code of Practice will be reviewed and updated within three years of the issue date or earlier if any changes to legislation, or national or international standards or any developments in the provision of dental treatment indicate a need for review.

## **PURPOSE OF DENTAL RECORDS**

8. A record of each patient visit is an essential part of the provision of dental treatment.
9. Good dental records facilitate high-quality, comprehensive care by making detailed and relevant patient information (both current and historical) readily available to registrants/providers.
10. Accurate dental records assist in the efficient and complete delivery of treatment in the event of another registrant/provider assuming that patient's treatment. Records also provide a means of continuity in documentation and patient care.
11. Dental records are useful for forensic purposes and can play an important role in the identification of deceased and missing persons.
12. Dental records can provide a repository of valuable information for teaching, education and research.
13. Dental records are created to document and record treatment details, so that an accurate description of such treatment can be accessed should this be required in the case of a dispute or the requirement to provide evidence.

## **INFORMATION TO BE RECORDED**

14. The following information forms part of the dental record and is to be recorded and maintained, where relevant. The details that are recorded for a patient will be determined on a case by case basis:

### **Patient details**

- a. Identifying details of the patient.
- b. Completed and up to date medical history.

### **Charting**

- On first attendance for examination the mouth should be fully charted within the clinical scope of the registrant/provider both using an odontogram and text.
- The minimum suggested requirements of a Dental Chart are set out in the Appendix to this Code of Practice.

### **Clinical details**

For each appointment, clear documentation describing:

- The date of the visit.
- The identifying details of the registrant/provider providing the treatment.
- A description of the presenting complaint, relevant history, clinical findings and observations, diagnosis, treatment options and **treatment plan** agreed to.
- Informed patient consent.
- Information about the type of examination conducted.
- All procedures carried out.
- Instrument tracking information (batch control identification), where relevant.
- Drugs prescribed or administered or other therapeutic agents used (name, quantity, dose, instructions).
- Unusual sequelae to treatment.
- Radiographs and other relevant diagnostic data.

### **Other details**

- All referrals to and from other registrants/providers.
- Any relevant communication with or about the patient.
- Details of anyone contributing to the dental record.
- Estimates or quotations of fees.
- Billing and payment information.
- Emergency contact details.
- Details of any medical practitioners involved.
- Details of parent, guardian, care giver or medical agent.

## **GENERAL PRINCIPLES TO BE APPLIED**

15. The following are the minimum requirements for dental records. This is, in the view of the Board, the minimum standard required for public safety:
- A **written treatment plan** must be available for all patients.
  - A dental record must be made at the time of the appointment or as soon thereafter as practicable.
  - Entries on the dental record must be made in chronological order.
  - Entries on the dental record must be accurate and concise.
  - Dental records must be readily understandable by third parties (particularly another registrant/provider). (Third party access is subject to the application of the provisions of Commonwealth privacy legislation (private sector) and State freedom of information legislation (public sector)).
  - Dental records must be promptly retrievable when required.
  - Dental records must be stored securely and safeguarded against loss or damage.
  - All comments must be couched in objective, unemotional language.
  - Corrections made to dental records must not remove the original information. Any correction made to dental records must include the date and time of the correction, and must be signed by the author of the correction.

- The treating registrant/provider must not delegate responsibility for the accuracy of medical and dental information to another person.
16. Registrants/providers have a professional and legal responsibility to:
    - a. Keep the information they collect and record about patients confidential.
    - b. Retain, transfer, dispose of, correct and provide access to dental records in accordance with the requirements of the laws of the State and Commonwealth.
  17. Registrants/providers must ensure that all premises where dental treatment is provided, including surgeries, are adequately staffed to promote compliance at all times with this Code of Practice and to enable patient care and safety to be maintained.
  18. In order to practise in a professionally responsible manner, registrants/providers must maintain their dental records at a standard that satisfies the purpose of this Code of Practice. Registrants/providers may exercise their professional judgment in emergency situations.
  19. All dental records must be kept for at least 7 years after the final entry. Records in relation to the treatment of minors should be retained for at least 7 years after the minor has attained 18 years of age.
  20. Registrants/providers in the public sector should be aware that official records made or received by a public agency in the conduct of its business will form part of an official record under the State Records Act 1997 (SA). Destruction (or disposal) of an official record may only be carried out in accordance with a determination made by the Manager of State Records with the approval of the State Records Council.

Where it is appropriate and lawful to destroy client records, registrants/providers must ensure that it is done so as to maintain confidentiality.

## DENTAL RECORDS: COLLECTION, SECURITY AND ACCESS

21. Dental records in the private sector contain health information for the purposes of the National Privacy Principles under the *Privacy Act 1988* (Cth) (the Privacy Act).
22. "Health information" is personal information:
  - about an individual's health or disability at any time (past, present or future);
  - about an individual's expressed wishes regarding future health services;
  - about health services provided, or to be provided, to the individual;
  - collected whilst providing a health service; or
  - collected in connection with the donation or intended donation of body parts and substances.

"Health information" includes any information collected by a registrant/provider during the course of providing treatment and care to an individual, including:

  - medical and dental information;
  - personal details, such as name, address, billing information and Medicare number;
  - information generated by a registrant/provider or assistant, such as notes and opinions about an individual and his or her health; and
  - information about physical or biological samples, where it can be linked (for example, where a name or identifier is attached).

23. The Privacy Act applies to health information held in the private sector in any form, including paper, electronic, visual (x-rays, videos and photos) and audio records.
24. The NPPs provide individuals with a right of access to their personal information held by private sector registrants/providers. Where a government agency has in its possession or under its control records or personal information of an individual, he or she may have access to those records in accordance with the *Freedom Of Information Act 1991 (SA)* ("FOI").
25. Ways in which individuals may gain access to their personal information include:
  - by inspecting the record (if held in electronic form, by way of a printout);
  - by receiving a copy of the record; or
  - by viewing the record and having its contents explained by the registrant/provider holding the record or by another suitably qualified professional.
26. There is a limited number of exemptions to this general right of access to records. Registrants/providers should familiarise themselves with the relevant exceptions as outlined in the NPPs, or where applicable, the *FOI Act 1991 (SA)*.
27. Registrants/providers shall comply with the relevant privacy principles. Those in the private sector must comply with the National Privacy Principles as contained in Schedule 3 of the *Privacy Act 1988 (Commonwealth)* ("NPPs"). Registrants/providers in the South Australian public sector are to comply with Premier and Cabinet Circular 12 and the Department of Health's Code of Fair Information Practice; the latter generally reflects the NPPs.
28. Registrants/providers are advised to familiarise themselves with the key principles of the NPPs, or where applicable, Premier and Cabinet Circular 12 and the Code of Fair Information Practice, particularly in relation to the following matters:
  - The purpose and manner of collecting personal information;
  - The use and disclosure of personal information collected;
  - The requirement to take reasonable steps to ensure the personal information collected, used or disclosed is accurate, complete and up-to-date;
  - The requirement to take reasonable steps to protect personal information held from misuse and loss and from unauthorised access, modification or disclosure;
  - The requirement to adopt a policy of openness, transparency and accountability for the management of personal information collected;
  - The requirement to give access to the personal information held on request, and the need to take reasonable steps to correct personal information if it is found to be inaccurate, incomplete, misleading or not up-to-date;
  - The requirement to limit the use of identifiers that government agencies have assigned to an individual;
  - The requirement to give individuals, wherever it is lawful and practicable, the option of not identifying themselves when their personal information is collected;
  - The requirement to take reasonable steps to maintain the security and protect the privacy of personal information if it is transferred to a third party; and

- The requirement to limit, wherever possible, the collection of sensitive information about individuals.

Registrants/providers can access the NPPs from the website of the Office of the Privacy Commissioner: [www.privacy.gov.au](http://www.privacy.gov.au)

Premier and Cabinet Circular 12 can be accessed via the Department of Health intranet site links to Government and The Code of Fair Information Practice can be accessed from the Department of Health's website: [www.health.sa.gov.au](http://www.health.sa.gov.au)

29. Dental records are kept primarily for the benefit of the patient but the dental record is the property of the registrant/provider. Registrants/providers may be required to release and provide access to dental records to satisfy legislated requirements (including the requirements of courts of law).

### **TRANSFER OF DENTAL RECORDS**

30. There is a professional obligation for a registrant/provider to provide a new treating registrant/provider with all of the information needed to help care for a patient.
31. When a patient changes registrant/provider, on the written request of the patient, at least a summary of the patient record maintained by the first registrant/provider must be transferred to the second registrant/provider.
32. Registrants/providers must ensure that a sufficient dental history is made available on request to any subsequent registrant/provider to ensure the continued good management of the patient. The written consent of the patient is required before such information can be provided to the new registrant/provider.

### **MEDICO LEGAL REPORTS**

33. The consent of the patient is required for any medico legal report.
34. In most cases initial ownership of medico legal reports prepared for third parties resides with the author of the report. The author may pass ownership of such a report to the party for whom it was prepared, but only once any applicable payment for the report has been agreed and paid.

### **COSTS**

35. The Board accepts that reasonable charges sufficient to meet the costs of researching and documenting information sought on patient records may be charged to patients or their legally authorised agents for the provision of such information.

### **DEATH OR RETIREMENT OF DENTAL PRACTITIONERS**

36. A sole registrant/provider shall make appropriate provisions for the storage, transfer or sale of records upon his/her retirement and termination of business and as a contingency in the event of his/her untimely death.

37. Registrants/providers in partnership should ensure that they have a detailed formal written agreement at the time of entering into the partnership addressing the issues likely to be encountered, including the division or transfer of records upon the dissolution of the partnership, or upon the retirement or death of one partner.
38. To ensure continuity of care, registrants/providers shall make appropriate provisions to inform patients of the registrant/provider to whom or to which their records, if held, will be or have been transferred in the aforementioned situations.
39. Registrants/providers should seek professional advice regarding the transfer of records where the circumstances are not routine.

### **NON COMPLIANCE**

40. The Board will use the minimum standard described in this Code of Practice in evaluating the professional conduct of registrants/providers.
41. The Board may investigate allegations and take disciplinary proceedings against a registrant/provider who has contravened or failed to comply with this Code of Practice.
42. A contravention of or failure to comply with this Code of Conduct will, of itself, amount to unprofessional conduct.

### **BOARD PUBLICATIONS**

43. The following Board publication is also relevant to record keeping and should be read in conjunction with this Code of Practice:
  - *Guidelines on Dental Records*  
A guideline on dental records for Dental Practitioners provided by the Board.

The Board's documents are available on the website or by contacting the Board  
see <http://www.dentalboardsa.com.au>

## APPENDIX

This Appendix sets out the minimum suggested requirements of a Dental Chart:

### Charting

#### 1. Initial Charting of the Mouth:

- On first attendance for examination the mouth should be fully charted both using an odontogram and text.

#### 2. Minimum Suggested Requirements of a Dental Chart:

- The International Dental Federation (FDI) system of charting is recommended.
- The chart should include an odontogram on which the following items should be indicated:
  - Treated teeth:  
toothcode, surface(s), material used:  
-gold, amalgam, synthetic, other.
  - Teeth present and sound or missing.
- Hard tissue abnormalities.
- Soft tissue abnormalities.
- Occlusion, including tooth mobility.
- Periodontal status:
  - Presence of any periodontal diseases.
  - Periodontal pocket depth.
  - Supra-gingival calculus.
  - Sub-gingival calculus.
  - Oral hygiene status.
- Prosthetic appliances present, including materials used, teeth replaced.

#### 3. Charting of Subsequent Treatments:

Textual description of treatment should include:

- Tooth code (FDI notation).
- Surface(s) of the tooth.
- Material used.
- Australian Dental Association Inc. item number.
- Prosthetic appliances including partial and full dentures, bridges and pontics, implants.
- It is recommended that the odontogram be updated after completion of treatment.

#### 4. Charting of Treatment on Referral.

- The registrant/provider to whom the patient has been referred should complete a full basic charting with detailed charting pertaining to any area or areas of relevance to the reason for the referral.

## General Practitioner Dentists in Specialist Practices

### Code of Practice



Issue Date: November 2009

Last Updated:

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Approved by the Minister for Health: 10 November 2009

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### PREAMBLE

1. This Code of Practice has been developed pursuant to the *Dental Practice Act 2001* (SA) (the Act) which provides that one of the functions of the Dental Board of South Australia (the Board) is to prepare or endorse codes of conduct or professional standards for registered persons or codes of conduct for dental services providers.

2. For the purposes of this Code of Practice:

“**Registrant**” means a dental practitioner or dental student with current registration under the Act; and

“**Provider**” means a dental services provider as defined by the Act.

### PURPOSE

3. This Code of Practice relates to situations where Dentists are working alongside Specialists. The Board has developed this Code of Practice to ensure that members of the public are informed about the qualifications and specialist status of the registrant providing dental treatment following a referral to a specialist practice.

### DEFINITION

4. For the purposes of this Code of Practice a **General Practitioner Dentist** is a registered Dentist who has no qualification in a declared specialty pursuant to section 3 (1) of the Act.

### BACKGROUND

5. The Board is aware of an increasing trend for specialist dental practices to have General Practitioner Dentists working in the same practice. General Practitioner Dentists may be, inter alia, employees, associates or partners in the practice and may be called upon to treat patients referred to the practice for specialist treatment.

The implications of this practising arrangement include the possibility of a complaint from:

- a. a patient that they were not informed that they were seeing a General Practitioner Dentist when they expected to see a Specialist; or
- b. a referring registrant that they were not aware a General Practitioner Dentist who is working in the specialist practice and who subsequently treats one of their referred patients was not a Specialist or a Specialist in that field of dentistry; or

- c. a patient who would accept higher fee levels from the Specialist but would be dissatisfied if they were charged specialist fees for treatment by a General Practitioner Dentist.

The owners or partners of specialist practices must ensure that all people involved in the process of the referral to the specialist practice are aware that there is a possibility or likelihood that they will be treated by a Dentist who is not a Specialist.

## **SCOPE**

6. This Code of Practice applies to all specialist practices in which a General Practitioner Dentist works and in which it is possible that the General Practitioner Dentist would be treating patients referred for specialist treatment.
7. If a practitioner refers a patient to a Specialist or a specialist practice where there are no General Practitioner Dentists, it is assumed that the patient will see a Specialist and the requirements of this Code of Practice do not apply.

## **REVIEW**

8. This Code of Practice will be reviewed and updated within three years of the issue date or earlier if any changes to legislation, national or international standards or any developments in the provision of dental treatment indicate a need for review.

## **REQUIREMENTS**

9. If the referral is to a practice in which there are General Practitioner Dentists practising with Specialists, the following concerns must be addressed by the specialist practice:
  1. Patients who are referred to a specialist practice and who expect to see a Specialist must be seen by the Specialist at the initial consultation.
  2. Patients referred to the specialist practice must be informed by the specialist practice that they are not being treated by a Specialist if they are directed at any stage of the treatment to a General Practitioner Dentist.
  3. Referring registrants must be made aware that if they refer patients to the specialist practice, the patient may be seeing a Specialist or a General Practitioner Dentist after the initial consultation.
10. These requirements must be addressed by way of a written policy in the specialist practice that is known, understood and acted upon by all registrants/providers and staff. It is important to ensure that all people involved in the process of the referral to the specialist practice are aware of the situation. The objective of the written policy is to ensure that all persons involved in the treatment of the patient are aware of the policy/practice, thus minimising the likelihood of customer dissatisfaction and consequent complaints.

11. The Board will not require specialist practices to submit their policy but will require evidence of the policy and compliance with it if a complaint is laid and the Board is required to exercise its powers pursuant to the Act to inquire into matters that are alleged to constitute grounds for disciplinary action.

#### **NON-COMPLIANCE**

12. The Board may investigate allegations and take disciplinary proceedings against a registrant/provider who has contravened or failed to comply with this Code of Practice.
13. A contravention of or failure to comply with this Code of Conduct will, of itself, amount to unprofessional conduct.

## Infection Control

Code of Practice

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### PREAMBLE

1. This Code of Practice has been developed pursuant to the *Dental Practice Act 2001* (SA) (the Act) which provides that one of the functions of the Dental Board of South Australia (the Board) is to prepare or endorse codes of conduct or professional standards for registered persons or codes of conduct for dental services providers.

2. For the purposes of this Code of Practice:

“**Registrant**” means a dental practitioner or dental student with current registration under the Act; and

“**Provider**” means a dental services provider as defined by the Act.

### PURPOSE

3. The Board has developed this Code of Practice to ensure that registrants/providers practise in a way that maintains and enhances public health and safety and that the risk of the spread of infectious diseases is prevented or minimized.

### SCOPE

4. This Code of Practice applies to all registrants with current registration under the Act and to all providers.

### REVIEW

5. This Code of Practice will be reviewed and updated within three years of the issue date or earlier if any changes to legislation, national or international standards or any developments in the provision of dental treatment indicate a need for review.

### INTRODUCTION

6. Many infectious agents are present in health care settings.

7. The purpose of infection control is to prevent the transmission of disease-transmitting microorganisms and agents:

- from one patient to another;
- from registrant to patient;
- from patient to registrant or other staff (such as an assistant, receptionist, laboratory technician);
- from dental instruments or from the premises to the patient, registrant or other staff.

## REQUIREMENTS

8. Effective infection control requires attention to the following matters:
- a. applying basic measures for infection control (this includes observing standard and additional precautions, identifying hazards and minimizing risks, identifying who is at risk and from what);
  - b. adopting quality management practices (this includes administrative arrangements such as a documented infection control program in which staff are educated and regularly retrained, understanding the ethical and legal considerations that affect the delivery of dental treatment and auditing, training and evaluation of practice especially in relation to instrument reprocessing and sterilising);
  - c. developing effective work practices and procedures that prevent the transmission of infectious agents (such as correct hand washing and personal hygiene, use of personal protective equipment; environmental hygiene including the design and maintenance of premises, management of clinical wastes, handling and disposal of sharps, handling of blood, instrument reprocessing and sterilising, use of items labelled single use and antibiotic utilisation, the management of incidents involving exposure to blood or body fluid, environmental cleaning and spills management and protection for registrants/providers including health status records, immunisation and testing of immune status);
  - d. managing specific infectious diseases (this includes identifying the major risk factors and establishing management procedures for their practice);
  - e. identifying infection control strategies in a specialized health care setting such as dental premises (i.e. identifying the major risk factors and management procedures that specifically pertain to dental practice).

[Taken from Commonwealth Government Department of Health & Ageing *Infection control guidelines for the prevention of transmission of infectious diseases in the health care setting*]

This is not an exhaustive list of the matters which require attention. Registrants/providers should also refer to the further information contained under the headings "Documentation" and "Resources".

## DOCUMENTATION

9. Every place where dental treatment is being provided must have in either hard copy or electronic form, a **manual** setting out the infection control protocols and procedures used in that practice, which includes the relevant requirements of the following documents or the updated versions thereof:
- the Commonwealth Government Department of Health and Ageing's ***Infection control guidelines for the prevention of transmission of infectious diseases in the health care setting*** (published January 2004);
  - the Australian and New Zealand Standard **AS/NZS 4815:2006. *Office-based health care facilities – Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment*** (registrants/providers work under AS/NZS 4815 unless they work within an organization that operates under AS/NZS 4187:[current edition] *Cleaning, disinfecting and sterilizing reusable medical and surgical instruments and equipment, and maintenance of associated environments in health care facilities*);

- the *Therapeutic Goods (Medical Devices) Regulations 2002* (Cth), Department of Health and Ageing.

See the RESOURCES section for details on how to access the above documents.

10. Every registrant/provider and all staff must have access to the manual which must be updated regularly, especially when policies and procedures have been reviewed.

## BEHAVIOURS

11. Every registrant/provider must:
  - a. ensure that the premises in which he or she practises are kept in a clean and hygienic state to prevent the spread of infectious disease; and
  - b. ensure that in attending a patient he or she takes such steps as are practicable to prevent or contain the spread of infectious disease; and
  - c. act in accordance with the requirements set out in the documents referred to in Clause 9.
12. Registrants/providers must ensure that all premises where dental treatment is provided including surgeries are adequately staffed to promote compliance at all times with this Code of Practice and to enable patient safety and care to be maintained.

## INSPECTION

13. Pursuant to section 51 of the Act, a person authorised by the Board to exercise the powers of an inspector under the Act may, for the purposes of an investigation, inspect premises where dental treatment is provided including surgeries of registrants/providers to assess the standard of infection control in a practice or location where dental treatment is being provided. During an inspection a registrant/provider may be requested to produce a documented infection control program or practice manual addressing infection control protocols.

## NON-COMPLIANCE

14. The Board may investigate allegations and take disciplinary proceedings against a registrant/provider who has contravened or failed to comply with this Code of Practice.
15. A contravention of or failure to comply with this Code of Conduct will, of itself, amount to unprofessional conduct.

## RESOURCES

Commonwealth Government Department of Health & Ageing's *Infection control guidelines* is available online at:

<http://www.health.gov.au> under Publications

AS/NZS 4815:2006. Office-based health care facilities – Reprocessing of reusable medical and surgical instruments and equipment, and maintenance of the associated environment and other Standards Australia documents are available from:

<http://www.standards.org.au>

Level 10, The Exchange Centre, 20 Bridge Street, Sydney, N.S.W. 2000 or G.P.O. Box 476, Sydney, N.S.W. 2001

☎ 1800 035 822

Dental Board of South Australia's publications are available from:

<http://www.dentalboardsa.com.au>

☎ +61 8364 5358

An example of a procedures manual for infection control in dental practice can be found at the Australian Dental Association Victorian Branch Inc's website at: [www.adavb.com.au](http://www.adavb.com.au) (under Member Services/Infection Control)

National Health & Medical Research Council *The Australian Immunisation Handbook (current edition)* available at:

<http://www.nhmrc.gov.au/publications>

Department of Health and Human Services Centers for Disease Control and Prevention (USA) *Guidelines for Infection Control in Dental Health-Care Settings – 2003* available at:

<http://www.cdc.gov/oralhealth/infectioncontrol/guidelines/index.htm>

Infection Control Service of the South Australian Department of Health (SA Health) <http://www.health.sa.gov.au/INFECTIONCONTROL> which provides access to South Australian Infection Control Guidelines, fact sheets and resources.

*Therapeutic Goods (Medical Devices) Regulations 2002* (Cth)

*These Regulations* are obtainable from <http://www.austli.edu.au> and a streamlined guide to the medical device requirements in the Regulations is obtainable from the Commonwealth Government Department of Health and Ageing's website [www.health.gov.au](http://www.health.gov.au) if a search is conducted under information by health topic "therapeutic goods" and then the actual title of the Regulations is entered as the keywords in the 'go' box.

## Informed Consent

Code of Practice

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### PREAMBLE

1. This Code of Practice has been developed pursuant to the *Dental Practice Act 2001* (SA) (the Act) which provides that one of the functions of the Dental Board of South Australia (the Board) is to prepare or endorse codes of conduct or professional standards for registered persons or codes of conduct for dental services providers.

2. For the purposes of this Code of Practice:

“**Registrant**” means a dental practitioner or dental student with current registration under the Act; and

“**Provider**” means a dental services provider as defined by the Act.

### PURPOSE

3. The Board has developed this Code of Practice to ensure that registrants/providers practise in a professionally responsible manner and assist patients to make well informed decisions about their dental treatment. The requirements of professional responsibility and informed consent are part of the overall duty of registrants/providers to take reasonable care in looking after a patient.

4. There are ethical and legal reasons why registrants/providers must adequately inform patients about proposed investigations, treatments or procedures, especially in regard to risks and dangers, and must be satisfied that patients understand and consent to these.

### SCOPE

5. This Code of Practice applies to all registrants with current registration under the Act and to all providers.

### DEFINITIONS OF TERMS USED IN THIS CODE OF PRACTICE

6. **Informed consent** is the approval given by a patient to a registrant/provider to proceed with agreed dental treatment following receipt by the patient of all the information that a reasonable person in the same circumstances would require in order to make a decision. The patient must understand the nature, effect and possible risks of the proposed dental treatment and the alternative options. The registrant/provider must respond to any reasonable requests from the patient for additional information about the matter. The patient must freely decide for himself or

herself without unfair pressure or influence from another person on an informed basis to ensure that his or her best interests are served.

Registrants/providers must comply with Section 15 and 16 of the *Consent to Medical Treatment and Palliative Care Act 1995* (SA).

7. **Mental incapacity** (as defined in section 3 of the *Guardianship and Administration Act 1993* (SA)) means the inability of a person to look after his or her own health, safety or welfare or to manage his or her own affairs, as a result of:
  - (a) any damage to, or any illness, disorder, imperfect or delayed development, impairment or deterioration, of the brain or mind; or
  - (b) any physical illness or condition that renders the person unable to communicate his or her intentions or wishes in any manner whatsoever.
8. An **Enduring Power of Guardianship** (see Part 3 of the *Guardianship and Administration Act 1993* (SA)) is a legal document in which one person gives to another person the power to act on his or her behalf to make health and lifestyle decisions, which commences upon and endures notwithstanding mental incapacity.
9. A **Guardianship Order** (see section 29 of the *Guardianship and Administration Act 1993* (SA)) is the appointment by the Guardianship Board of a substitute decision maker who can make decisions about dental treatment on behalf of a person with a mental incapacity.
10. Pursuant to Part 2, Division 3 of the *Consent to Medical Treatment and Palliative Care Act 1995* (SA), patients are able to appoint representatives known as **Medical Agents** to make decisions about dental treatment on their behalf if they become incapable of making their own decisions. The document which authorizes the medical agent to act on behalf of the patient is a **Medical Power of Attorney**.
11. Pursuant to Part 2, Division 2 of the *Consent to Medical Treatment and Palliative Care Act 1995* (SA), patients are able to make advance decisions about the kind of treatment they want, or do not want, in the event they are not able to decide for themselves in the future. A decision made in this way is called an **Anticipatory Direction**. It may be used alone or together with a Medical Power of Attorney, so that the Medical Agent can consent to, or refuse, treatment in circumstances that may not have been foreseen. However, a Medical Agent must exercise his or her powers consistently with any Anticipatory Direction the patient has made.
12. A person is acting *in loco parentis* in relation to a child when they assume the duties of a parent towards that child, particularly the duty to care for and protect the child, and when they reside with that child on a day to day basis in a carer capacity (eg where a child is residing with grandparents).
13. In certain circumstances, pursuant to section 12 of the *Consent to Medical Treatment and Palliative Care Act 1995* (SA), children may themselves consent to dental treatment as set out in clause 46 of this Code of Practice.
14. The word **patient** in this Code includes reference to a **patient's representative** which includes a medical agent, an enduring guardian and persons who are specified relatives as defined in section 3 of the *Guardianship and Administration Act 1993* (SA).

## REVIEW

15. This Code of Practice will be reviewed and updated within three years of the issue date or earlier if any changes to legislation, national or international standards or any developments in the provision of dental treatment indicate a need for review.

## REQUIREMENTS

16. Registrants/providers must comply with Commonwealth and State legislation as well as with common law and this Code of Practice. The regulatory framework for informed consent to dental treatment includes the *Consent to Medical Treatment and Palliative Care Act 1995 (SA)* and the *Guardianship and Administration Act 1993 (SA)*.
17. A registrant/provider must obtain informed consent from a patient for all dental treatment. The registrant/provider must clearly document that informed consent by endorsement by or on behalf of the registrant/provider in the patient's dental records.
18. Section 15 of the *Consent to Medical Treatment and Palliative Care Act 1995 (SA)* requires that the patient is given adequate information including information on relevant options and associated risks to enable an informed decision to be made and informed consent to be given before dental treatment is commenced.
19. A registrant/provider must explain to a patient (or the patient's representative) so far as may be practicable and reasonable in the circumstances:
  - (a) the nature, consequences, risks, costs and estimated treatment time of proposed dental treatment; and
  - (b) the likely consequences of not undertaking the treatment; and
  - (c) the nature, consequences, risks, costs and estimated treatment time (where applicable) of any alternative treatment or courses of action (including undertaking no treatment or action) that might be reasonably considered in the circumstances of the particular case.
20. A registrant/provider must keep the patient informed of:
  - the nature of any proposed diagnostic procedures or dental treatment;
  - any side-effects, risks or possible complications of dental treatment;
  - the probable cost of the dental treatment and of the alternatives and the treatment time required;
  - the possible reasons why the condition has occurred and what risk factors could be modified to prevent future recurrence of the condition;
  - the likely consequences of not undertaking the treatment;
  - the estimated longevity of the dental treatment and any maintenance requirements; and
  - alternatives to the proposed dental treatment.
21. The registrant/provider must where appropriate:
  - use words that the patient can understand;

- allow the patient to ask questions;
- repeat information if necessary;
- give the patient time to make a decision without any sense of pressure;
- present information in a form that respects cultural knowledge, rights, practice values and expectations; and
- use a competent interpreter if the patient does not speak English.

## RISKS

22. In general, the registrant/provider has the duty to warn a patient of any material risks of the proposed dental treatment. A risk is material if, in the circumstances:
- a reasonable person in the patient's position, if warned of the risk, would be likely to attach significance to it; or
  - the registrant/provider is or should reasonably be aware that the particular patient, if warned of the risk, would be likely to attach significance to it.
23. The scope of the information and advice provided by the registrant/provider will depend upon:
- the nature of the dental treatment;
  - the probability of adverse effects;
  - the nature of the severity of the problem; and
  - the temperament, personality and understanding of the patient.

## EXCEPTIONS

24. There is an exception to the registrant's/provider's duty to provide information, as follows:
- the rule of "*therapeutic privilege*" permits the registrant/provider to withhold information in very limited circumstances if that information, in the registrant's/provider's reasonable judgement, would seriously harm the patient's health or welfare.
25. This exception applies only rarely and to exceptional cases, and does not apply merely because the patient does not agree with the course of dental treatment proposed by the registrant/provider.

## FORM OF CONSENT

26. Consent must be both **informed** and **effective**. To be **informed** a person must be given information about the procedure relevant to the individual situation. To be **effective** the person should be able to demonstrate in his or her own words an understanding of the proposed treatment. Merely asking the person if they understand and receiving a yes or nod in response is generally insufficient. Where any doubt relating to a person's mental capacity exists the registrant/provider should consult with the person's family or carers.
27. Informed consent must be given voluntarily by a person who is competent and legally authorised to consent.

28. Informed consent must involve disclosure by the registrant/provider of all the relevant information of which the registrant/provider would reasonably be expected to be aware including information on relevant options and associated risks.
29. Informed consent must be obtained on the basis of an examination or diagnosis using techniques, materials, equipment and devices that a registrant/provider engaged in the same area or specialty of practice would be reasonably expected to use in similar circumstances.
30. Informed consent must be specific for the proposed procedure or dental treatment.
31. Informed consent may be either oral or in writing, or in limited circumstances may be implied.
32. Informed consent for routine examination is normally implied.
33. For routine procedures, written informed consent is not generally necessary.
34. In the case of procedures which carry a higher risk or which are more complex, in the case of surgery, or in circumstances where after hours or 24 hour or emergency services are to be provided and higher than normal fees may be charged, the registrant/provider should obtain written informed consent. The fact that a patient signs an informed consent form, however, is not in itself informed consent, only evidence of a process to obtain informed consent. It does not alter the duty of the registrant/provider to provide full and proper information and advice.
35. The registrant/provider must make and keep a detailed record within the dental records of the patient that the procedure has been explained and that the patient has given informed consent.
36. Informed consent must be current. It must be for an individual course of care and must not be more than 12 months old.

## CAPACITY

37. By virtue of section 6 of the *Consent to Medical Treatment and Palliative Care Act 1995 (SA)* persons 16 years of age and over who are considered by the registrant/provider to have the capacity to understand the nature and the effect of the procedure have the capacity to give informed consent to dental treatment.
38. Competent adults are entitled to refuse any dental treatment or similar procedures which may be clinically indicated but which they do not want. Such decisions must be respected and followed.
39. A patient of full capacity may retract informed consent at any time before or during dental treatment.
40. In the short term, acute mental illness, drugs or alcohol may render a patient incapable of giving informed consent.
41. Senile, intellectually disabled or mentally ill patients may lack the capacity to give informed consent.

42. An adult patient may appoint an agent to make decisions regarding dental treatment, including the refusal of dental treatment, in contemplation of the possibility that the patient might become incompetent.
43. A guardian may make decisions regarding dental treatment for a person subject to a guardianship order.
44. A parent or guardian of a child under the age of 16 years can generally give informed consent to dental treatment for the child provided that the proposed dental treatment is in the best interests of the child.
45. Where a parent or guardian gives informed consent to dental treatment for their child, but the child refuses the treatment, if the registrant/provider is satisfied that the child is capable of understanding the nature and consequences of the treatment, then despite informed consent from a parent to the treatment the child's wishes must be accepted and treatment must not proceed, except in emergencies. The registrant/provider should have a follow up discussion with the child and the family to assist the child to understand the benefits of the treatment and the possible consequences of not proceeding.
46. In the absence of informed consent by a parent or guardian, subsection 12 (b) of the *Consent to Medical and Palliative Care Act 1995* (SA) provides that a child under the age of 16 years can give informed consent to any routine dental treatment if:
  - (1) the registrant/provider is of the opinion that the child understands the nature, consequences and risks of the proposed dental treatment and that the dental treatment is in the best interests of the child; and
  - (2) that opinion is supported by the written opinion of at least one other registrant/provider who personally examines the child before the treatment is commenced.

It is prudent to seek informed consent from a parent wherever possible to avoid misunderstanding and conflict unless there is an issue of confidentiality that may be relevant.

47. If a child refuses dental treatment and if the child lacks the capacity or understanding to give informed consent, a parent may give informed consent on the child's behalf. It may, however, be beyond the power of a parent to give informed consent to major dental treatment and the intervention of the Guardianship Board might be necessary.
48. A person acting *in loco parentis* has delegated authority to give informed consent.

## VALIDITY OF CONSENT

49. A person can give informed consent for a course of dental treatment and that informed consent will remain valid providing that:
  - there has not been a significant interruption or delay to the course of dental treatment; and
  - there has not been a change, to the reasonable knowledge of the registrant/provider, in a person's circumstances such as to affect the original informed consent; and

- there is no change in the dental treatment being provided that has not been explained to the person or the person providing informed consent; and
- there is no reason to think the person has revoked, or intended to revoke, the original informed consent.

## REGISTERED DENTAL STUDENTS

50. When dental treatment is to be provided by a registered dental student, the dental student and clinical supervisor must ensure that the patient is advised and agrees to being treated by a dental student and that this is appropriately documented.

## MENTAL INCAPACITY

51. If a person 16 years or over with a mental incapacity cannot consent to his or her own treatment, consent must be sought from a substitute decision maker, who can be:
- a medical agent appointed under a Medical Power of Attorney; or
  - a guardian appointed by the Guardianship Board (subject to any limits contained in the order); or
  - an enduring guardian appointed under an Enduring Power of Guardianship (subject to any limits detailed in the document).
52. Where there is no medical agent, guardian or enduring guardian, then, under section 59 of the *Guardianship and Administration Act 1993* (SA), the following relatives (defined in section 3 of that Act) can provide consent to dental treatment:
- a spouse or domestic partner; or
  - a parent; or
  - a brother or sister of or over 18 years; or
  - a daughter or son of or over 18 years; or
  - someone who acts *in loco parentis* for a person under the age of 18 years; or
  - someone who is charged with overseeing the ongoing day-to-day supervision, care and well-being of the person.
53. In cases where no one is available to provide substitute consent, or where there is a dispute or conflict about the treatment, the Guardianship Board can provide consent to dental treatment. This will involve a hearing before the Guardianship Board.
54. The Guardianship Board will only make an order when:
- a person has a mental incapacity;
  - the person cannot make reasonable decisions because of the incapacity;
  - there are decisions that need to be made and there is not a less restrictive way of making these decisions; and
  - it will assist to improve the person's quality of life.
55. Where the Guardianship Board (under a previous law, the *Mental Health Act 1977* (SA)) has appointed a Delegate to make health care decisions, the Delegate (until and unless his or her authority has been revoked) can consent or refuse consent for dental treatment, subject to limitations detailed in the Guardianship Board's delegation.

## EMERGENCY DENTAL TREATMENT

56. Section 13 of the *Consent to Medical Treatment and Palliative Care Act 1995 (SA)* provides as follows:

(Please note that, under the *Consent to Medical Treatment and Palliative Care Act 1995 (SA)*, "medical practitioner" includes a dentist, and "medical treatment" includes treatment/procedures administered or carried out by a dentist in the course of dental practice and includes the prescription or supply of drugs.)

- "(1) Subject to subsection (3), a medical practitioner may lawfully administer medical treatment to a person (the "patient") if—
- (a) the patient is incapable of consenting; and
  - (b) the medical practitioner who administers the treatment is of the opinion that the treatment is necessary to meet an imminent risk to life or health and that opinion is supported by the written opinion of another medical practitioner who has personally examined the patient; and
  - (c) the patient (if of or over 16 years of age) has not, to the best of the medical practitioner's knowledge, refused to consent to the treatment.
- (2) A supporting opinion is not necessary under subsection (1) if in the circumstances of the case it is not practicable to obtain such an opinion.
- (3) If—
- (a) the patient has appointed a medical agent; and
  - (b) the medical practitioner proposing to administer the treatment is aware of the appointment and of the conditions and directions contained in the medical power of attorney; and
  - (c) the medical agent is available to decide whether the medical treatment should be administered,
- the medical treatment may not be administered without the agent's consent.
- (4) If no such medical agent is available and a guardian of the patient is available, the medical treatment may not be administered without the guardian's consent.
- (5) If the patient is a child, and a parent or guardian of the child is available to decide whether the medical treatment should be administered, the parent's or guardian's consent to the treatment must be sought but the child's health and well-being are paramount and if the parent or guardian refuses consent, the treatment may be administered despite the refusal if it is in the best interests of the child's health and well-being."

## NO CONSENT

57. A registrant/provider who provides dental treatment to a patient without obtaining informed consent from that patient may be guilty of assault.

## ADVICE

58. If in doubt in a particular case, a registrant/provider should seek advice from the Office of the Public Advocate in South Australia or seek legal advice before proceeding to provide dental treatment.

## NON-COMPLIANCE

59. The Board will use the minimum standard described in this Code of Practice in evaluating the professional conduct of registrants/providers. The Board may investigate allegations and take disciplinary proceedings against a registrant/provider who has contravened or failed to comply with this Code of Practice.
60. A contravention of or failure to comply with this Code of Conduct will, of itself, amount to unprofessional conduct.

## LEGAL REQUIREMENTS

61. The legal framework for informed consent to dental treatment includes:
- *Consent to Medical Treatment and Palliative Care Act 1995 (SA)*
  - *Dental Practice Act 2001 (SA)* and *Dental Practice (General) Regulations 2007 (SA)*
  - *Freedom of Information Act 1991 (SA)*
  - *Guardianship and Administration Act 1993 (SA)*
  - *Privacy Act 1988 (Cth)*
  - *The common law relating to consent and confidentiality*
62. The existence of a Medical Power of Attorney or an Anticipatory Direction must also be considered.

## RESOURCES

Guardianship Board of South Australia  
[www.guardianshipboard.sa.gov.au](http://www.guardianshipboard.sa.gov.au)

South Australian Office of the Public Advocate  
[www.opa.sa.gov.au](http://www.opa.sa.gov.au)

## Professional Boundaries

Code of Practice

Issue Date: November 2009

Last Updated:

Next Review Date:

Approved by the Minister for Health: 10 November 2009



### PREAMBLE

1. This Code of Practice has been developed pursuant to the *Dental Practice Act 2001* (SA) (the Act) which provides that one of the functions of the Dental Board of South Australia (the Board) is to prepare or endorse codes of conduct or professional standards for registered persons or codes of conduct for dental services providers.

2. For the purposes of this Code of Practice:

“**Registrant**” means a dental practitioner or dental student with current registration under the Act; and

“**Provider**” means a dental services provider as defined by the Act.

### PURPOSE

3. The Board has developed this Code of Practice to ensure that registrants/providers maintain professional relationships and standards of interpersonal conduct that serve the best interests of their patients and to protect the safety of the public.

### SCOPE

4. This Code of Practice applies to all registrants with current registration under the Act and to all providers.

5. Registrants/providers must act in accordance with this Code of Practice and with the requirements of State and Commonwealth law.

### REVIEW

6. This Code of Practice will be reviewed and updated within three years of the issue date or earlier if any changes to legislation, national or international standards or any developments in the provision of dental treatment indicate a need for review.

### DEFINITION

7. **Professional boundaries** are the legal and interpersonal limits between registrants/providers and their patients which the peers of registrants/providers or the public might reasonably expect them to observe.

*[Adapted from: Statement on Sexual Relationships between Health Practitioners and their Patients - see Acknowledgements on page 3]*

## INTRODUCTION

8. The professional relationship between a registrant/provider and patient relies on trust and on the assumption that a registrant/provider will act in the best interests of the patient.
9. Where a professional relationship exists, registrants/providers must be conscious of the potential for role confusion or boundary violation when any other kind of relationship (beyond what is required for clinical treatment) with the patient exists.
10. Such dual relationships may give rise to the reasonable apprehension that a registrant's/provider's clinical judgement may be distorted, may not be impartial or may appear to be distorted.

## REQUIREMENTS

11. In order to practise in a professionally responsible manner, registrants/providers, while exercising their professional judgement in each particular situation, must behave in a way that satisfies the purpose of this Code of Practice.
12. All registrants/providers have a professional responsibility:
  - to act in the best interests of their patients;
  - to maintain appropriate professional boundaries with their patients;
  - not to exploit their patients;
  - not to violate the trust placed in them by their patients or in the case of minors, the minors' legal guardian/s;
  - not to abuse the power they have by virtue of their position and professional standing;
  - not to gain advantage in any way as a consequence of their position and professional standing;
  - to be conscious of the risks inherent in any dual relationship.
13. Registrants/providers must ensure that all premises where dental treatment is provided, including surgeries, are adequately staffed to promote compliance at all times with this Code of Practice and to enable patient safety and care to be maintained.
14. The professional-patient relationship is an unequal relationship and registrants/providers are responsible for establishing and maintaining professional boundaries with their patients. Registrants/providers are in a position of power because of the knowledge they hold and the patient's need for that knowledge. In order to ensure a trusting relationship, registrants/providers must not misuse or abuse the position of power by crossing boundaries. The crossing of boundaries has multiple dimensions that include sexual misconduct, physical abuse, financial abuse, dual relationships, breaches of confidentiality, inappropriate acceptance of gifts and inappropriate self-disclosure. The professional relationship between a registrant/provider and patient relies on trust and on the assumption that a registrant/provider will act in the best interests of the patient. In order to maintain healthy trusting professional relationships, registrants/providers must ensure their own competence, integrity and dependability.

15. Registrants/providers must:

- a. Behave ethically at all times and maintain professional boundaries with patients, the patient's immediate family and significant others.
- b. Be mindful at all times of the varying vulnerability of patients and the imbalance of power in the professional relationship. Patients are often vulnerable, especially when their health care makes it necessary for them to reveal themselves intimately to their health professional, physically or emotionally.
- c. Not exploit a trust relationship with patients. Initiation and/or consent by the patient in the case of economic, personal and/or sexual behaviour between a registrant/provider and a patient is not an excuse. Any exploitation of the relationship between the patient and the registrant/provider for the gratification or benefit of the registrant/provider is an abuse of power. For example, registrants/providers must not:
  - (i) Use their positions to establish improper personal relationships with patients, the patient's immediate family and significant others;
  - (ii) Put pressure on their patients to give or lend money or to provide other benefits to them;
  - (iii) Put pressure on their patients to enter into an economic venture or investment scheme with them. There may be a detrimental effect on a professional relationship with a patient if therapeutic and financial aspects in a relationship between a registrant/provider and a patient are combined.
- d. Not engage in a personal relationship or sexual behaviour with a current patient, or someone with whom the patient has a significant personal relationship. A sexual or improper personal relationship, even if the patient is a consenting adult, may cloud the registrant's/provider's judgement and make it less objective, which may in turn, result in the quality of care and service the registrant/provider provides for the patient being compromised. Registrants/providers must not, for example:
  - (i) Have sexual intercourse with a patient;
  - (ii) Initiate any form of sexual conduct in the patient's presence;
  - (iii) Make any inappropriate physical contact with the patient;
  - (iv) Make sexual proposals to a patient;
  - (v) Make unnecessary comments about a patient's body or clothing;
  - (vi) Tell a patient of their own sexual problems, desires, practices, preferences or fantasies;
  - (vii) Show disrespect of a patient's sexual orientation; or
  - (viii) Make sexually suggestive comments or innuendo to a patient.

- e. Seek appropriate advice and or counselling on recognition of the potential for professional boundary violations by either the registrant/provider or the patient, and if necessary transfer the patient to another registrant/provider for continuing and future health needs.
- f. Seek appropriate advice and/or counselling prior to entering into a relationship with a former patient or someone with whom the patient has a significant personal relationship.
- g. Avoid as much as possible the establishment of dual relationships with patients, and if this is not possible ensure mechanisms are established to avoid prejudicial practices.
- h. Not disclose information of a personal or intimate nature to their patients including, for example, details of his or her life, or personal crises or sexual desires or practices.
- i. Carefully consider the implications of giving gifts to, and accepting gifts from, their patients.
- j. Be aware of the warning signs that indicate professional boundaries are being crossed. Some of such warning signs include self-disclosure of information of a personal nature; flirtatious or overt sexual content interactions with patients; spending time with patients outside of working hours; and patients requesting and/or receiving non-urgent appointments at unusual hours, especially when other staff are not present.
- k. Be aware of the factors that may increase the likelihood of the breaching of professional boundaries. These include stressors in the registrant's/provider's personal life; breakdown of personal relationships; drug and/or alcohol abuse; mental illness and professional isolation.

## **NON-COMPLIANCE**

- 16. The Board will use the minimum standard described in this Code of Practice in evaluating the professional conduct of registrants/providers. The Board may investigate allegations and take disciplinary proceedings against a registrant/provider who has contravened or failed to comply with this Code of Practice.
- 17. A contravention of or failure to comply with this Code of Conduct will, of itself, amount to unprofessional conduct.

## **ACKNOWLEDGEMENTS**

In preparing this Code of Practice the Board acknowledges the influence of some of the ideas contained in the following documents:

Medical Practitioners' Board of Victoria *Professional boundaries: a guide for patients and doctors* Undated Brochure

Dental Board of the ACT *Policy paper 10 Dental Practitioners and Sexual Misconduct* August 1999

Queensland Nursing Council and Health Practitioner Boards' *Statement on Sexual relationships between health practitioners and their patients* May 2000

## Use of Soft Tissue Cosmetic Injections

Code of Practice

Issue Date: November 2009

Last Updated:

Next Review Date:

Approved by the Minister for Health: 10 November 2009



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### PREAMBLE

1. This Code of Practice has been developed pursuant to the *Dental Practice Act 2001* (SA) (the Act) which provides that one of the functions of the Dental Board of South Australia (the Board) is to prepare or endorse codes of conduct or professional standards for registered persons or codes of conduct for dental services providers.
2. For the purposes of this Code of Practice:  
  
    “**Registrant**” means a dental practitioner or dental student with current registration under the Act; and  
  
    “**Provider**” means a dental services provider as defined by the Act.

### PURPOSE

3. The Board has developed this Code of Practice to document the minimum standard of clinical practice required of registrants/providers in the use of soft tissue cosmetic injections and to protect the health and safety of the public.

### SCOPE

4. This Code of Practice applies to all registrants with current registration under the Act and to all providers.

### REVIEW

5. This Code of Practice will be reviewed and updated within three years of the issue date or earlier if any changes to legislation, national or international standards or any developments in the provision of dental treatment indicate a need for review.

### BACKGROUND

6. There has been growing interest by registrants/providers in the use of materials for facial volume augmentation and neuro-toxic agents around the mouth as a component of an overall treatment plan developed by the registrant/provider to complement other aesthetic dental procedures. Generally these soft tissue cosmetic injections would be undertaken by appropriately trained medical practitioners. The local anesthesia aspects of soft tissue cosmetic injections are not dissimilar to those associated with other surgical procedures.
7. The treatments have varying safety profiles and they are not currently taught in undergraduate dental programmes. Accordingly they are not regarded as part of the historical scope of the provision of dental treatment. They may, however, be reasonably considered as part of the practice of the speciality of Oral and Maxillofacial Surgery by those registrants/providers who have the appropriate training and skills to use the relevant procedures.

## REQUIREMENTS

8. Registrants/providers must only use restricted drugs in accordance with the requirements of the *Controlled Substances Act 1984 (SA)* and the *Controlled Substances (Poisons) Regulations 1996 (SA)*.
9. Dentists and Dental Specialists may use materials for facial volume augmentation and neuro-toxic agents around the mouth but only if they have the appropriate training and skills in the use of those materials that would be expected of Medical Practitioners fully trained in those procedures.

## NON-COMPLIANCE

10. The Board may investigate allegations and take disciplinary proceedings against a registrant/provider who has contravened or failed to comply with this Code of Practice.
11. A contravention of or failure to comply with this Code of Conduct will, of itself, amount to unprofessional conduct.

## References:

*Dental Practice Act 2001 (SA)*

*Controlled Substances Act 1984 (SA)*

*Controlled Substances (Poisons) Regulations 1996 (SA)*

## HOUSING IMPROVEMENT ACT 1940

### *Erratum*

IN *Government Gazette* No. 81 dated 19 November 2009, on page 5199, fifth entry below was printed in error and *should* be replaced with the following:

No. of House and Street	Locality	Allotment, Section, etc.	Certificate of Title	
			Volume	Folio
48 Railway Terrace East	Snowtown	Allotment 153 in Town of Snowtown, Hundred of Barunga	5241	86

Dated at Adelaide, 19 November 2009.

D. HUXLEY, Director, Corporate Services, Housing SA

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that The Grove Tennis Club Inc. has applied to the Licensing Authority for a Limited Club Licence with Entertainment Consent in respect of premises situated at corner of Mark and Oldham Roads, Elizabeth Vale, S.A. 5112 and to be known as The Grove Tennis Club Inc.

The application has been set down for hearing on 21 December 2009 at 3 p.m.

*Conditions*

The following licence conditions are sought:

- Entertainment Consent is sought for the area shown as Area 1 on the plan as per plans lodged with this office.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least three days before the hearing date (viz: 18 December 2009).

The applicant's address for service is c/o Reg Driver, 90 Collingbourne Drive, Elizabeth Vale, S.A. 5112.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 8 December 2009.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Shanker Sabapathy has applied to the Licensing Authority for the transfer of a Restaurant Licence and Redefinition in respect of premises situated at 89 Prospect Road, Prospect, S.A. 5082, known as Studio 89 Cafe + Venue and to be known as Shanker's.

The application has been set down for hearing on 4 January 2010 at 9 a.m.

*Conditions*

The following licence conditions are sought:

- Redefinition to include the room adjacent to Area 4 as per plans lodged with this office.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least four days before the hearing date (viz: 31 December 2009).

The applicant's address for service is c/o Shanker Sabapathy, 89 Prospect road, Prospect, S.A. 5082.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 1 December 2009.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that McLaren Vale Studio Winery Pty Ltd, 90 Chalk Hill Road, McLaren Vale, S.A. 5171 has applied to the Licensing Authority for a Direct Sales Licence in respect of the business to be known as Redheads Studio.

The application has been set down for hearing on 4 January 2010 at 10.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least four days before the hearing date (viz: 31 December 2009).

The applicant's address for service is c/o Piper Alderman, Geoff Forbes, G.P.O. Box 65, Adelaide, S.A. 5001.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 4 December 2009.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Toni Tannous Kanaan and Rema Kanaan have applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 164 King William Road, Hyde Park, S.A. 5061, known as Zoes Restaurant and Takeaway and to be known as Zoe's Restaurant.

The application has been set down for hearing on 13 January 2010 at 9.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least seven days before the hearing date (viz: 6 January 2010).

The applicants' address for service is c/o Rema Kanaan, 164 King William Road, Hyde Park, S.A. 5061.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 2 December 2009.

Applicants

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Anthony Andrew Barich and Pamela Dawn Barich have applied to the Licensing Authority for a Producer's Licence in respect of premises situated at 73 Freundt Road, New Residence, S.A. 5333 and to be known as A. A. & P. D. Barich.

The application has been set down for hearing on 14 January 2010 at 9.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least seven days before the hearing date (viz: 7 January 2010).

The applicants' address for service is c/o Pamela Barich, P.O. Box 259, Loxton, S.A. 5333.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 3 December 2009.

Applicants

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Cantarella Bros. Pty Ltd has applied to the Licensing Authority for the removal of a Wholesale Liquor Merchant's Licence in respect of premises situated at 46 First Street, Brompton, S.A. 5007 and to be situated at 184 Cormack Road, Wingfield, S.A. 5013 and known as Cantarella Bros.

The application has been set down for hearing on 18 January 2010 at 9.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 11 January 2010).

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

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gambling Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000. Phone 8226 8410, Fax: 8226 8512. Email: olgc@agd.sa.gov.au.

Dated 4 December 2009.

Applicant

## MINING ACT 1971

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

Applicant: Southern Iron Pty Ltd

Location: Windy Valley area—Approximately 50 km south of Coober Pedy.

Pastoral Leases: Ingomar, Mount Penrhyn, Lake Wirrida

Term: 1 year

Area in km<sup>2</sup>: 426

Ref.: 2009/00142

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

J. MARTIN, Acting 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: Lock Uranium Pty Ltd

Location: Polda Trough area—Approximately 70 km south-west of Kimba.

Term: 1 year

Area in km<sup>2</sup>: 640

Ref.: 2009/00246

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

J. MARTIN, Acting Mining Registrar

## NATIONAL ELECTRICITY LAW

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

Under section 107, the period of time for the making of the draft determination on the *Provision of Metering Data Services and*

*Clarification of Existing Metrology Requirements* Rule proposal has been extended to **1 April 2010**.

Under section 99, the making of a draft determination and draft *National Electricity Amendment (Early Implementation of Market Impact Parameters) Rule 2009* (Project Ref. ERC0093). In relation to the draft determination:

- requests for a pre-determination hearing must be received by **17 December 2009**;
- submissions must be received by **29 January 2010**; and
- requests for a hearing should be forwarded to [submissions@aemc.gov.au](mailto:submissions@aemc.gov.au) and must cite the Project Ref. in its title.

Submissions on this proposal can be lodged online via the AEMC's website at [www.aemc.gov.au](http://www.aemc.gov.au). Before submitting your submission, you must review the AEMC's privacy collection statement on its website. Submissions should be submitted in accordance with the *AEMC's Guidelines for making written submissions on Rule change proposals*. The AEMC publishes all submissions on its website subject to a claim of confidentiality.

All documents in relation to the above matters are published on the AEMC's website and are available for inspection at the offices of the AEMC.

John Tamblyn  
Chairman  
Australian Energy Market Commission

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

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

10 December 2009.

## NATIONAL PARKS AND WILDLIFE ACT 1972

*Appointment of Wardens*

PURSUANT to section 20 of the National Parks and Wildlife Act 1972, I, Edward Gregory Leaman, Director of National Parks and Wildlife, authorised delegate, hereby appoint each of the persons listed in Schedule 1 below as Wardens for the whole of the State of South Australia, for the period commencing on 1 January 2010 and ending on 31 December 2010.

Dated 7 December 2009.

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

## SCHEDULE 1

Card No.	Name of Warden
431	Agius, Gavin
263	Ah Chee, Dean Lennie
481	Ahlin Sarah
183	Alexander, Peter James
131	Allen, Ross James
407	Amey, Donald Leigh
269	Anderson, Kenneth Paul
79	Anderson, Malcolm John
358	Anderson, Ross David
266	Armenio, Melanie Marie
352	Armstrong, David Mark
276	Arnold, Christine Radegunde
299	Axford, Geoffrey Bruce
408	Bastian, Nathaniel James
446	Beaton, Nicola Jane
223	Beinke, Stuart
409	Bell, Catherine Louise
365	Bourne, Steven
478	Bravington, Elijah
387	Bredl, Rose-Marie
479	Brougham, Neil
182	Brown, Stephen Hugh
331	Buck, Alison Janette
411	Causebrook, Andrew Moulton
448	Clarke, Alexander Abel Saxton
361	Clarke, Simon

Card No.	Name of Warden	Card No.	Name of Warden
007	Clayton, Stephen	181	Saers, Ronald Henry
430	Cliff, Wendy Anne	406	Sanderson, Samuel John
152	Collins, James Timothy	461	Savage, Russell Edward
403	Coulthard, Shara	434	Schmidt, Carol
412	Cox, Tamahina	81	Scholz, Volker Helmet
349	Crack, Rebecca Jane	475	Schriever, Barry
305	Crawford, Darren Robert	443	Schutz, John Erwin
200	Crocker, James Scott	462	Sims, Philip Jonathan
80	Dahl, Erik Svern	355	Sleep, Robert George
215	Dalzell, Brett Graham	382	Smith, Aaron
413	Davis, Deborah Ann	381	Snowball, Derek
142	De Groot, Richard	37	Stelmann, Joachim Gerry
323	De Smit, Eric Edward	216	Strachan, Phillip James
396	Dickson, Catherine	441	Stratman, Bronwyn
449	Dinan, Nicholas Liam John	439	Sutcliffe, Mark
332	Doyle, Daniel Dominic	374	Swales, Jasmine
238	Dridan, Hannah Gosse	208	Tanner, Ian Craig
278	Drogemuller, Glen	283	Taylor, Stephen Martin
429	Ellis, Janine	463	Thompson, Christopher Mark
164	Ellis, Robert James	167	Tilley, Joseph William
134	Falkenberg, Ian Douglas	464	Tomlinson, James Andrew
450	Ferschl, Donna Yvonne	378	Trebilcock, Michael
480	Francis, Dennis	196	Troath, Robert Bryn Lewis
146	Fraser, Timothy Scott	421	Underwood, Geoffrey Haydn
218	Freak, Michael James	274	Unsworth, Paul Graham
124	Fuhlbohm, Timothy Wayne	422	Uppill, Kym Nicholas
261	Gable, Grant Morrison	325	Villiers, Kerri Anne
133	Gerschwitz, Ronald Thomas	474	Walsh, Patrick
447	Gibbs, Verity Anne	306	Watkins, Peter James
92	Giebel, Gerhard Wilhelm Otto	364	Welsby, Keith Antony
90	Gilbert, Steven John	199	Wigg, Michael John
424	Gitsham, John	425	Wilkins, David Sydney
452	Gow, Keenan Timothy	399	Wilkins, Peter James
383	Haegi, Laurence	466	Williams, Justin Christopher
385	Hall, Timothy Alan	444	Williams, Michael Joseph
55	Halstead, Christopher Kenneth	423	Wilson, Darren Lee
453	Hansford, Andrew Douglas	327	Woods, Jonathan David
56	Harper, Michael John	377	Wright, Jacqueline
454	Hartman, Timothy James	158	Zepf, Albert Gerard
428	Havelberg, Christopher	294	Zidarich, Anthony David
380	Heard, David		
415	Hicks, Stuart Darren		
455	Hlava, Cassandra		
3	Hollow, Philip Rodney		
445	Holmes, Justin		
477	Iwao, Seiji		
191	Jackway, Glenn Richard		
345	Jennings, Scott Adrian		
456	Jensen, Donna Maree		
473	Jones, Sarah-Jane		
328	Kalinowska, Ewilina		
293	Kelly, Deborah Kaye		
436	Klopp, Nalini		
344	Koerner, Dylan Charles		
457	Koolmatrie, Joseph		
128	Kraehenbuehl, Janine Ann		
458	Kumar, Saras Suresh		
384	Laver, Robert		
270	Leggett, Tamara Jane		
373	Liddle, Leanne Maree		
405	Magor, Tony Brett		
84	Maguire, Anthony		
272	McIntosh, Thomas William		
459	McLean, Anne		
356	Morcom, Robyn Joanne		
138	Mount, Donald Gerard		
129	Naismith, Trevor Leonard		
460	Nester, Samantha Lee Anne		
367	Nicholls, Sonya		
187	Nixon, Craig Leslie		
395	Nussio, Donna Marie		
281	Oster, Simon Mark		
324	Paterson, Caroline Jane		
433	Patrick, Andrew		
398	Penhall, Michael		
440	Pitman, Jennifer		
376	Pobke, Katrina		
442	Robb, Adrian Joseph		
222	Robins, Brian Andrew		

NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS)  
REGULATIONS 2001

*Closure of Gawler Ranges National Park*

PURSUANT to Regulations 8 (3) (a) and 8 (3) (d) of the National Parks and Wildlife (National Parks) Regulations 2001, I, Edward Gregory Leaman, Director of National Parks and Wildlife, close to the public, the whole of Gawler Ranges National Park from 6 a.m. on Saturday, 6 February 2010 until 6 p.m. on Saturday, 13 February 2010.

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

*Use of Firearms within the Reserve*

Pursuant to Regulations 8 (4), 20 (1) and 41 of the National Parks and Wildlife (National Parks) Regulations 2001, I, Edward Gregory Leaman, Director of National Parks and Wildlife, grant permission to members of the Sporting Shooters Association of Australia Hunting & Conservation Branch (SA) Inc. in possession of both a current Hunting Permit and a firearm to enter and remain in Gawler Ranges National Park from 6 a.m. on Saturday, 6 February 2010 until 6 p.m. on Saturday, 13 February 2010 for the purpose of taking feral animals.

This permission is conditional upon the observance by each of those persons of the requirements of the National Parks and Wildlife Act 1972, National Parks and Wildlife (National Parks) Regulations 2001 and the National Parks and Wildlife (Hunting) Regulations 1996, including those requiring compliance with the Director's requests, requirements and orders of a Warden.

Dated 7 December 2009.

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

NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS)  
REGULATIONS 2001

*Closure of Onkaparinga River National Park*

PURSUANT to Regulations 8 (3) (a) and 8 (3) (d) of the National Parks and Wildlife (National Parks) Regulations 2001, I, Edward Gregory Leaman, Director of National Parks and Wildlife, close to the public, the whole of Onkaparinga River National Park from 6 p.m. on Tuesday, 30 March 2010 until 6 a.m. on Thursday, 1 April 2010.

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

*Use of Firearms within the Reserve*

Pursuant to Regulations 8 (4), 20 (1) and 41 of the National Parks and Wildlife (National Parks) Regulations 2001, I, Edward Gregory Leaman, Director of National Parks and Wildlife, grant permission to members of the Sporting Shooters Association of Australia Hunting & Conservation Branch (SA) Inc. in possession of both a current Hunting Permit and a firearm to enter and remain in Onkaparinga River National Park from 6 p.m. on Tuesday, 30 March 2010 until 6 a.m. on Thursday, 1 April 2010 for the purpose of taking feral animals.

This permission is conditional upon the observance by each of those persons of the requirements of the National Parks and Wildlife Act 1972, National Parks and Wildlife (National Parks) Regulations 2001 and the National Parks and Wildlife (Hunting) Regulations 1996, including those requiring compliance with the Director's requests, requirements and orders of a Warden.

Dated 2 December 2009.

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

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NATURAL RESOURCES MANAGEMENT ACT 2004

*Variation of Areas within the Adelaide and Mount Lofty Ranges  
Natural Resources Management Region*

PURSUANT to section 45 (2) (a) of the Natural Resources Management Act 2004, the Adelaide and Mount Lofty Ranges Natural Resources Management Board hereby varies the notice Establishment of Areas within the Adelaide and Mount Lofty Ranges Natural Resources Management Region published in the *Government Gazette* on 22 May 2008, page 1708, by replacing General Registry Office Plan No. GRO—18/2008 with General Registry Office Plan No. GRO—48/2009.

Dated 7 December 2009.

Y. SNEDDON, Presiding Member, Adelaide and  
Mount Lofty Ranges Natural Resources  
Management Board

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## NATURAL RESOURCES MANAGEMENT ACT 2004

*Variation of Areas within the South Australian Arid Lands Natural Resources Management Region*

PURSUANT to section 45 (2) (a) of the Natural Resources Management Act 2004, the South Australian Arid Lands Natural Resources Management Board hereby varies the notice Establishment of Areas Within the South Australian Arid Lands Natural Resources Management Region published in the *Government Gazette* on 29 June 2006, page 2082, by replacing the General Registry Office Plan No. 72/06 with General Registry Office Plan No. 47/2009:

Dated 3 December 2009.

C. REED, Presiding Member, South Australian Arid Lands  
Natural Resources Management Board

## NATURAL RESOURCES MANAGEMENT ACT 2004

*Establishment of Area within the South Australian Arid Lands Natural Resources Management Region*

PURSUANT to section 45 of the Natural Resources Management Act 2004, the South Australian Arid Lands Natural Resources Management Board hereby designates one additional area within its region as an area within which an NRM group will operate. This NRM group area is defined and designated as follows by General Registry Office Plan No. 47/2009:

South Australian Arid Lands—North East Pastoral

Dated 3 December 2009.

C. REED, Presiding Member, South Australian Arid Lands  
Natural Resources Management Board

## NATURAL RESOURCES MANAGEMENT ACT 2004

*Establishment of NRM Group within the South Australian Arid Lands Natural Resources Management Region*

PURSUANT to section 46 of the Natural Resources Management Act 2004, the South Australian Arid Lands Natural Resources Management Board establishes the following NRM group:

Area	NRM Group Name
South Australian Arid Lands—North East Pastoral	North East Pastoral

Dated 3 December 2009.

C. REED, Presiding Member, South Australian Arid Lands  
Natural Resources Management Board

## **REMUNERATION TRIBUNAL**

### **REPORT RELATING TO DETERMINATION NO. 5 OF 2009**

#### **1. INTRODUCTION**

- 1.1 In accordance with the provisions of the *Remuneration Act 1990*, the Remuneration Tribunal by letters dated 7 October 2009 invited those members of the judiciary and statutory office holders whose offices are listed under Section 13 of the Act, as well as those covered by relevant sections of the *Fair Work Act 1994*, to make submissions in relation to the remuneration of members of the judiciary and those office holders. The Tribunal also invited the Minister to make submissions in the public interest.
- 1.2 On 9 October 2009 the following notice was published in *The Advertiser* newspaper.

**REMUNERATION TRIBUNAL  
REVIEW OF REMUNERATION FOR MEMBERS OF THE JUDICIARY AND OTHER  
STATUTORY OFFICERS**

Section 8 (2) of the *Remuneration Act 1990* requires the Tribunal to sit at least once in each year to review its previous determinations. Accordingly, the Tribunal is conducting a review of determination incorporating the salaries payable to members of the Judiciary and other Statutory Officers.

Interested persons, organisations and associations are invited to submit **in writing** any views they consider should be taken into account in the above review.

The closing date is **Friday, 30 October 2009** and submissions should be forwarded to:

**The Secretary  
Remuneration Tribunal  
G.P.O. Box 2343  
ADELAIDE, S.A. 5001**

Or alternatively submissions can be forwarded via the Tribunal's website:

**[www.remtribunal.sa.gov.au](http://www.remtribunal.sa.gov.au)**

**Telephone (08) 8207 2277  
Facsimile (08) 8226 2730**

#### **2. SUBMISSIONS**

- 2.1 The Tribunal received written submissions from:
- Justice Bleby, Chair of the Judicial Remuneration Co-ordinating Committee (JRCC), on behalf of the Chief Justices, Judges and Masters of the Supreme Court; the Chief Judge, Judges and Masters of the District Court; the Senior Judge, Judges and Magistrates of the Industrial Relations Court; the President, Deputy Presidents and Commissioners of the Industrial Relations Commission; the Chief Magistrate and the Magistrates of the Magistrates Court; the State Coroner and the Deputy State Coroners; and the Commissioners of the Environment Resources and Development Court;

- The Crown Solicitors Office, on behalf of the Minister in the public interest; and
  - a member of the public.
- 2.2 The Tribunal convened a hearing on 9 November 2009 to hear oral submissions. The following attended and made submissions as appropriate:
- Justice Bleby and Mr Mark Johns (the State Coroner) on behalf of the JRCC; and
  - Mr Stephen McDonald on behalf of the Minister, in the public interest.
- 2.3 In summary, the JRCC submission provided that the Tribunal should continue to set judicial salaries in a national framework, and in the national interest. It was submitted that because the further increases to the salaries of Federal Court Judges, Family Court Judges and Federal Magistrates (resulting from the decision of the Commonwealth Tribunal on 13 October 2009) will flow on to the other federal jurisdictions and most of the other States, either automatically or as a likely outcome of Tribunal determinations, the same increases should flow on to South Australian Judges. Other reasons for seeking this increase were:
- the economic outlook for South Australia is above the Australian average;
  - the need for attraction and retention of judges to South Australian courts;
  - cases of complexity in the High Court have inevitably already been heard by a State Supreme Court or the Federal or Family Courts, therefore a substantial salary disparity is not justifiable on a work value basis;
  - there have been extensive changes to the criminal law which have added greatly to the complexity of criminal trials and appeals; and
  - most of the jurisdictions of State Supreme and Federal Courts is cross-vested by legislation, allowing a greater number of Federal jurisdiction cases to be heard by State Supreme Court Judges.
- 2.4 The JRCC also submitted that any further adjustments in federal judicial salaries should, if they are not to be automatically passed on by the Tribunal, be the subject of further applications as and when any adjustments are made.
- 2.5 The JRCC reserved its right to make a further application in due course seeking a comprehensive examination of work value issues throughout all levels of the South Australian Judiciary.
- 2.6 Mr McDonald presented submissions on behalf of the Minister. He discussed relevant factors that the Tribunal has previously considered when making judicial determinations, including South Australian economic circumstances, a comparison of State, Territory and Federal judicial salaries and the fact that the Tribunal must have due regard to the State Wage Fixing Principles. He submitted that the Tribunal should place a greater emphasis on economic indicators applicable to South Australia and also noted that since 1998, growth in judicial wages has surpassed growth in both the Adelaide Consumer Price Index ("CPI") and South Australian hourly rates of pay.

- 2.7 Mr McDonald also submitted that due to the State Government's commitment to pursuing salary increases across the public sector of no more than 2.5% per year, including for South Australian Public Sector Executives, any increase to judicial salaries should not exceed 2.5%. He submitted that there is no evidence on which the Tribunal may be satisfied that the level of remuneration of judicial officers is currently a substantial factor in the attraction and retention of such officers.
- 2.8 Additional information was provided by Mr McDonald at the request of the Tribunal in relation to Public Sector Executive Salaries and the Government policy in relation to holders of provisional licenses and learner's permits.

### **3. COMMONWEALTH TRIBUNAL'S REVIEW AND DETERMINATION**

- 3.1 The Tribunal notes the recently issued Determination 2009/17 and the accompanying statement of the Commonwealth Tribunal. The Tribunal also notes the Commonwealth Tribunal's Report on the *Review of Remuneration Relativities among Australia's Federal Courts*, published in October 2009.

#### **Commonwealth Tribunal's Review of Remuneration Relativities among Australia's Federal Courts**

- 3.2 According to the Commonwealth Tribunal's report, the Review of Remuneration Relativities among Australia's Federal Courts was initiated by the Federal Magistrates Court submission for an increase in pay for the Federal Magistrates based on a claim of increased work value. After initial consideration of that submission, the Commonwealth Tribunal decided that it would be appropriate to defer consideration of the matter until it had commenced its review of the Federal and Family Courts. The Tribunal commenced its review in May 2007. Submissions were received during the course of that year and the Tribunal gave consideration to each of the submissions over the period between late 2007 and early 2008. Further submissions were made in 2008 and by November 2008 the Tribunal had come to an indicative decision.
- 3.3 In its indicative decision the Commonwealth Tribunal "concluded that there was a work value case to increase the remuneration of the Judges of the Federal Court by 6%. At the same time, the Tribunal noted the Attorney-General's views about the difficult economic circumstances in which Australia, and indeed the world, found itself and decided at the time not to put the increase into effect until at least 1 July 2009. The Tribunal did not nominate this date as the date on which an increase would occur—but rather the time when the Tribunal would revisit the circumstances to decide if the increase should then be determined". Both the Family Court and the Federal Magistrates Court subsequently provided further information and in October 2009 the Tribunal published its final report.
- 3.4 In its decision (as outlined within the report), Commonwealth Tribunal remained "of the view that economic circumstances preclude the granting of the full increase of 6%" and instead the "decided on adjustments of 1.5% for judicial offices in the High Court, Federal Court, Family Court and Federal Magistrates Courts from 1 November 2009".

- 3.5 The Report noted the Tribunal's present intention "to determine three further 1.5% adjustments for each of the judicial offices concerned" subject to some further consideration "and while the actual decisions on timing are for the future... the total increase would have occurred by 1 May 2011".
- 3.6 The Commonwealth Tribunal also noted that it "is aware that the remuneration of judicial officers in the states and territories is based on remuneration in the federal court system. In making its decision, the Tribunal has taken into consideration factors pertaining specifically to judicial offices in the federal sphere" and noted that it was "of the view that any adjustment to the remuneration of judicial officers in the states and territories would need to be based on specific issues particular to each jurisdiction".

### **Commonwealth Tribunal Determination and Statement**

- 3.7 As outlined in its accompanying statement, in making its determination 2009/17, the Commonwealth Tribunal considered the economic situation with particular focus on the present conditions as outlined in the Minutes of the Monetary Policy Meetings of the Reserve Bank on 4 August 2009 and 1 September 2009 and a speech made by the federal Treasurer, the Hon. Wayne Swan, MP, at Chatham House on 4 September 2009. In noting that 'caution continues to be appropriate' the Tribunal determined "effective 1 October 2009, an increase of 3%".
- 3.8 The statement indicated that the Commonwealth Tribunal's annual adjustments take account of the evolution that occurs over time in the responsibilities of public offices. The Commonwealth Tribunal then noted that the legislation programs of governments, including the assiduous making of legislative instruments is one source of such change. The Commonwealth Tribunal noted that it has been undertaking a review (i.e. the review outlined above) which demonstrated:
- sustained incremental expansion in the responsibilities of Judges of the Federal Court of Australia, together with increases in the breadth of law, and number of legal and factual issues both across caseload and within individual cases, which a Federal Court Judge must now consider to fulfil his or her day to day duties; and
  - significant change, still underway, in the structure of the family law system involving the Family Court of Australia and the Federal Magistrates Court, so as to increase the average complexity of matters dealt with by Judges of each court. This has occurred principally as a consequence of the continuing refinement of the allocation of the work between the courts.

The Commonwealth Tribunal considered "that changes in these courts, and the evolution of the law, more generally, in federal and state jurisdictions, have demonstrable and significant effects on the work of Judges of the High Court of Australia, sufficient to warrant an adjustment in the remuneration of these judicial officers".

- 3.9 This Tribunal has noted the comments in respect to the jurisdiction specific basis of the Commonwealth Tribunal's deliberations in each of its report and statement and further notes that the Determination will have to be tabled in the Federal Parliament and then either House may disallow the Determination within 15 sitting days of tabling.
- 3.10 In light of the above and having had regard to the submissions received on behalf of the JRCC, the Tribunal proposes to conduct a further review in the new year and hear further submissions specifically in relation to work value changes. The Tribunal will call for submissions as per the usual process at a date to be determined.

#### **4. COMPARISON OF FEDERAL, STATE AND TERRITORY JUDICIAL SALARIES**

- 4.1 As in previous reviews the Tribunal examined the Federal and other State and Territory judicial salaries relevant to the office of Puisne Judge.
- 4.2 The Tribunal is advised that the present relevant judicial salaries (for the Puisne Judges in States and Territories) are as follows:

<b>COURT/STATE/TERRITORY</b>	<b>SALARY</b>	<b>OPERATIVE DATE</b>
Queensland	\$343,670	1.10.2009
Commonwealth - Federal & Family Court	\$343,670	1.10.2009
Australian Capital Territory	\$343,670	1.10.2009
Victoria – Supreme Court	\$343,670	1.10.2009
New South Wales	\$343,640	1.10.2009
Northern Territory	\$343,670	1.10.2009
Western Australia	\$351,545	1.12.2009
Tasmania	\$340,972	1.7.2009
South Australia	\$332,800	1.11.2008

#### **5. SOUTH AUSTRALIAN ECONOMIC CIRCUMSTANCES**

- 5.1 Justice Bleby submitted a number of statistical documents published by the South Australian Government, which indicated, amongst other things, that South Australia's economy will continue growing faster than the national average.
- 5.2 The submission on behalf of the Minister provided statistical data, including:
- The International Monetary Fund World Economic Outlook projected world economic growth to be negative in 2009 (-1.1%) and positive, but below trend, in 2010 (3.1%);
  - in South Australia, the available partial indicators of economic activity in 2009-2010 show that economic conditions have not deteriorated as much as may have been feared earlier this year. Nonetheless, labour market outcomes have softened;

- between the September quarter 2008 and the September quarter 2009, the Adelaide CPI increased by 1.4%, similar to the national increase of 1.3%; and
- through the year to the June quarter 2009, the Labour Price Index has risen by 3.7% in South Australia in line with national growth of 3.7%. Annual growth in hourly rates of pay in South Australia has been falling since its most recent peak of 4.1% recorded in the year to the December quarter 2008.

## **6. PUBLIC SUBMISSIONS**

- 6.1 One public submission was received to which the Tribunal had due regard in determining appropriate remuneration for the judiciary.

## **7. FAIR WORK ACT 1994**

- 7.1 In relation to comments made by the JRCC and Crown Solicitors Office on behalf of the Minister, the Tribunal will, as required by Section 101 (1) of the *Fair Work Act 1994*, continue to have due regard to State Wage Fixing Principles, and as it deems appropriate apply and give effect to such principles.

## **8. COMMUNICATION ALLOWANCE**

- 8.1 The Communication Allowance for members of the Judiciary, members of the Industrial Relations Commission, the State Coroner, and Commissioners of the Environment, Resources and Development Court are currently prescribed in Determination No. 4 of 2008. Whilst a small increase was requested by the JRCC, the Tribunal has decided that this allowance will not be increased at this time.

## **9. CONVEYANCE ALLOWANCE**

- 9.1 Conveyance Allowances for Judges, Statutory Officers and Court Officers shall be continued in line with previous determinations of the Tribunal.

## **10. TRAVELLING AND ACCOMMODATION ALLOWANCES**

- 10.1 Travelling and Accommodation Allowances for Judges, Statutory Officers and Court Officers are currently prescribed in Determination No. 4 of 2009. These allowances were adjusted in May 2009 and will remain unaffected by this Determination.

## **11. OPERATIVE DATE**

- 11.1 The JRCC submitted that the date of operation for the determination should be 1 July 2009, with a further increase operative from 1 November 2009, whilst the Minister submitted that against the background of the requirement for an annual review as set out in Section 8 (2) of the *Remuneration Act 1990*, it is reasonable that the 2009 Determination have an operative date of no earlier than the first pay period commencing on or after 1 November 2009.

- 11.2 In all the circumstances the Tribunal was not persuaded to change its current practice regarding operative date.

**12. DETERMINATION**

- 12.1 Having regard to all the submissions and material put to the Tribunal, including those concerning State and Federal comparisons, attraction and retention, economic factors and operative date, the Tribunal has determined that the salary of the Puisne Judge of the Supreme Court will be \$342,800 per annum operative from 1 November 2009. In this regard the Tribunal reiterates that its past approach of setting salaries in a "national framework" continues to be appropriate and in the public interest.
- 12.2 The salaries of all other judicial officers and statutory office holders listed in the Determination have also been increased from the same date and to the annual amounts shown in the Determination.

Hedley R. Bachmann AM  
**PRESIDENT**

December 2009.

No. 5 of 2009

**DETERMINATION OF THE REMUNERATION TRIBUNAL****MEMBERS OF THE JUDICIARY, MEMBERS OF THE INDUSTRIAL RELATIONS COMMISSION, THE STATE CORONER, COMMISSIONERS OF THE ENVIRONMENT, RESOURCES & DEVELOPMENT COURT****1. SCOPE OF DETERMINATION**

This Determination applies to the undermentioned Members of the Judiciary and to the undermentioned Statutory Office Holders.

**2. SALARY****2.1 Members of the Judiciary**

2.1.1 The annual salaries and allowances for the members of the judiciary will be as follows:

	\$ per annum
Chief Justice of the Supreme Court	383,920
Puisne Judges of the Supreme Court	342,800
Masters of the Supreme Court	302,730
Chief Judge of the District Court	342,800
Other District Court Judges	302,730
Masters of the District Court	267,360
Chief Magistrate	283,190
Deputy Chief Magistrate	264,010
Supervising Magistrates	257,430
Assistant Supervising Magistrate of the Adelaide Magistrates Court	252,290
Stipendiary Magistrates	240,010
Supervising Industrial Magistrate	240,010
Other Industrial Magistrates	240,010
Senior Judge, Youth Court and Senior Judge, Environment Resources and Development Court, appointed as such, paid the allowance shown for as long as that person continues to perform such duties and is designated as 'Senior'.	8,520
Stipendiary Magistrate directed by the Chief Magistrate with the concurrence of the Attorney-General to perform special administrative duties in a region (Regional Manager) or in a residential country area (Country Resident Magistrate) paid the allowance shown for as long as that person continues to perform such duties.	17,420
Stipendiary Magistrate directed by the Chief Magistrate with the concurrence of the Attorney-General to perform special administrative duties at a particular court (Magistrate-in-Charge) paid the allowance shown for as long as that person continues to perform such duties.	6,760

	\$ per annum
Stipendiary Magistrate appointed Warden under the Mining Act 1971 as amended and performing the duties of Senior Warden paid the salary shown for as long as that person continues to perform such duties.	252,880
Stipendiary Magistrate appointed as a Deputy State Coroner on a full-time ongoing basis paid the allowance shown for as long as that person continues to perform such duties.	6,760
His Honour Judge WD Jennings whilst he performs the functions of both Senior Judge of the Industrial Relations Court and President of the Workers' Compensation Tribunal.	322,570
His Honour Judge Hannon whilst he performs the functions of both Judge of the Industrial Relations Court and President of the Industrial Relations Commission.	318,080
Other Judges of the Industrial Relations Court who hold joint commissions in the Australian Industrial Relations Commission and the Industrial Relations Commission of South Australia.	302,730

2.1.2 Where a person is appointed as Acting Chief Justice of the Supreme Court or as Acting Chief Judge of the District Court and such appointment extends for a continuous period of more than one week, the person appointed shall be paid a salary equal to the salary specified herein for the Chief Justice or the Chief Judge, as appropriate, for the whole of the period the appointment is in effect.

## 2.2 **Statutory Office Holders**

The annual salaries for the following statutory office holders will be as follows:

	Salary \$ per annum
State Coroner whilst he continues to perform this function under his current conditions of employment	280,030
Deputy Presidents of the Industrial Relations Commission	264,590
Commissioners of the Industrial Relations Commission	230,080
Commissioners of the Environment, Resources & Development Court	230,080

## 3. **TRAVELLING AND ACCOMMODATION ALLOWANCES**

Allowances to be paid will be in accordance with the Tribunal's most recent Determination on these allowances as amended from time to time.

4. **COMMUNICATION ALLOWANCE**

A person to whom this Determination applies and who is eligible for the Communication Allowance will continue to receive the Allowance as detailed in the relevant determination.

5. **CONVEYANCE ALLOWANCES**

Allowances to be paid will be in accordance with the Tribunal's most recent Determination on these allowances as amended from time to time.

6. **DATE OF OPERATION**

Salaries and allowances prescribed in Clause 2 are operative on and from 1 November 2009, and supersede those of all previous Determinations covering persons whose office is listed herein.

HR Bachmann AM  
**PRESIDENT**

JA Meeking  
**MEMBER**

D Smythe  
**MEMBER**

December 2009.

No. 6 of 2009

## **REPORT OF THE REMUNERATION TRIBUNAL**

### **CONVEYANCE ALLOWANCE**

#### **1. INTRODUCTION AND BACKGROUND**

- 1.1 The Conveyance Allowances for Judges, Court Officers and Statutory Officers is currently prescribed in the Remuneration Tribunal's Determination 5 of 2008.
- 1.2 The Remuneration Tribunal received correspondence from the State Coroner, dated 4 September 2009, requesting changes to Clause 4.12 regarding the use of vehicles by 'L' and 'P' plate drivers.
- 1.3 The State Coroner requested that Clause 4.12 should be changed to allow those to whom the clause applies, to seek permission for their vehicles to be driven by holders of provisional licences and learner's permits and that such permission be sought from the State Courts Administrator in relation to Judicial Officers. This would reflect the policy requiring public service executives to seek the approval of their relevant Chief Executive.
- 1.4 It was the State Coroner's view that the current clause is more restrictive than the relevant policy applying to public service executives.
- 1.5 The Chair of the JRCC, the Deputy State Coroner and Magistrate Mary-Louise Hribal advised that they were in support of the State Coroner's request.
- 1.6 The Remuneration Tribunal considered the State Coroner's request, and advised the relevant stakeholder representatives, by letters dated 22 October 2009, of its intention to vary the determination consistent with the State Coroner's request. The Tribunal invited comments in relation to the proposed changes.

#### **2. SUBMISSIONS**

- 2.1 In addition to the initial request of the State Coroner, the Tribunal received the following submissions, summarised:
  - Judges Jennings and Hannon, Industrial Relations Court and Commission of South Australia—that the Registrar of the Industrial Relations Tribunals should be the relevant approval authority for members of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal and that to do so would create greater administrative efficiencies and would produce more consistent outcomes for members.
  - The Crown Solicitor's Office on behalf of the Honourable Premier of South Australia, in the public interest—that the Tribunal should amend Clause 4.12 to reflect the policy that is applicable to executives in the public service; that the policy includes some flexibility that would allow a relevant officer to seek permission for a family member who holds a learner's permit to drive the vehicle.
  - The State Coroner—that 'State Coroner' and 'Deputy State Coroner', are more correctly characterised as judicial officers as their roles are judicial not administrative; and that the two roles should be included in the definition of "Judges" instead of "Court Officer", so that the individuals in those roles can seek approval of the State Courts Administrator, instead of the Executive Director, Fleet SA.

- 2.2 The Remuneration Tribunal intends to accept the changes proposed by Judges Jennings and Hannon, Industrial Relations Court and Commission of South Australia. The Remuneration Tribunal advised the Registrar, Industrial Court and Commission of South Australia and the Workers Compensation Tribunal ('the Registrar') of the proposed changes on 19 November 2009 and requested comments.
- 2.3 Correspondence received from the Registrar dated 25 November 2009, indicated acceptance of the proposed changes.

### **3. TRIBUNAL DECISION**

- 3.1 The Tribunal has considered the submissions, conducted additional enquiries and has decided that changes are warranted to the existing Determination. The Tribunal intends that the changes to the Determination remain consistent with relevant State Government policy.
- 3.2 As a result of the submissions received, the following changes have been made:

#### Definitions

"State Coroner" and "Deputy State Coroner" have been moved from the definition of "Court Officer" to the definition of "Judges" in Clause 2.1.

#### Approval Authorities

The approval authority for Judges is to be the State Courts Administrator, and the Registrar of the Industrial Relations Tribunals for all members of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal, in all relevant clauses.

#### Provisional License and Learner's Permit Holders

Clause 4.12 has been amended to allow for holders of a provisional driver's license to drive a relevant vehicle, subject to the relevant approval. The amendment is consistent with government policy.

- 3.3 In addition to changes made as a result of submissions received by the Remuneration Tribunal, the Tribunal has taken this opportunity to make the following updates to the Determination:

#### Ombudsman

Reference to the "Ombudsman" has been deleted from clause 2.1 and 3.1.2.

#### Conveyance Allowance and Judicial Remuneration Vehicles

The figures in clauses 3.1 and the Schedule have been updated in accordance with the most recent information from Fleet SA.

- 3.4 Date of Operation:

The new determination shall operate on and from 1 November 2009.

H.R. BACHMANN AM  
**PRESIDENT**

December 2009.

**Attachment 1****1. Relevant Stakeholder Representatives**

- 1.1 The Honourable Premier of South Australia;
- 1.2 Attorney-General;
- 1.3 Chair, Judicial Remuneration Co-ordinating Committee;
- 1.4 Chief Justice, Supreme Court of South Australia;
- 1.5 Chief Judge, District Court of South Australia;
- 1.6 Chief Magistrate, Adelaide Magistrates Court;
- 1.7 Senior Judge, Youth Court of South Australia;
- 1.8 Senior Judge, Environment, Resources and Development Court;
- 1.9 President Judge Industrial Relations Commission of South Australia;
- 1.10 Senior Judge, Industrial Relations Court of South Australia;
- 1.11 President Judge, Workers Compensation Tribunal of South Australia;
- 1.12 State Coroner;
- 1.13 Deputy State Coroner;
- 1.14 Auditor General;
- 1.15 Electoral Commissioner;
- 1.16 Deputy Electoral Commissioner;
- 1.17 South Australian Ombudsman;
- 1.18 Employee Ombudsman;
- 1.19 Health and Community Services Complaints Commissioner; and
- 1.20 State Courts Administrator.

No. 6 of 2009

**DETERMINATION AND REPORT OF THE REMUNERATION TRIBUNAL****CONVEYANCE ALLOWANCE****(a) REPORT**

The following Determination has been issued to amend Determination No. 5 of 2008—Conveyance Allowance in relation to Clauses 2.1 and 4.12.

**(b) DETERMINATION****1. SCOPE OF DETERMINATION**

This Determination applies to Judges, Court Officers and Statutory Officers.

**2. INTERPRETATION**

2.1 In this Determination, unless the contrary appears:

“**Court Officer**” means any of the following:  
Commissioners of the Environment, Resources and Development Court.

“**Executives**” means persons appointed to an executive position under the *Public Sector Management Act, 1995*.

“**Judges**” means any of the following members of the judiciary:  
the Chief Justice of the Supreme Court;  
Puisne Judges of the Supreme Court;  
Masters of the Supreme Court;  
the Chief Judge of the District Court;  
Judges of the Environment, Resources and Development Court;  
Masters of the District Court;  
other District Court Judges;  
the Chief Magistrate;  
the Deputy Chief Magistrate;  
Supervising Magistrates;  
the Assisting Supervising Magistrate of the Adelaide Magistrates Court;  
Stipendiary Magistrates;  
the Supervising Industrial Magistrate;  
other Industrial Magistrates;  
the State Coroner;  
the Deputy State Coroner;  
the Senior Judge of the Industrial Relations Court and President of the Workers Compensation Tribunal;  
the President of the Industrial Relations Commission and Judge of the Industrial Relations Court;  
other Judges of the Industrial Relations Court who hold joint commissions in the Australian Industrial Relations Commission and the Industrial Relations Commission of South Australia.

“**Registrar**” means the “Industrial Registrar” or “Registrar” within the meaning of the *Fair Work Act 1994* (SA) and the *Workers Rehabilitation and Compensation Act 1986* (SA).

“**Retirement**” bears the same meaning as in the *Judges’ Pensions Act 1971* and in the *Superannuation Act*.

“**Resignation**” bears the same meaning as in the *Judges’ Pensions Act 1971* and in the *Superannuation Act 1988*.

“**Statutory Officers**” means any of the following statutory office holders:

Deputy Presidents of the Industrial Relations Commission;  
Commissioners of the Industrial Relations Commission;  
the Auditor General;  
the Electoral Commissioner;  
the Deputy Electoral Commissioner;  
the Employee Ombudsman; and  
the Health and Community Services Complaints Commissioner.

- 2.2 For the purposes of this Determination, “**salary**” bears the same meaning as in the *Judges’ Pensions Act 1971* and in the *Superannuation Act 1988* to the intent and effect that any amount paid by way of allowance is not “salary”, and that any abatement or reduction of salary in accordance with this Determination will not affect the determination of entitlements or obligations pursuant to those Acts.

### 3. CONVEYANCE ALLOWANCES

#### 3.1 **Amount of Allowances**

Subject to the conditions set out in this Determination, Judges, Court Officers and Statutory Officers are entitled to receive a Conveyance Allowance payable fortnightly at an annual rate as follows:

##### 3.1.1 For:

Judges of the Supreme Court;  
the Chief Judge of the District Court;  
the Senior Judge of the Industrial Relations Court;  
the President of the Industrial Relations Commission; and  
the Auditor General;

an amount which is the higher of:

- a) \$18,138; and
- b) the amount determined from time to time by Fleet SA as the annual charge payable by Executives for a Holden Calais VE V-Series Sedan, less the sum of \$758.

##### 3.1.2 For:

Judges of the District Court;  
Judges of the Industrial Relations Court;

Judges of the Environment, Resources and Development Court;  
Masters of the Supreme Court;  
the Electoral Commissioner; and  
the Health and Community Services Complaints Commissioner;

an amount which is the higher of:

- a) \$15,972; and
- b) the amount determined from time to time by Fleet SA as the annual charge payable by Executives for a Holden Calais VE Sedan, less the sum of \$758.

### 3.1.3 For:

The Chief Magistrate;  
the Deputy Chief Magistrate;  
Supervising Magistrates;  
Stipendiary Magistrates;  
Industrial Magistrates;  
Masters of the District Court;  
the State Coroner;  
the Deputy State Coroner;  
Deputy Presidents (other than Judges) and Commissioners of the Industrial Relations Commission; and  
Commissioners of the Environment, Resources and Development Court;  
the Employee Ombudsman; and  
the Deputy Electoral Commissioner;

an amount which is the higher of:

- a) \$13,812; and
- b) the amount determined from time to time by Fleet SA as the annual charge payable by Executives for a Holden Commodore VE Omega Sedan, less the sum of \$758.

## 3.2 Temporary Appointees

Persons appointed to act as a Judge, Court Officer or Statutory Officer, on a temporary basis who are not provided with a vehicle in their substantive position and who serve in that capacity for a period in excess of one calendar month, are entitled to receive after the expiration of the first calendar month of service, a Conveyance Allowance in accordance with Clause 3.1.

## 3.3 Use of Taxis and Private Vehicles

### 3.3.1 Judges and Court Officers

A Judge or Court Officer is not entitled to the use of a vehicle provided by the State Courts Administrator or to engage taxis or hire car at the expense of the State Courts Administrator, or to seek the payment of any additional allowance for the use of a private vehicle, whether for official or unofficial purposes unless:

- a) it has been certified by the State Courts Administrator that it was inefficient for the Judge or Court Officer to use the vehicle available for their private use; or

- b) such use or engagement is consistent with a general direction given by the Chief Judicial Officer of the relevant Court, or in the case of Court Officers, the presiding officer of the relevant Tribunal, as to the circumstances where the vehicle available for private use, need not be used by reason of efficiency.

An example of circumstances where such certification or general directions may be given is for journeys to and from the airport where it may be more efficient for a Judge or Statutory Officer to use a taxi.

For members of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal, the Registrar is the relevant approval authority.

### 3.3.2 **Other Statutory Officers**

A Statutory Officer, other than a Court Officer, must not engage a taxi or hire car, and is not entitled to the payment of any additional allowance for the use of a private vehicle, whether for official or unofficial purposes, unless it is inefficient to use the vehicle available for the Officer's private use.

### 3.3.3 **Amount of Reimbursement**

When any person subject to this Determination is seeking payment of an additional allowance to cover the use of a private motor vehicle for official purposes, reimbursement of the cost will be made, calculated at the rate per kilometre at a rate equating to that pursuant to the SA Public Sector Salaried Employees Interim Award.

## 4. **VEHICLES FOR PRIVATE USE**

### 4.1 **Selection of Vehicle**

Judges and Court Officers, by notice in writing directed to the State Courts Administrator, Statutory Officers, by notice in writing directed to the Director, Fleet SA, and members of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal of South Australia by notice in writing directed to the Registrar are entitled to elect to have a motor vehicle of any model and type in the attached Schedule of vehicles (as varied from time to time) allocated to him or her upon the conditions specified in this Determination. The annual charge payable for each vehicle, determined by Fleet SA on the same basis as the calculation made in respect of the use of motor vehicles by Executives, and current at the date of this Determination, is set out in the Schedule.

### 4.2 **Alternative Vehicle**

An alternative vehicle may be supplied where required because of a Judge's, Court Officer's or Statutory Officer's, disability. The annual charge for the use of the vehicle will be calculated on the same basis as the calculation made by Fleet SA for annual charges for use of motor vehicles by Executives.

### 4.3 **Temporary Appointees**

Persons appointed to act as a Judge, Court Officer or Statutory Officer, on a temporary basis are not entitled to make an election under Clause 4.1.

#### 4.4 Charges for Use of Vehicles

The amount payable by a Judge, Court Officer or Statutory Officer, for the use of a selected vehicle is the amount set out in the Schedule adjacent to the description of the type of vehicle under the heading "Annual Charge Payable".

#### 4.5 Payment of Vehicle Charges

If a Judge, Court Officer or Statutory Officer makes an election under Clause 4.1 and a vehicle is supplied in accordance with that election, then the salary and allowances otherwise payable to the Judge, Court Officer or Statutory Officer must be abated and reduced so as to offset the charges for the use of the vehicle for the period during which the Judge, Court Officer or Statutory Officer, has the use of the vehicle.

#### 4.6 New Models or Types

##### 4.6.1 If:

- (a) a new model of a type specified in the Schedule; or
- (b) a new type of vehicle,

becomes available for selection by a Judge, Court Officer or Statutory Officer, after the date of election and before the placement of a binding order by or on behalf of:

- (a) the State Courts Administrator in relation to a Judge, or a Court Officer; or
- (b) the Director, Fleet SA, in relation to a Statutory Officer; or
- (c) the Registrar, in relation to members of the Industrial Relations Court and Commission of South Australia, and the Workers Compensation Tribunal,

the Judge, Court Officer, or Statutory Officer is entitled to withdraw the original election and elect to take the new model or type of vehicle.

##### 4.6.2 The annual charge payable for a new model or new type of vehicle is that amount determined by Fleet SA as the annual charge for private use of the vehicle by Executives. The annual charge takes into account the following:

- . purchase price and depreciation;
- . fuel, maintenance, insurance and registration costs and interest rates; (operating costs are calculated on the basis of an average of 70% private usage);
- . Goods and Services Tax (GST);
- . Fringe Benefits Tax (FBT) based on an attributed business rate of 20,000 kilometres per year;
- . the vehicle will be retained for three years or 60,000 kilometres travelled, whichever first occurs.

##### 4.6.3 If a model or type of vehicle selected by a Judge, Court Officer or Statutory Officer, becomes unavailable before the placement of a binding order, the Judge, Court Officer or Statutory Officer, must be advised accordingly and allowed to make a further election under Clause 4.1.

4.6.4 If a model becomes unavailable after the date of placement of a binding order and a later or better model vehicle is supplied, any Judge, Court Officer or Statutory Officer, who has selected the unavailable vehicle is liable only to pay the annual charge for the vehicle as selected, and not the charge payable for the vehicle as supplied.

#### 4.7 **Accessories**

The Judge, Court Officer or Statutory Officer, may choose to have approved accessories fitted to the vehicle. All such accessories fitted must be manufacturer approved options. The full cost of the accessories and the expense of having them fitted (and including any tax incurred) is payable by the Judge, Court Officer or Statutory Officer. When the vehicle is due for return the Judge, Court Officer or Statutory Officer, may have personally-installed accessories removed from the vehicle, providing the Judge, Court Officer or Statutory Officer, meets the full cost of restoring the vehicle to the same condition as if the accessories had not been fitted. No compensation will be paid if options are left on the vehicle unless agreed by:

- (a) in the case of Judges and Court Officers, the State Courts Administrator;
- (b) in the case of Statutory Officers, the Director, Fleet SA; and
- (c) in the case of the members of the Industrial Relations Court and Commission of South Australia, and the Workers Compensation Tribunal, the Registrar.

Options such as airbags, ABS brake systems and cruise control may not be removed, and tow bars must not be reinstalled on another vehicle.

#### 4.8 **Retention of Vehicle**

Once having made an election and receiving the vehicle, the Judge, Court Officer or Statutory Officer, must keep the vehicle for a period equivalent to the period determined from time to time by Fleet SA for Public Employment as the period for the replacement of vehicles provided to Executives.

At the conclusion of that period the Judge, Court Officer or Statutory Officer, will be entitled to make a new election, or, if he or she does not make an election, to be paid the allowance.

#### 4.9 **Conditions of Use**

The vehicle will be fully maintained, serviced and insured by;

- (a) the State Courts Administrator on behalf of Judges and Court Officers;
- (b) the Director, Fleet SA, on behalf of Statutory Officers; and
- (c) the Registrar, on behalf of the members of the Industrial Relations Court and Commission of South Australia, and the Workers Compensation Tribunal.

Parking for the vehicle will be made available at or near the place of duty of the Judge, Court Officer, or Statutory Officer, and the vehicle will be available for private and official use subject to the following:

- 4.9.1 The Judge, Court Officer, or Statutory Officer, must make the vehicle available for official use (including for official use by the Judge, Court Officer, or Statutory Officer) at all times whilst the vehicle is parked at or near the usual place of work of the Judge, Court Officer, or Statutory Officer, and the Judge, or Statutory Officer, does not require the vehicle for private use; and
- 4.9.2 The State Courts Administrator, in relation to Judges and Court Officers, the Director of Fleet SA, and the Registrar in relation to members of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal, in relation to Statutory Officers will enable the Judge, Court Officer, or Statutory Officer to refuel the vehicle providing that the vehicle is fuelled in accordance with any requirements specified by Fleet SA, which may include requirements that the vehicle be fuelled using a particular brand of motor fuel and that it be only fuelled in South Australia. (If fuelled otherwise than in accordance with those requirements, it will be at the cost of the Judge, Court Officer, or Statutory Officer).
- 4.9.3 The Judge or Court Officer must make the vehicle available as required by the State Courts Administrator and the Statutory Officer must make the vehicle available as required by the Director, Fleet SA, and the member of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal must make the vehicle available as required by the Registrar for the purposes of the maintenance and repair of the vehicle and must deliver the vehicle to such place as may be specified by the State Courts Administrator, Director, Fleet SA, or Registrar from time to time for that purpose.
- 4.9.4 The State Courts Administrator, in relation to Judges and Court Officers, the Director, Fleet SA, in relation to Statutory Officers and the Registrar in relation to members of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal will ensure that Judges, Court Officers and Statutory Officers are insured (which may be pursuant to Government "self insurance") in respect of compulsory third party liability, third party property damage and any property damage to the vehicle and will hold the Judge, Court Officer, or Statutory Officer harmless in respect of any such property damage. Personal items within the vehicle need not be covered. The Judge, Court Officer, or Statutory Officer must comply with any requirements of the insurance policy of which the member is aware or should have been aware.
- 4.9.5 The Judge, Court Officer or Statutory Officer, will be responsible for any driving or parking fines for offences incurred.
- 4.9.6 The vehicle is available to the Judge, Court Officer or Statutory Officer, while on leave. Where the Judge, Court Officer or Statutory Officer, is absent from duty for a period greater than seven days then the Judge, Court Officer, or Statutory Officer, will be responsible for fuelling the vehicle until the Judge, Court Officer, or Statutory Officer, returns to duty.

4.9.7 Vehicles may be driven interstate during periods of leave and there is no limit to privately travelled kilometres. Fuel charges for private interstate trips are entirely the personal responsibility of the Judge, Court Officer, or Statutory Officer.

#### 4.10 **Special Conditions of Use**

Notwithstanding anything else in this Determination:

4.10.1 where any damage is the result of wilful or deliberate act of any person, the State Courts Administrator, in relation to Judges or Court Officers, the Director, Fleet SA, in relation to Statutory Officers, and the Registrar, in relation to members of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal, may take such action as he or she thinks fit to recover the cost of such damage;

4.10.2 the insurance and discharges are not applicable if the driver is under the influence of drugs and/or alcohol;

4.10.3 the insurance and discharges are not applicable if the insurance has been brought to the attention of the Judge, Court Officer or Statutory Officer and is avoided by an action of the driver of the vehicle;

4.10.4 where the insurance policy contains an excess clause, then the Judge, or Court Officer will be liable to repay the State Courts Administrator, in relation to Statutory Officers liable to pay the Director, Fleet SA, and members of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal will be liable to repay the Registrar the amount of that excess (or any part thereof) in the event that it becomes payable by reason of the driver of the vehicle being blameworthy for any of the damage giving rise to a claim on the policy when the vehicle is being used other than for official use.

#### 4.11 **Care of Vehicle**

The Judge, Court Officer or Statutory Officer is responsible for ensuring that reasonable care is taken of the vehicle. Off street parking at the home of the person concerned is to be used if available and reasonable steps are to be taken to ensure its security. Where any damage to a vehicle supplied to a:

4.11.1 Judge or Court Officer is, in the opinion of the Courts Administration Council, the consequence of a serious breach of the obligations imposed by this clause, the Judge, or Court Officer must, on demand, pay the Courts Administration Authority the proper cost of rectification of such damage;

4.11.2 Statutory Officer is, in the opinion of the Director, Fleet SA, the consequence of a serious breach of the obligations imposed by this clause, the Statutory Officer concerned must, on demand, pay to Fleet SA the proper cost of rectification of such damage; and

4.11.3 Member of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal is, in the opinion of the Registrar, the consequence of a serious breach of the obligations imposed by this clause, the Member concerned must, on demand, pay to the Tribunal the proper cost of rectification of such damage.

#### 4.12 **Additional Drivers**

The vehicle may be driven by any other Government employee who requires the vehicle for official use.

Judges and Court Officers must nominate to the State Courts Administrator and Statutory Officers must nominate to the Director, Fleet SA respectively, the names of any persons to use the vehicle at times when it is not required to be available for official use and, subject to the control and direction of the Judge, Court Officer or Statutory Officer, such persons will be authorised to use the vehicle upon such nomination.

Approval is required from States Courts Administrator for Judges and Court Officers, from the Director, Fleet SA for Statutory Officers, and the Registrar for members of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal for the vehicle to be driven by holders of any form of provisional licence or learner's permit. Approval is also required if any other category of person not otherwise mentioned, is to drive the vehicle.

#### 4.13 **Right to Purchase**

At any time during the 12 months immediately preceding the date of his or her retirement or resignation, a Judge or Court Officer, by notice in writing to the State Courts Administrator, a Statutory Officer, by notice in writing to the Director, Fleet SA, and a member of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal, by notice in writing to the Registrar, may elect to purchase the vehicle then allocated to him or her as at the date of his or her retirement or resignation or at the end of the lease period. After such notification has been given, the State Courts Administrator, the Director, Fleet SA, or the Registrar must take such steps as are necessary to ensure that it can sell the vehicle to the member.

#### 4.14 **No Changeover**

A Judge, Court Officer or Statutory Officer who makes an election under Clause 4.13 shall not be permitted or required to hand a vehicle in for normally scheduled changeover where that changeover would occur between the date of election and the date of retirement/resignation/end of lease period.

#### 4.15 **Conditions of Purchase**

The conditions of in relation to a purchase made following an election under Clause 4.13 shall be:

- 4.15.1 The price will be the fair market value for such a vehicle sold without any statutory warranty.
- 4.15.2 The price shall be agreed between the Director, Fleet SA, and the Judge/Court Officer/Statutory Officer, due regard being had to prices generally recovered for such vehicles at Fleet SA public auctions.

4.15.3 Failing such agreement, the price shall be determined by an independent valuer agreed by the parties. Where the prospective retiree/resignee is a:

4.15.3.1 Judge or Court Officer, any fee payable to such a valuer shall be borne in equal shares by the prospective retiree/resignee and the State Courts Administrator;

4.15.3.2 Statutory Officer any fee payable to such a valuer shall be borne in equal shares with half payable by the respective retiree/resignee and the other half being payable from funds appropriated to pay expenses associated with the statutory office held by the retiree/resignee; and

4.15.3.3 Member of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal, any fee payable to such a valuer shall be borne in equal shares by the prospective retiree/resignee and the Registrar.

4.15.4 The price shall be payable in full on or prior to the date of retirement/resignation of the Judge, Court Officer or Statutory Officer.

## **5. TRANSITIONAL PROVISIONS**

During the transitional period following the first introduction of these conditions, a Judge, Court Officer or Statutory Officer will be deemed to have made the relevant election at the time that he/she last received a Government vehicle, but otherwise will hold the vehicle subject to these conditions as from the date of the introduction of these conditions.

## **6. DATE OF OPERATION**

6.1 The Conveyance Allowances prescribed in Clause 3.1.1, 3.1.2 and 3.1.3 are operative from 1 November 2009.

6.3 If a Judge, Court Officer or Statutory Officer currently has the use of a vehicle pursuant to a previous Determination, the Conveyance Allowance and Annual Charge Payable under the previous Determination will continue to apply. Clause 3 and the Schedule to this Determination will have no effect until that Judge, Court Officer or Statutory Officer takes delivery of a vehicle included in the Schedule to this Determination, or elects not to receive a vehicle.

6.2 This Determination supersedes Determination 5 of 2008.

H.R. Bachmann AM  
**PRESIDENT**

J. Meeking  
**MEMBER**

D.J. Smythe  
**MEMBER**

December 2009.

**SCHEDULE**

**Government of South Australia**  
Fleet SA

**Judicial Remuneration Vehicles**

As at 1 November 2009 to 31 January 2010

<b>Vehicle</b>	<b>Annual Charge Payable</b>
Toyota Prius Hybrid (4 cly)	\$15,403
Holden Commodore VE Omega Sedan*	\$14,570
Holden Commodore VE Omega Wagon	\$15,138
Holden Commodore VE Berlina Sedan*	\$15,406
Holden Commodore VE Berlina Wagon	\$16,035
Holden Calais VE Sedan	\$16,730
Holden Calais VE Wagon	\$17,422
Holden Calais VE V-Series Sedan	\$18,896
Holden Calais VE V-Series Wagon	\$19,222
Holden Calais VE Sedan (V8 6.0L)	\$19,112
Holden Calais VE V-Series Sedan (V8 6.0L)	\$20,859
Holden Commodore VE Ute	\$12,353
Holden Commodore VE SV6 Sedan	\$15,943
Holden Commodore VE SV6 Wagon	\$16,547
Holden Commodore VE SS Sedan (V8 6.0L)	\$18,664
Holden Commodore VE SS V-Series Sedan (V8 6.0L)	\$20,525
Holden Statesman WM Sedan	\$19,538
Holden Statesman WM Sedan (V8 6.0L)	\$20,953
Holden Caprice WM Sedan	\$20,460
Holden Caprice WM Sedan (V8 6.0L)	\$21,561

\* petrol or dual fuel option available

Note: All vehicles 6 cylinder version unless otherwise stated

No. 7 of 2009

**DETERMINATION OF THE REMUNERATION TRIBUNAL****AUDITOR GENERAL, ELECTORAL COMMISSIONER, DEPUTY ELECTORAL  
COMMISSIONER, EMPLOYEE OMBUDSMAN, AND HEALTH AND COMMUNITY  
SERVICES COMPLAINTS COMMISSIONER****1. SCOPE OF DETERMINATION**

This Determination applies to the separate offices of Auditor General, Electoral Commissioner, Deputy Electoral Commissioner, Employee Ombudsman and Health and Community Services Complaints Commissioner.

**2. SALARY****2.1 Auditor-General**

The salary of the office of Auditor-General shall be \$272,350 per annum.

**2.2 Electoral Commissioner**

The salary of the office of Electoral Commissioner shall be \$158,360 per annum.

**2.3 Deputy Electoral Commissioner**

The salary of the office of Deputy Electoral Commissioner shall be \$115,810 per annum, except when acting as Electoral Commissioner for a continuous period of more than one week, in which case the Deputy Electoral Commissioner will be paid for the acting period at the rate of the salary for the Electoral Commissioner.

**2.4 Employee Ombudsman**

The salary of the office of Employee Ombudsman shall be \$118,290 per annum.

**2.5 Health and Community Services Complaints Commissioner**

The salary of the office of Health and Community Services Complaints Commissioner shall be \$182,170 per annum.

**3. TELEPHONE RENTAL AND CALLS ALLOWANCE**

When a person to whom this Determination applies is required to have a telephone at home for official purposes, that person shall be paid the whole of the telephone rental for a single point connection without extra services and one third of the cost of metered local calls. Reimbursement should be made for international, STD and mobile official calls on the basis of actual costs incurred.

**4. TRAVELLING AND ACCOMMODATION ALLOWANCES**

Allowances to be paid will be in accordance with the Tribunal's most recent Determination on these allowances as amended from time to time.

**5. CONVEYANCE ALLOWANCES**

Allowances to be paid will be in accordance with the Tribunal's most recent Determination on these allowances as amended from time to time.

**6. DATE OF OPERATION**

The salaries prescribed in Clause 2 are operative from 1 July 2009 and supersede those of all previous Determinations covering persons whose office is listed herein.

HR Bachmann AM  
**PRESIDENT**

J Meeking  
**MEMBER**

D Smythe  
**MEMBER**

December 2009.

**REMUNERATION TRIBUNAL****REPORT RELATING TO DETERMINATION NO. 7 OF 2009****1. INTRODUCTION**

- 1.1 In accordance with the provisions of the *Remuneration Act 1990*, the Remuneration Tribunal by letters dated 10 November 2009 invited the office holders of the statutory positions of Auditor-General, Electoral Commissioner, Deputy Electoral Commissioner, Employee Ombudsman and Health and Community Services Complaints Commissioner to make submissions in relation to the remuneration of those offices. The Tribunal also invited the Minister to make submissions in the public interest.
- 1.2 On 13 November 2009 the following notice was published in *The Advertiser* newspaper:

**REMUNERATION TRIBUNAL  
REVIEW OF SALARIES FOR STATUTORY OFFICE HOLDERS**

Section 8 (2) of the *Remuneration Act 1990* requires the Tribunal to sit at least once in each year to review its previous determinations. Accordingly, the Tribunal is conducting a review of the determination incorporating the salaries payable to the following statutory office holders:

The Auditor-General;  
The Electoral Commissioner;  
The Deputy Electoral Commissioner;  
The Employee Ombudsman; and  
The Health and Community Services Complaints Commissioner.

Interested persons, organisations and associations are invited to submit in **writing** any views they consider should be taken into account in the above review.

The closing date is **Friday, 27 November 2009** and submissions should be forwarded to:

**The Secretary  
Remuneration Tribunal  
G.P.O. Box 2343  
ADELAIDE, S.A. 5001**

Or alternatively submissions can be forwarded via the Tribunal's website: [www.remtribunal.sa.gov.au](http://www.remtribunal.sa.gov.au).

The Remuneration Act 1990 is available at: [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au)

Telephone: (08) 8207 2200  
Facsimile: (08) 8226 2730

- 1.3 The Tribunal received written submissions from the Minister, the Health and Community Services Complaints Commissioner, the Auditor-General and a member of the public.
- 1.4 The Tribunal convened on Thursday 3 December 2009, to consider the written and oral submissions as outlined below.
- 1.5 The Minister made the same submission in respect of all of the offices covered by this report. In doing so the Minister submitted, "*A salary increase should be granted to Statutory Office Holders (being the Auditor-General, Electoral Commissioner, Deputy Electoral Commissioner, Employee Ombudsman and Health and Community Services Complaints Commissioner) that is generally consistent with movements in Public Sector Executive remuneration in 2008 in public sector Executive remuneration in particular, and in the public sector generally*".

- 1.6 The Minister further submitted that, *“in determining the salary outcomes for Statutory Office Holders, the Tribunal should have regard to: the 2009-2010 Government’s wages policy for public sector employees of 2.5% per annum, Cabinet’s approval that a 2.5% salary increase will apply to public sector Executive level employees with effect from the first full pay period on or after 1 July 2009, the economic indicia outlined in this submission at 1.3.1 and the effects of the current global economic crisis on South Australia’s finances.*
- 1.7 The economic indicia within the Minister’s submission included the most recent general economic data published by the Australian Bureau of Statistics (Labour Price Index, Average Weekly Earnings and Consumer Price Index) and the per cent change for each through the year. The submission also included the following statement made on 3 November 2009, by the Governor of the Reserve Bank of Australia, with respect to CPI and underlying inflation:
- “Inflation has been declining in the past year. In underlying terms, inflation should continue to moderate in the near term, but now will probably not fall as far as earlier thought. Headline CPI inflation on a year-ended basis has been unusually low because of temporary factors, and will probably rise somewhat over the coming year. Both CPI and underlying inflation are expected to be consistent with the target in 2010”.*
- 1.8 The Tribunal has noted and taken into account that the 2.5% is applied to the total remuneration package of Executive Officers of the Government.

## 2. **AUDITOR-GENERAL**

- 2.1 The remuneration for the Office of Auditor-General was last determined in Determination No. 2 of 2009 operative from 1 July 2008. The current salary is \$264,020 per annum.
- 2.2 The Auditor General provided a written submission which indicated that “the global financial crisis with its continuing adverse effects, including on the South Australian public sector and its workforce, requires constraint to be exercised”. On that basis he submitted that there should be no increase to his remuneration.
- 2.3 The Auditor-General advised he did not wish to make an oral submission.
- 2.4 After reviewing previous Tribunal Determinations and the submissions received during this review the Tribunal has determined that the salary for the Office of Auditor-General will be \$272,350 per annum. Telephone rental and calls allowance for this Office will remain unaffected by this Determination.

## 3. **ELECTORAL COMMISSIONER**

- 3.1 The remuneration of the Office of Electoral Commissioner was last determined in Determination No. 2 of 2009 operative from 1 July 2008. The current salary is \$153,520 per annum.
- 3.2 The Electoral Commissioner and Deputy Electoral Commissioner did not provide submissions.
- 3.3 The Tribunal has determined the salary for the Office of Electoral Commissioner will be \$158,360 per annum. Telephone rental and calls allowance for this Office will remain unaffected by this Determination.

**4. DEPUTY ELECTORAL COMMISSIONER**

- 4.1 The remuneration of the Office of Deputy Electoral Commissioner was last determined in Determination No. 2 of 2009, operative from 1 July 2008. The current salary is \$112,270 per annum.
- 4.2 As previously stated, the Electoral Commissioner and the Deputy Electoral Commissioner did not provide submissions.
- 4.3 The Tribunal has determined the salary for the Office of Deputy Electoral Commissioner will be \$115,810 per annum. Telephone rental and calls allowance for this Office will remain unaffected by this Determination.

**5. EMPLOYEE OMBUDSMAN**

- 5.1 The remuneration for the Office of Employee Ombudsman was last determined in Determination No. 2 of 2009, operative from 1 July 2008. The salary is currently \$114,670 per annum.
- 5.2 The Employee Ombudsman did not provide a submission.
- 5.3 The Tribunal has determined that the salary for this Office will be \$118,290 per annum. Telephone rental and calls allowance for this Office will remain unaffected by this Determination.

**6. HEALTH AND COMMUNITY SERVICES COMPLAINTS COMMISSIONER**

- 6.1 The remuneration of the Health and Community Services Complaints Commissioner (HCSCC) was last determined in Determination No. 2 of 2009 operative from 1 July 2008. The current salary is \$176,600 per annum.
- 6.2 Written and oral submissions were received from the HCSCC. The HCSCC's written submission reiterated the key points made in her submission to the Tribunal in relation to the 2008 review, namely:
1. *The importance of upholding the work value principles established by the state wage case and endorsed by the Tribunal: "The strict test for an alteration in wage rates is that the change in the nature of the work should constitute a significant net addition to the work requirements as to warrant... upgrading to a higher classification".*
  2. *The unacceptable widening of the gender wage gap due to individual pay bargaining for Statutory officers in isolation from the Tribunal.*
  3. *The need to ensure that the principles and criteria by which Statutory Officer salaries are determined are explicit and open to public scrutiny.*
  4. *The detrimental impact of unbudgeted Statutory Officer salary increases on statutory office services to the public.*
  5. *The increasing public dissatisfaction with high rates of pay at executive levels and the lack of transparency about how such rates are determined.*

- 6.3 The HCSCC also provided information about the salary of the Workcover Ombudsman and the State Ombudsman and noted that there has not yet been any work value assessment of either position and noted, on her knowledge, that *“before the increase in the salary for the position of State Ombudsman, the salary relativity between the SA Ombudsman and the Health and Community Services Complaints Commissioner was set on the basis that the salary of the Commissioner was 90% of the salary of the SA Ombudsman. Since the increase in the salary for the position of State Ombudsman and the salary for the position of the Health and Community Services Complaints Commissioner determined by the Remuneration Tribunal on 9 January 2009, the relativity between the two positions has been changed to 79.1%. This has occurred without any relative work value assessment of the two positions”*.
- 6.4 In her oral submission, the HCSCC reiterated her concerns about the lack of transparency in relation to the setting of public sector executive salaries. Whilst the Tribunal notes these concerns it is the Tribunal's view that such concerns are a matter for Government, as the Tribunal's jurisdiction is confined to the officers named in the paragraph above.
- 6.5 The Tribunal has considered the submissions made and has determined that the salary for this Office will be \$182,170 per annum. Telephone rental and calls allowance for this Office will remain unaffected by this Determination.

## **7. WORK VALUE REVIEW**

- 7.1 As indicated in its Report 2 of 2009, in the past the Tribunal has been responsible for determining the remuneration for the Ombudsman. In light of the previous linkage in remuneration between the Ombudsman and other Statutory Officers and continued submissions by other Statutory Office Holders regarding changes in work value, the Tribunal has engaged consultants to conduct an independent review and evaluation of the positions within its jurisdiction.
- 7.2 This review is scheduled to commence in early 2010.

## **8. OPERATIVE DATE**

- 8.1 Salaries determined herein will operate from 1 July 2009.

Hedley R Bachmann AM  
**PRESIDENT**

December 2009.

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**ROAD TRAFFIC ACT 1961****SUPPLEMENTARY NOTICE OF APPROVAL & EXEMPTION***Pursuant to Sections 161A and 163AA of the Road Traffic Act 1961***OPERATION OF ROAD TRAIN VEHICLES IN SOUTH AUSTRALIA****1. REVOCATION OF PREVIOUS NOTICE**

- 1.1 I hereby revoke the Supplementary Notice of Approval and Exemption titled 'Operation of Road Train Vehicles in South Australia' published in the *South Australian Government Gazette*, dated 3 December 2009.

**2. APPROVAL**

- 2.1 In accordance with the powers delegated to me by the Minister for Transport under section 163AA of the *Road Traffic Act 1961* and regulation 155 of the *Road Traffic (Vehicle Standards) Rules 1999*, I hereby vary the conditions of the Notice of Approval and Exemption titled 'Operation of Road Train Vehicles in South Australia' (the 'Primary Notice') dated 2 June 2008 and published in the *South Australian Government Gazette*, as detailed below.

**3. APPLICATION OF SUPPLEMENTARY NOTICE**

- 3.1 This Supplementary Notice must be read in conjunction with the Primary Notice and applies to approved vehicles operating under the Primary Notice and engaged in the transport of product for Iluka Resources Limited.

**4. ROUTES AVAILABLE TO APPROVED VEHICLES**

- 4.1 An approved vehicle may operate under the conditions of the Primary Notice on:
- 4.1.1 the Ooldea-Colona Station Road, from the Iluka Mine Access Road to the Ooldea-Colona Station Road/Eyre Highway junction: and
- 4.1.2 Davison Street, Thevenard, between Railway Terrace and Bergmann Drive.
- 4.2 Notwithstanding the requirements of Clause 39.1 of the Code of Practice for Road Trains, an approved vehicle travelling under this Notice may operate at Higher Mass Limits on the routes identified in 4.1 of this Notice.
- 4.3 An approved vehicle is prohibited from making the following turning movements:
- 4.3.1 Left turn from Davison Street into Thevenard Road.
- 4.3.2 Left turn from Davison Street into Railway Terrace.
- 4.3.3 Right turn from Davison Street into Railway Terrace.
- 4.3.4 Left turn from Railway Terrace into Davison Street.

**5. CONDITIONS AND LIMITATIONS APPLYING TO THIS SUPPLEMENTARY NOTICE**

- 5.1 The driver of an approved vehicle must:
- 5.1.1 continue to comply with all conditions and requirements of the Primary Notice; and
- 5.1.2 carry at all times a legible, current and complete copy of:
- (i) this Supplementary Notice;
- (ii) the Primary Notice;
- (iii) the 'Code of Practice for Road Trains' dated April 2008;
- (iv) all current approved Road Train and Converter Dolly route network map(s) (as appropriate) specific to the entire route being travelled/operated on during the particular journey undertaken with the exception of the routes identified in 4.1 of this Notice, including more specific detailed maps of routes and townships where available; and
- (v) A current driver medical certificate where you are required to undergo and pass a medical examination.
- 5.1.3 produce any or all of the documents indicated in 5.1.2 above when requested by a DTEI Authorised Officer appointed under the *Road Traffic Act 1961* or a Police Officer.

**6. DEFINITIONS**

In this Notice:

- 6.1 'Primary Notice' means the Notice of Approval and Exemption titled 'Operation of Road Train Vehicles in South Australia', dated 2 June 2008;
- 6.2 'Supplementary Notice' means this Supplementary Notice;

- 6.3 'Code of Practice' means the Code of Practice for Road Trains, dated April 2008 as issued by the Department for Transport, Energy and Infrastructure; and
- 6.4 'Approved vehicle' means a vehicle combination consisting of a prime mover towing two trailers, where a converter dolly supporting a semi trailer is counted as a single trailer (double road train).

## 7. COMMENCEMENT OF THIS NOTICE

- 7.1 This Supplementary Notice is valid from 12.01 a.m. on 11 December 2009 until 12.01 a.m. on 28 February 2010.

## 8. AUTHORISATION

BRIAN HEMMING  
 Director, Transport Safety Regulation  
 For and on behalf of  
 Executive Director, Safety and Regulation Division  
 Department for Transport, Energy and Infrastructure

### ROADS (OPENING AND CLOSING) ACT 1991: SECTION 24

#### NOTICE OF CONFIRMATION OF ROAD PROCESS ORDER

*Road Closure  
Thompson Street, Waikerie*

BY Road Process Order made on 7 October 2009, the District Council of Loxton Waikerie ordered that:

1. Portion of Thompson Street situate south of Coombe Terrace and between allotments 78 and 423, Town of Waikerie, more particularly delineated and lettered 'A' in Preliminary Plan No. 06/0078 be closed.
2. Issue a Certificate of Title to the District Council of Loxton Waikerie for the whole of the land subject to closure which land is being retained by the Council for public purposes.
3. The following easement is granted over portion of the land subject to that closure.

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

On 1 December 2009 that order was confirmed by the Minister for Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 82662 being the authority for the new boundaries.

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

Dated 10 December 2009.

P. M. KENTISH, Surveyor-General

### ROADS (OPENING AND CLOSING) ACT 1991: SECTION 24

#### NOTICE OF CONFIRMATION OF ROAD PROCESS ORDER

*Road Closure  
Sawmill Gully Road, Mylor*

BY Road Process Order made on 28 September 2009, The District Council of Mount Barker ordered that:

1. Portion of Sawmill Gully Road being a three metre square strip situate adjoining section 427, Hundred of Kuitpo, more particularly delineated and lettered 'A' in Preliminary Plan No. 09/0051 be closed.
2. The whole of the land subject to closure be transferred to Georgene Reilly O'Rourke in accordance with agreement for transfer dated 28 September 2009 entered into between The District Council of Mount Barker and G. R. O'Rourke.

On 1 December 2009 that order was confirmed by the Minister for Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 82495 being the authority for the new boundaries.

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

Dated 10 December 2009.

P. M. KENTISH, Surveyor-General

**WATER MAINS AND SEWERS**

Office of the South Australian Water Corporation  
Adelaide, 10 December 2009

**WATER MAINS LAID**

Notice is hereby given that the following main pipes or parts of main pipes have been laid down by the South Australian Water Corporation in or near the undermentioned water districts and are now available for a constant supply of water to adjacent land.

**ADELAIDE WATER DISTRICT****ADELAIDE CITY COUNCIL**

Across Flinders Street, Adelaide. p2  
Public road east of lot 11 in LTRO DP 70131, Flinders Street, Adelaide. p2

**CITY OF ONKAPARINGA**

Across Rowley Road, Aldinga Beach. p6  
In and across Emerald Boulevard, Aldinga Beach. p6  
Sapphire Way, Aldinga Beach. p6  
Azure Place, Aldinga Beach. p6  
In and across Indigo Court, Aldinga Beach. p7  
Cobalt Place, Aldinga Beach. p7

**CITY OF PLAYFORD**

Across Chellaston Road, Munno Para West. p13  
In and across Kalyvas Drive, Munno Para West. p13  
Rosaria Court, Munno Para West. p13  
Timothy Street, Munno Para West. p13  
Fradd Court, Angle Vale. p15

**CITY OF SALISBURY**

Mowbray Street, Mawson Lakes. p11  
Wentworth Street, Mawson Lakes. p11  
Chianti Lane, Mawson Lakes. p11  
Easement in lot 2017 in LTRO DP 80726, Victoria Parade, Mawson Lakes. p11

**ARNO BAY WATER DISTRICT**

**DISTRICT COUNCIL OF CLEVE**  
High Street, Arno Bay. p3

**BEETALOO COUNTRY LANDS WATER DISTRICT**

**PORT PIRIE REGIONAL COUNCIL**  
Across Scenic Drive, Nelshaby. p33

**BLUE LAKE COUNTRY LANDS WATER DISTRICT**

**DISTRICT COUNCIL OF GRANT**  
Wireless Road, Suttontown. p34

**CLAYTON BAY WATER DISTRICT****ALEXANDRINA COUNCIL**

In and across Alexandrina Drive, Clayton Bay. p16-19  
Grandview Drive, Clayton Bay. p16  
Island View Drive, Clayton Bay. p16  
Gilbert Street, Clayton Bay. p19 and 24  
Pearce Road, Clayton Bay. p19 and 24  
In and across Clayton Street, Clayton Bay. p19-22  
In and across Warburton Street, Clayton Bay. p22  
Finniss Street, Clayton Bay. p22 and 21  
Across Gorge Street, Clayton Bay. p21  
Lowther Street, Clayton Bay. p23  
Chandos Street, Clayton Bay. p22 and 23  
Rankine Street, Clayton Bay. p22

**EUDUNDA WATER DISTRICT**

**REGIONAL COUNCIL OF GOYDER**  
Ward Street, Eudunda. p25  
South Terrace, Eudunda. p25

**HAWKER WATER DISTRICT**

**THE FLINDERS RANGES COUNCIL**  
Wirreanda Terrace, Hawker. p31  
In and across Elder Terrace, Hawker. p31 and 32

**LYNDOCH WATER DISTRICT**

**THE BAROSSA COUNCIL**  
In and across Gilbert Street, Lyndoch. p8  
Jollytown Road, Lyndoch. p8 and 9  
In and across Carol Street, Lyndoch. p9  
Stella Court, Lyndoch. p9  
In and across Gilbert Street, Lyndoch. p10

**MOONTA WATER DISTRICT**

**DISTRICT COUNCIL OF THE COPPER COAST**  
Symons Street, Moonta Bay. p27

**MOUNT GAMBIER WATER DISTRICT**

**CITY OF MOUNT GAMBIER**  
Woodlands Drive, Mount Gambier. p12  
O'Leary Road, Mount Gambier. p34  
Wireless Road, Mount Gambier and Suttontown. p34

**MUNDALLIO COUNTRY LANDS WATER DISTRICT****PORT AUGUSTA CITY COUNCIL**

Across public road (known as Zerna Road), Port Augusta. p28  
Public road north of allotment piece 202 in LTRO DP 80205, Port Augusta. p28  
Across and in public road (known as Abattoirs Road), Port Augusta. p28

**PORT LINCOLN WATER DISTRICT**

**CITY OF PORT LINCOLN**  
Tennant Street, Port Lincoln. p4

**ROBE WATER DISTRICT**

**DISTRICT COUNCIL OF ROBE**  
In and across Alexander Tolmer Way, Robe. p14  
New Road (lot 53 in LTRO DP 79246), Robe. p14  
New Road (lot 51 in LTRO DP 79246), Robe. p14  
Easement in lot 54 in LTRO DP 79246, Alexander Tolmer Way, Robe. p14

**WARREN COUNTRY LANDS WATER DISTRICT**

**LIGHT REGIONAL COUNCIL**  
Nitschke Road, Marananga. p26

**WHYALLA WATER DISTRICT**

**THE CORPORATION OF THE CITY OF WHYALLA**  
Across McRitchie Crescent, Whyalla Stuart. p5  
Foote Place, Whyalla Stuart. p5

**WATER MAINS ABANDONED**

Notice is hereby given that the undermentioned water mains have been abandoned by the South Australian Water Corporation.

**BEETALOO COUNTRY LANDS WATER DISTRICT**

## PORT PIRIE REGIONAL COUNCIL

Across Scenic Drive, Nelshaby. p33  
Easements in lot 20 in LTRO DP 35859, Scenic Drive, Nelshaby.  
p33

**BLUE LAKE COUNTRY LANDS WATER DISTRICT**

## DISTRICT COUNCIL OF GRANT

Wireless Road, Suttontown. p34

**BORDERTOWN WATER DISTRICT**

## TATIARA DISTRICT COUNCIL

Cannawigara Road, Bordertown. p30

**CLAYTON BAY WATER DISTRICT**

## ALEXANDRINA COUNCIL

Island View Drive, Clayton Bay. p16

**EUDUNDA WATER DISTRICT**

## REGIONAL COUNCIL OF GOYDER

Ward Street, Eudunda. p25  
South Terrace, Eudunda. p25

**HAWKER WATER DISTRICT**

## THE FLINDERS RANGES COUNCIL

Wirreanda Terrace, Hawker. p31  
Elder Terrace, Hawker. p31 and 32

**KINGSTON ON MURRAY WATERWORKS****MOOROOK COUNTRY LANDS WATER DISTRICT**

## DISTRICT COUNCIL OF LOXTON WAIKERIE

Morgan Street, Kingston on Murray. p35  
Across River Terrace, Kingston on Murray. p35  
Easement in section 107, hundred of Moorook, River Terrace,  
Kingston on Murray. p35

**LYNDOK WATER DISTRICT**

## THE BAROSSA COUNCIL

Gilbert Street, Lyndoch. p8  
In and across Gilbert Street, Lyndoch. p10

**MOUNT GAMBIER WATER DISTRICT**

## CITY OF MOUNT GAMBIER

O'Leary Road, Mount Gambier. p34  
Wireless Road, Mount Gambier and Suttontown. p34

**MUNDALLIO COUNTRY LANDS WATER DISTRICT**

## PORT AUGUSTA CITY COUNCIL

Public road (known as Zerna Road), Port Augusta. p28

**PORT LINCOLN WATER DISTRICT**

## CITY OF PORT LINCOLN

Tennant Street, Port Lincoln. p4

**BARMERA WATERWORKS****OUTSIDE BARMERA WATER DISTRICT**

## THE BERRI BARMERA COUNCIL

Across MacGillivray Street, Barmera. p29  
Easements in lot 759, MacGillivray Street, Barmera. p29

**WATER MAINS LAID**

Notice is hereby given that the undermentioned water mains have been laid down by the South Australian Water Corporation and are not available for a constant supply of water to adjacent land.

**BARMERA WATERWORKS****OUTSIDE BARMERA WATER DISTRICT**

## THE BERRI BARMERA COUNCIL

Across and in MacGillivray Street, Barmera. p29  
Easement in lot 759, MacGillivray Street, Barmera. p29

**ADDENDUM**

Addendum to notice in "Government Gazette" of 23 May 1991

**"WATER MAINS LAID"**

"Notice is hereby given that the following main pipes or parts of main pipes have been laid down by the Minister of Water Resources in or near the undermentioned water districts and are now available for a constant supply of water to adjacent land."

**"ADELAIDE WATER DISTRICT"**

"DISTRICT OF WILLUNGA" (now City of Onkaparinga)  
"Bowering Road (now Bowering Hill Road), Port Willunga. p60"  
To this notice add "This main is not available for constant rateable supply to LTRO CP 21109." p1

**SEWERS LAID**

Notice is hereby given that the following sewers have been laid down by the South Australian Water Corporation in the undermentioned drainage areas and are now available for house connections.

**ADELAIDE DRAINAGE AREA**

## CITY OF MARION

William Street, Glengowrie. FB 1187 p45

## CITY OF MITCHAM

Easements in lot 265 in LTRO DP 4793, Highland Drive and lot 101 in LTRO DP 82029, Argyll Walk, Bellevue Heights. FB 1187 p42

Across Egmont Terrace, Hawthorn. FB 1187 p46

Garwood Street, Hawthorn. FB 1187 p46

Across Cross Road, Kings Park and Westbourne Park. FB 1079 p51

Across and in Llanfair Terrace, Westbourne Park. FB 1079 p51

Llanfair Terrace, Westbourne Park. FB 1079 p52

Across Marlborough Road, Westbourne Park and Hawthorn. FB 1079 p52

Across Sussex Terrace, Hawthorn. FB 1079 p52

Egmont Terrace, Hawthorn. FB 1079 p52

## CITY OF ONKAPARINGA

Playford Drive, Morphett Vale. FB 1187 p43

Easements in lot 2 in LTRO DP 68317, Lennard Drive and lot 1 in LTRO DP 68317, Esplanade, Moana. FB 1187 p47

**CITY OF PORT ADELAIDE ENFIELD**  
Waverley Street, Largs Bay. FB 1187 p41

**CITY OF SALISBURY**

Easements in lot 3002 in LTRO DP 80726, Salisbury Highway and reserve (lot 805 in LTRO DP 70436), Mossman Street, Mawson Lakes. FB 1157 p20, 22 and 24  
In and across Mossman Street, Mawson Lakes. FB 1157 p20, 22 and 24  
Logan Street, Mawson Lakes. FB 1157 p20, 22 and 24  
Mossman Street, Mawson Lakes. FB 1157 p25 and 26  
Jackson Street, Mawson Lakes. FB 1157 p25 and 26  
Easement in lot 2017 in LTRO DP 80726, Jackson Street, Mawson Lakes. FB 1157 p25 and 26  
Mowbray Street, Mawson Lakes. FB 1166 p18-20  
Easement in lot 2017 in LTRO DP 80726, Mowbray Street, Mawson Lakes. FB 1166 p18-20  
St. Clair Avenue, Mawson Lakes. FB 1166 p18-20

**CITY OF UNLEY**

Easements in allotment piece 500 in LTRO DP 57944, allotment piece 701 in LTRO DP 53413 and allotment pieces 603 and 604 in LTRO DP 54175, Millswood Crescent, Millswood. FB 1079 p51  
Across and in Millswood Crescent, Millswood. FB 1079 p51  
Across Ormonde Avenue, Millswood. FB 1079 p51  
Across Ellesmere Terrace, Millswood. FB 1079 p51  
In and across Goodwood Road, Millswood and Kings Park. FB 1079 p51  
Ningana Avenue, Kings Park. FB 1079 p51  
Across and in Valmai Avenue, Kings Park. FB 1079 p51  
Jellicoe Avenue, Kings Park. FB 1079 p51  
Across Cross Road, Kings Park. FB 1079 p51

**ALDINGA DRAINAGE AREA**

**CITY OF ONKAPARINGA**

Maurice Street, Aldinga Beach. FB 1187 p49  
Across and in Fraser Street, Aldinga Beach. FB 1187 p49

**MANNUM COUNTRY DRAINAGE AREA**

**MID MURRAY COUNCIL**

In and across North Terrace, Port Mannum. FB 1188 p43

**MOUNT GAMBIER COUNTRY DRAINAGE AREA**

**DISTRICT COUNCIL OF GRANT**

Easements in lot 3 in LTRO DP 68580, O'Leary Road, Suttontown. FB 1163 p15  
In and across Pick Avenue, OB Flat. FB 1175 p31-33  
Easements in lot 204 and 203 in LTRO DP 74063, Punt Road and lot 202 in LTRO DP 74063, Lorikeet Street, OB Flat. FB 1175 p31-33

**CITY OF MOUNT GAMBIER**

Across and in Pick Avenue, Mount Gambier and OB Flat. FB 1175 p31-33  
Across Wehl Street, Mount Gambier. FB 1187 p44

**PORT LINCOLN COUNTRY DRAINAGE AREA**

**CITY OF PORT LINCOLN**

Tennant Street, Port Lincoln. FB 1187 p50

**SEWERS ABANDONED**

Notice is hereby given that the undermentioned sewers have been abandoned by the South Australian Water Corporation.

**ADELAIDE DRAINAGE AREA**

**CITY OF PORT ADELAIDE ENFIELD**  
Waverley Street, Largs Bay. FB 1187 p41

**CITY OF MITCHAM**

Across Cross Road, Kings Park and Westbourne Park. FB 1079 p51  
Across and in Llanfair Terrace, Westbourne Park. FB 1079 p51  
Llanfair Terrace, Westbourne Park. FB 1079 p52  
Across Marlborough Road, Westbourne Park and Hawthorn. FB 1079 p52  
Across Sussex Terrace, Hawthorn. FB 1079 p52  
Egmont Terrace, Hawthorn. FB 1079 p52

**CITY OF UNLEY**

Easements in allotment piece 500 in LTRO DP 57944, allotment piece 701 in LTRO DP 53413 and allotment pieces 603 and 604 in LTRO DP 54175, Millswood Crescent, Millswood. FB 1079 p51  
Across and in Millswood Crescent, Millswood. FB 1079 p51  
Across Ormonde Avenue, Millswood. FB 1079 p51  
Across Ellesmere Terrace, Millswood. FB 1079 p51  
In and across Goodwood Road, Millswood and Kings Park. FB 1079 p51  
Ningana Avenue, Kings Park. FB 1079 p51  
Across and in Valmai Avenue, Kings Park. FB 1079 p51  
Jellicoe Avenue, Kings Park. FB 1079 p51  
Across Cross Road, Kings Park. FB 1079 p51

**SEWERS LAID**

Notice is hereby given that the undermentioned sewers have been laid down by the South Australian Water Corporation and are not available for house connections.

**ADELAIDE DRAINAGE AREA**

**ADELAIDE CITY COUNCIL**

Across West Terrace, Adelaide. FB 1187 p48

**CITY OF SALISBURY**

Sewerage land (lot 800 in LTRO DP 70138), Elder Drive, Mawson Lakes. FB 1157 p20, 21 and 23  
Easements in reserve (lot 901 in LTRO DP 70138), Elder Drive, drainage reserve (lot 844 in LTRO DP 70048) and lot 3006 in LTRO DP 77735, Salisbury Highway, Mawson Lakes. FB 1157 p20, 21 and 23  
Across Elder Smith Road, Mawson Lakes. FB 1157 p20, 21 and 23  
Easements in reserve (lot 3001 in LTRO DP 80726), Victoria Parade and lot 3002 in LTRO DP 80726, Salisbury Highway, Mawson Lakes. FB 1157 p20-22 and 24  
Logan Street, Mawson Lakes. FB 1166 p18-20  
Across Mowbray Street, Mawson Lakes. FB 1166 p18-20  
Easement in lot 2017 in LTRO DP 80726, Jackson Street, Mawson Lakes. FB 1166 p18-20  
St. Clair Avenue, Mawson Lakes. FB 1166 p18-20

A. HOWE, Chief Executive Officer, South  
Australian Water Corporation

South Australia

## **Correctional Services (Miscellaneous) Amendment Act (Commencement) Proclamation 2009**

### **1—Short title**

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

### **2—Commencement of Act**

The *Correctional Services (Miscellaneous) Amendment Act 2009* (No 63 of 2009) will come into operation on 1 January 2010.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 10 December 2009

MCS09/023SC

South Australia

## **Local Government (Elections) (Miscellaneous) Amendment Act (Commencement) Proclamation 2009**

### **1—Short title**

This proclamation may be cited as the *Local Government (Elections) (Miscellaneous) Amendment Act (Commencement) Proclamation 2009*.

### **2—Commencement of Act**

The *Local Government (Elections) (Miscellaneous) Amendment Act 2009* (No 50 of 2009) will come into operation on 21 December 2009.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 10 December 2009

09MLG0009CS

South Australia

## **National Electricity (South Australia) (Smart Meters) Amendment Act (Commencement) Proclamation 2009**

### **1—Short title**

This proclamation may be cited as the *National Electricity (South Australia) (Smart Meters) Amendment Act (Commencement) Proclamation 2009*.

### **2—Commencement of Act**

The *National Electricity (South Australia) (Smart Meters) Amendment Act 2009* (No 54 of 2009) will come into operation on 1 January 2010.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 10 December 2009

MEN09/019

South Australia

## **National Gas (South Australia) (Short Term Trading Market) Amendment Act (Commencement) Proclamation 2009**

### **1—Short title**

This proclamation may be cited as the *National Gas (South Australia) (Short Term Trading Market) Amendment Act (Commencement) Proclamation 2009*.

### **2—Commencement of Act**

The *National Gas (South Australia) (Short Term Trading Market) Amendment Act 2009* (No 46 of 2009) will come into operation on 1 January 2010.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 10 December 2009

MEN09/019

South Australia

## **Statutes Amendment (Electricity and Gas—Information Management and Retailer of Last Resort) Act (Commencement) Proclamation 2009**

### **1—Short title**

This proclamation may be cited as the *Statutes Amendment (Electricity and Gas—Information Management and Retailer of Last Resort) Act (Commencement) Proclamation 2009*.

### **2—Commencement of section**

Section 5 of the *Statutes Amendment (Electricity and Gas—Information Management and Retailer of Last Resort) Act 2009* (No 45 of 2009) will come into operation on 1 July 2010.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 10 December 2009

MEN09/019

South Australia

## **Statutes Amendment (Transport Portfolio—Alcohol and Drugs) Act (Commencement) Proclamation 2009**

### **1—Short title**

This proclamation may be cited as the *Statutes Amendment (Transport Portfolio—Alcohol and Drugs) Act (Commencement) Proclamation 2009*.

### **2—Commencement of suspended provisions**

The remaining provisions (other than section 36) of the *Statutes Amendment (Transport Portfolio—Alcohol and Drugs) Act 2009* (No 8 of 2009) will come into operation on 1 February 2010.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 10 December 2009

MRS09/010CS

South Australia

## **Electrical Products (Part 2 Declarations) Variation Proclamation 2009**

under section 5 of the *Electrical Products Act 2000*

### **Part 1—Preliminary**

#### **1—Short title**

This proclamation may be cited as the *Electrical Products (Part 2 Declarations) Variation Proclamation 2009*.

#### **2—Commencement**

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

#### **3—Variation provisions**

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

### **Part 2—Variation of *Electrical Products (Part 2 Declarations) Proclamation 2004***

#### **4—Variation of clause 3—Interpretation**

- (1) Clause 3, definition of *Australian Standard*—after "published" insert:  
or approved
- (2) Clause 3—after its present contents (now to be designated as subclause (1)) insert:
  - (2) A version of an Australian Standard that has the same number as an interim Australian Standard will be taken to be a later version of the same standard.

#### **5—Variation of Schedule 2—Energy performance registration**

Schedule 2, after clause 10 insert:

**10AA** Self-ballasted compact fluorescent lamp, being an *AS/NZS 4847.2(Int)*<sup>2</sup> electrical device that—

- (a) is unable to be dismantled without being permanently damaged; and
- (b) is provided with a lamp cap; and
- (c) incorporates a light source and any additional elements necessary for starting and stable operation of the light source,

commonly referred to as a CFLi (compact fluorescent lamp with integral ballast)—see section 3.13 *AS 4847.1(Int)*.

**Made by the Governor**

with the advice and consent of the Executive Council  
on 10 December 2009

MEN09/017

South Australia

## **National Parks and Wildlife (Pike River Conservation Park) Proclamation 2009**

under section 30(2) of the *National Parks and Wildlife Act 1972*

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### **Preamble**

- 1 The following land forms part of the Pike River Conservation Park:  
Allotment 10 of Deposited Plan 72034, Hundred of Paringa, County of Alfred.
  - 2 It is intended that, by this proclamation, the land be excluded from the Park.
  - 3 A resolution requesting the making of this proclamation has been passed by both the House of Assembly and the Legislative Council.
- 

### **1—Short title**

This proclamation may be cited as the *National Parks and Wildlife (Pike River Conservation Park) Proclamation 2009*.

### **2—Commencement**

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

### **3—Alteration of boundaries of Pike River Conservation Park**

The boundaries of the Pike River Conservation Park are altered by excluding from the Park the land defined in clause 1 of the preamble to this proclamation.

### **Made by the Governor**

pursuant to a resolution of both Houses of Parliament and with the advice and consent of the Executive Council  
on 10 December 2009

EHCS09/0003

South Australia

## **National Parks and Wildlife (Pike River Conservation Park) Proclamation 2009**

under section 30(2) of the *National Parks and Wildlife Act 1972*

### **1—Short title**

This proclamation may be cited as the *National Parks and Wildlife (Pike River Conservation Park) Proclamation 2009*.

### **2—Commencement**

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

### **3—Alteration of boundaries of Pike River Conservation Park**

The boundaries of the Pike River Conservation Park are altered by adding to the Park the following Crown land:

Section 84, Hundred of Paringa, County of Alfred.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 10 December 2009

EHCS09/0003

South Australia

## **Development (Regional Development Assessment Panels) Variation Regulations 2009**

under section 34 of the *Development Act 1993*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Development Regulations 2008***

- 4 Insertion of Schedules 28, 29 and 30
    - Schedule 28—Eastern Eyre Peninsula Regional Development Assessment Panel
      - 1 Interpretation
      - 2 Constitution of panel
      - 3 Number of members
      - 4 Criteria for membership and appointment procedures
      - 5 Term of office
      - 6 Conditions of appointment
      - 7 Appointment of deputy presiding member
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      - 9 Administration of panel
      - 10 Other matters
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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Development (Regional Development Assessment Panels) Variation Regulations 2009*.

### 2—Commencement

These regulations will come into operation on 1 January 2010.

### 3—Variation provisions

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

## Part 2—Variation of *Development Regulations 2008*

### 4—Insertion of Schedules 28, 29 and 30

After Schedule 27 insert:

### Schedule 28—Eastern Eyre Peninsula Regional Development Assessment Panel

#### 1—Interpretation

In this Schedule—

*relevant councils* means—

- (a) The District Council of Cleve; and
- (b) The District Council of Franklin Harbour; and
- (c) The District Council of Kimba.

#### 2—Constitution of panel

- (1) The Eastern Eyre Peninsula Regional Development Assessment Panel (the *panel*) is constituted in relation to the areas of the relevant councils.
- (2) The panel may act as a delegate of a relevant council in the manner contemplated by section 34(23)(c) of the Act.

#### 3—Number of members

The panel consists of 7 members.

#### 4—Criteria for membership and appointment procedures

- (1) The following provisions will apply in relation to the constitution and membership of the panel:
  - (a) the presiding member will be appointed by the Minister from a list of at least 2 nominees submitted to the Minister by the relevant councils taking into account the following requirements:
    - (i) the presiding member must not be a member or officer of any of the relevant councils;

- (ii) the presiding member must be a fit and proper person to be a member of a development assessment panel;
  - (iii) the presiding member must be a person who is determined by the Minister to have a reasonable knowledge of the operation and requirements of the Act, and appropriate qualifications or experience in a field that is relevant to the activities of the panel;
- (b) if—
- (i) less than 2 nominees are submitted to the Minister; or
  - (ii) neither or none (as the case may be) of the nominees submitted to the Minister meets the requirements set out in paragraph (a),

the Minister may, having regard to the requirements set out in paragraph (a), appoint a presiding member considered suitable for the position by the Minister;

- (c) the remaining members of the panel will be appointed taking into account the following requirements:
- (i) each of the relevant councils will appoint 2 members;
  - (ii) a member appointed by a relevant council may be either a person who is not a member or officer of any of the relevant councils or a person who is either—
    - (A) a member of the relevant council; or
    - (B) an officer of the relevant council (although any such officer may only be a member of the panel if the relevant council has taken steps to ensure that the officer is not directly involved in the assessment of applications under the Act (other than as a member of the panel), or in the preparation of any council report to the panel on the assessment of particular applications);
  - (iii) with respect to the members of the panel who are not members or officers of the relevant councils—
    - (A) each must be a fit and proper person to be a member of a regional development assessment panel; and
    - (B) each must be a person who is determined by the relevant council making the appointment to have a reasonable knowledge of the operation and requirements of the Act, and appropriate qualifications or experience in a field that is relevant to the activities of the panel; and

- (C) the qualifications and experience of these members, when considered in conjunction with the qualifications and experience of the presiding member, must provide a reasonable balance across the fields that are relevant to the activities of the panel;
- (d) the Minister and the relevant councils—
  - (i) must, insofar as is reasonably practicable, ensure that at least 1 member of the panel is a woman and at least 1 member is a man; and
  - (ii) should, insofar as is reasonably practicable, ensure that the panel consists of equal numbers of men and women.
- (2) The other procedures to be followed with respect to the appointment of members will be determined by the Minister and the relevant councils.
- (3) The Minister and the relevant councils must, within 14 days after a person is appointed as a member of the panel, give notice of the appointment by publishing in a newspaper circulating in the area of the relevant councils the—
  - (a) full name of the person; and
  - (b) the term of the appointment.

### **5—Term of office**

- (1) The term of office of a member will be for a period, not exceeding 2 years, determined by the relevant councils (and, at the expiration of a term of appointment, a member is eligible for reappointment).
- (2) A member of the panel whose term of office expires may nevertheless continue to act as a member, for a period of up to 6 months, until he or she is reappointed or a successor is appointed (as the case may be).

### **6—Conditions of appointment**

Subject to this Schedule, the conditions of appointment of the members of the panel will be determined by the relevant councils.

### **7—Appointment of deputy presiding member**

The members of the panel will appoint the deputy presiding member of the panel.

### **8—Procedures of panel**

- (1) A quorum at a meeting of the panel is a number ascertained by dividing the total number of members of the panel for the time being in office by 2, ignoring any fraction resulting from the division, and adding 1.
- (2) Each member of the panel present at a meeting of the panel is entitled to 1 vote on any matter arising for decision and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.
- (3) Subject to this Schedule, the procedures to be observed in relation to the conduct of the business of the panel will be determined by the panel.

## 9—Administration of panel

Any—

- (a) staffing and other support issues associated with the creation or operations of the panel; and
- (b) special accounting or financial issues that may arise in relation to the panel,

will be provided for by the relevant councils.

## 10—Other matters

The relevant councils must, at the request of the Minister, provide information to the Minister—

- (a) about the constitution of the panel under the Act and this Schedule; or
- (b) about the powers and functions delegated to the panel under section 34(23) of the Act.

# Schedule 29—Flinders Regional Development Assessment Panel

## 1—Interpretation

In this Schedule—

*relevant councils* means—

- (a) The Flinders Ranges Council; and
- (b) The District Council of Mount Remarkable; and
- (c) District Council of Orroroo/Carrieton; and
- (d) District Council of Peterborough.

## 2—Constitution of panel

- (1) The Flinders Regional Development Assessment Panel (the *panel*) is constituted in relation to the areas of the relevant councils.
- (2) The panel may act as a delegate of a relevant council in the manner contemplated by section 34(23)(c) of the Act.

## 3—Number of members

The panel consists of 5 members.

## 4—Criteria for membership and appointment procedures

- (1) The following provisions will apply in relation to the constitution and membership of the panel:
  - (a) the presiding member will be appointed by the Minister from a list of at least 2 nominees submitted to the Minister by the relevant councils taking into account the following requirements:
    - (i) the presiding member must not be a member or officer of any of the relevant councils;

- (ii) the presiding member must be a fit and proper person to be a member of a development assessment panel;
    - (iii) the presiding member must be a person who is determined by the Minister to have a reasonable knowledge of the operation and requirements of the Act, and appropriate qualifications or experience in a field that is relevant to the activities of the panel;
  - (b) if—
    - (i) less than 2 nominees are submitted to the Minister; or
    - (ii) neither or none (as the case may be) of the nominees submitted to the Minister meets the requirements set out in paragraph (a),the Minister may, having regard to the requirements set out in paragraph (a), appoint a presiding member considered suitable for the position by the Minister;
  - (c) the remaining members of the panel will be appointed taking into account the following requirements:
    - (i) each of the relevant councils will appoint 1 member;
    - (ii) a member appointed by a relevant council may be a person who is either—
      - (A) a member of the relevant council; or
      - (B) an officer of the relevant council (although any such officer may only be a member of the panel if the relevant council has taken steps to ensure that the officer is not directly involved in the assessment of applications under the Act (other than as a member of the panel), or in the preparation of any council report to the panel on the assessment of particular applications);
  - (d) the Minister and the relevant councils—
    - (i) must, insofar as is reasonably practicable, ensure that at least 1 member of the panel is a woman and at least 1 member is a man; and
    - (ii) should, insofar as is reasonably practicable, ensure that the panel consists of equal numbers of men and women.
- (2) The other procedures to be followed with respect to the appointment of members will be determined by the relevant councils.
- (3) The Minister and the relevant councils must, within 14 days after a person is appointed as a member of the panel, give notice of the appointment by publishing in a newspaper circulating in the area of the relevant councils the—
- (a) full name of the person; and
  - (b) the term of the appointment.

### **5—Term of office**

- (1) The term of office of a member will be for a period, not exceeding 2 years, determined by the relevant councils (and, at the expiration of a term of appointment, a member is eligible for reappointment).
- (2) A member of the panel whose term of office expires may nevertheless continue to act as a member, for a period of up to 6 months, until he or she is reappointed or a successor is appointed (as the case may be).

### **6—Conditions of appointment**

Subject to this Schedule, the conditions of appointment of the members of the panel will be determined by the relevant councils.

### **7—Appointment of deputy presiding member**

The members of the panel will appoint the deputy presiding member of the panel.

### **8—Procedures of panel**

- (1) A quorum at a meeting of the panel is a number ascertained by dividing the total number of members of the panel for the time being in office by 2, ignoring any fraction resulting from the division, and adding 1.
- (2) Each member of the panel present at a meeting of the panel is entitled to 1 vote on any matter arising for decision and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.
- (3) Subject to this Schedule, the procedures to be observed in relation to the conduct of the business of the panel will be determined by the panel.

### **9—Administration of panel**

Any—

- (a) staffing and other support issues associated with the creation or operations of the panel; and
- (b) special accounting or financial issues that may arise in relation to the panel,

will be provided for by the relevant councils.

### **10—Other matters**

The relevant councils must, at the request of the Minister, provide information to the Minister—

- (a) about the constitution of the panel under the Act and this Schedule; or
- (b) about the powers and functions delegated to the panel under section 34(23) of the Act.

## Schedule 30—Riverland Regional Development Assessment Panel

### 1—Interpretation

In this Schedule—

*relevant councils* means—

- (a) The Berri Barmera Council; and
- (b) District Council of Loxton Waikerie; and
- (c) Renmark Paringa Council.

### 2—Constitution of panel

- (1) The Riverland Regional Development Assessment Panel (the *panel*) is constituted in relation to the areas of the relevant councils.
- (2) The panel may act as a delegate of a relevant council in the manner contemplated by section 34(23)(c) of the Act.

### 3—Number of members

The panel consists of 7 members.

### 4—Criteria for membership and appointment procedures

- (1) The following provisions will apply in relation to the constitution and membership of the panel:
  - (a) the presiding member will be appointed by the Minister from a list of at least 2 nominees submitted to the Minister by the relevant councils taking into account the following requirements:
    - (i) the presiding member must not be a member or officer of any of the relevant councils;
    - (ii) the presiding member must be a fit and proper person to be a member of a development assessment panel;
    - (iii) the presiding member must be a person who is determined by the Minister to have a reasonable knowledge of the operation and requirements of the Act, and appropriate qualifications or experience in a field that is relevant to the activities of the panel;
  - (b) if—
    - (i) less than 2 nominees are submitted to the Minister; or
    - (ii) neither or none (as the case may be) of the nominees submitted to the Minister meets the requirements set out in paragraph (a),the Minister may, having regard to the requirements set out in paragraph (a), appoint a presiding member considered suitable for the position by the Minister;
  - (c) the remaining members of the panel will be appointed taking into account the following requirements:

- (i) each of the relevant councils will appoint 2 members;
  - (ii) a member appointed by a relevant council may be either a person who is not a member or officer of any of the relevant councils or a person who is either—
    - (A) a member of the relevant council; or
    - (B) an officer of the relevant council (although any such officer may only be a member of the panel if the relevant council has taken steps to ensure that the officer is not directly involved in the assessment of applications under the Act (other than as a member of the panel), or in the preparation of any council report to the panel on the assessment of particular applications);
  - (iii) with respect to the members of the panel who are not members or officers of the relevant councils—
    - (A) each must be a fit and proper person to be a member of a regional development assessment panel; and
    - (B) each must be a person who is determined by the relevant council making the appointment to have a reasonable knowledge of the operation and requirements of the Act, and appropriate qualifications or experience in a field that is relevant to the activities of the panel; and
    - (C) the qualifications and experience of these members, when considered in conjunction with the qualifications and experience of the presiding member, must provide a reasonable balance across the fields that are relevant to the activities of the panel;
- (d) the Minister and the relevant councils—
  - (i) must, insofar as is reasonably practicable, ensure that at least 1 member of the panel is a woman and at least 1 member is a man; and
  - (ii) should, insofar as is reasonably practicable, ensure that the panel consists of equal numbers of men and women.
- (2) The other procedures to be followed with respect to the appointment of members will be determined by the relevant councils.
- (3) The Minister and the relevant councils must, within 14 days after a person is appointed as a member of the panel, give notice of the appointment by publishing in a newspaper circulating in the area of the relevant councils the—
  - (a) full name of the person; and
  - (b) the term of the appointment.

## 5—Term of office

- (1) The term of office of a member will be for a period, not exceeding 2 years, determined by the relevant councils (and, at the expiration of a term of appointment, a member is eligible for reappointment).
- (2) A member of the panel whose term of office expires may nevertheless continue to act as a member, for a period of up to 6 months, until he or she is reappointed or a successor is appointed (as the case may be).

## 6—Conditions of appointment

Subject to this Schedule, the conditions of appointment of the members of the panel will be determined by the relevant councils.

## 7—Appointment of deputy presiding member

The members of the panel will appoint the deputy presiding member of the panel.

## 8—Procedures of panel

- (1) A quorum at a meeting of the panel is a number ascertained by dividing the total number of members of the panel for the time being in office by 2, ignoring any fraction resulting from the division, and adding 1.
- (2) Each member of the panel present at a meeting of the panel is entitled to 1 vote on any matter arising for decision and, if the votes are equal, the member presiding at the meeting is entitled to a second or casting vote.
- (3) Subject to this Schedule, the procedures to be observed in relation to the conduct of the business of the panel will be determined by the panel.

## 9—Administration of panel

Any—

- (a) staffing and other support issues associated with the creation or operations of the panel; and
- (b) special accounting or financial issues that may arise in relation to the panel,

will be provided for by the relevant councils.

## 10—Other matters

The relevant councils must, at the request of the Minister, provide information to the Minister—

- (a) about the constitution of the panel under the Act and this Schedule; or
- (b) about the powers and functions delegated to the panel under section 34(23) of the Act.

### 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**

following compliance by the Minister with section 34(20) of the Act and with the advice and consent of the Executive Council  
on 10 December 2009

No 278 of 2009

South Australia

## **Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009**

under the *Liquor Licensing Act 1997*

---

### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997***

- 4 Variation of Schedule 1—Short term dry areas
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009*.

#### **2—Commencement**

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

#### **3—Variation provisions**

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

## Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997*

### 4—Variation of Schedule 1—Short term dry areas

Schedule 1—after the item headed "Adelaide—Area 2 (Elder Park)" insert:

**Adelaide—Area 3 (Rymill Park and Rundle Park)**

(there is no plan for this area)

The area in the City of Adelaide bounded on the north by Botanic Road, on the east by Dequetteville Terrace, on the south by Bartels Road and on the west by East Terrace. The area includes the whole of Rundle Road between East Terrace and Dequetteville Terrace.	5 pm on 31 December 2009 to 7 am on 2 January 2010.	The consumption of liquor is prohibited and the possession of liquor is prohibited.
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**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 10 December 2009

No 279 of 2009

09MCA0047CS

South Australia

## **Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009**

under the *Liquor Licensing Act 1997*

---

### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997***

- 4 Variation of Schedule 1—Short term dry areas
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009*.

#### **2—Commencement**

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

#### **3—Variation provisions**

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

### **Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997***

#### **4—Variation of Schedule 1—Short term dry areas**

Schedule 1, item headed "Adelaide—Area 2 (Elder Park)", column headed "Period"—delete "6 p.m. on 31 December 2008 to 6 a.m. on 1 January 2009." and substitute:

6 pm on 31 December 2009 to 6 am on 1 January 2010.

#### **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 10 December 2009

No 280 of 2009

09MCA0045CS

South Australia

## **Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009**

under the *Liquor Licensing Act 1997*

---

### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
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#### **Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997***

- 4 Variation of Schedule 1—Short term dry areas
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009*.

#### **2—Commencement**

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

#### **3—Variation provisions**

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

### **Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997***

#### **4—Variation of Schedule 1—Short term dry areas**

Schedule 1, item headed "Morgan—Area 1", column headed "Period"—delete "4 p.m. on 31 December 2008 to 9 a.m. on 1 January 2009." and substitute:

4 pm on 31 December 2009 to 9 am on 1 January 2010.

#### **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 10 December 2009

No 281 of 2009

09MCA0048CS

South Australia

## **Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009**

under the *Liquor Licensing Act 1997*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997***

- 4 Variation of Schedule 1—Short term dry areas
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009*.

#### **2—Commencement**

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

#### **3—Variation provisions**

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

### **Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997***

#### **4—Variation of Schedule 1—Short term dry areas**

Schedule 1, item headed "Adelaide—Area 1 (Bonython Park)", column headed "Period"—delete "4 p.m. on 9 January 2009 to 1 a.m. on 11 January 2009." and substitute:

4 pm on 8 January 2010 to 1 am on 10 January 2010.

#### **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 10 December 2009

No 282 of 2009

09MCA0046CS

South Australia

## **Development (Adoption of Codes and Standards) Variation Regulations 2009**

under the *Development Act 1993*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Development Regulations 2008***

- 4 Variation of regulation 106—Adoption of codes and standards
  - 5 Revocation of regulation 106A
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Development (Adoption of Codes and Standards) Variation Regulations 2009*.

#### **2—Commencement**

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

#### **3—Variation provisions**

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

### **Part 2—Variation of *Development Regulations 2008***

#### **4—Variation of regulation 106—Adoption of codes and standards**

- (1) Regulation 106(1)—delete subregulation (1) and substitute:
  - (1) For the purposes of section 23(5) of the Act, the following bodies are prescribed:
    - (a) the Minister;
    - (b) Standards Australia.
- (2) Regulation 106(2)(e)—delete paragraph (e) and substitute:
  - (e) Standards Australia;

**5—Revocation of regulation 106A**

Regulation 106A—delete the regulation

**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 10 December 2009

No 283 of 2009

MUDP09/017CS

South Australia

## Road Traffic (Miscellaneous) Variation Regulations 2009

under the *Road Traffic Act 1961*

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### Contents

#### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

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

- 4 Revocation of regulation 28
  - 5 Variation of Schedule 9—Expiation fees
- 

### Part 1—Preliminary

#### 1—Short title

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

#### 2—Commencement

These regulations will come into operation on 1 January 2010.

#### 3—Variation provisions

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

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

#### 4—Revocation of regulation 28

Regulation 28—delete the regulation

#### 5—Variation of Schedule 9—Expiation fees

Schedule 9, Part 5, item relating to regulation 44(1), sub-item relating to regulation 28—delete the sub-item

#### 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 10 December 2009

No 284 of 2009

MRS09/008CS

South Australia

## Road Traffic (Vehicle Standards) Variation Rules 2009

under the *Road Traffic Act 1961*

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### Contents

#### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### Part 2—Variation of *Road Traffic (Vehicle Standards) Rules 1999*

- 4 Substitution of rule 12
    - 12 Non-application of Vehicle Standards to ADR-compliant matters
  - 5 Variation of heading to Part 3
  - 6 Variation of rule 24—Adopted standards
  - 7 Variation of rule 41—Electrical wiring, components, connections and installations
  - 8 Variation of rule 43—Windscreens and windows
  - 9 Variation of rule 44—Window tinting
  - 10 Variation of rule 53—Retreads
  - 11 Variation of rule 62—Specifications for warning signs
  - 12 Variation of rule 117—Specifications for warning signs
  - 13 Variation of rule 128—Performance of braking systems
  - 14 Insertion of rule 148A
    - 148A Measurement of stationary noise levels
  - 15 Revocation of rule 153
  - 16 Variation of heading to Part 11
  - 17 Substitution of rule 154
    - 154 LPG-powered vehicles
    - 154A Vehicles powered by natural gas
  - 18 Insertion of rule 177
    - 177 References to Australian Standards and Australian/New Zealand Standards
  - 19 Variation of Dictionary
- 

### Part 1—Preliminary

#### 1—Short title

These rules may be cited as the *Road Traffic (Vehicle Standards) Variation Rules 2009*.

#### 2—Commencement

These rules will come into operation on 1 January 2010.

#### 3—Variation provisions

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

## Part 2—Variation of *Road Traffic (Vehicle Standards) Rules 1999*

### 4—Substitution of rule 12

Rule 12—delete the rule and substitute:

#### 12—Non-application of Vehicle Standards to ADR-compliant matters

- (1) A requirement of Parts 5 to 13 of the Vehicle Standards does not apply to a vehicle if the requirement is inconsistent with a requirement of a second or third edition ADR that the vehicle complies with (regardless of whether or not the vehicle is required to comply with the ADR requirement).
- (2) Subrule (1) does not apply if the vehicle is not of the same class or type as the vehicles to which the ADR requirement applies.

#### Example—

As the second and third edition ADRs do not apply to a truck built in 1968, the truck must comply with rule 129 (motor vehicle braking system requirements). If the owner of such a truck modified the brakes so that they did comply with the second edition ADRs, any requirement in rule 129 in relation to the truck's brakes that was inconsistent with the second edition ADRs would no longer apply to the truck.

However, if the modified brakes only comply with a rule of the second edition ADRs that only applies to passenger cars, then rule 129 does apply, as subrule (1) of rule 12 would not apply as a result of subrule (2), because a truck is not a passenger car.

### 5—Variation of heading to Part 3

Heading to Part 3, Note 2—insert at the end of the note:

Rule 34(6) (horns, alarms etc) of the Vehicle Standards modifies the effect of the corresponding ADR requirement.

### 6—Variation of rule 24—Adopted standards

Rule 24, Example—delete "Australian Standard AS 1906 Retro-reflective" and substitute:

Australian/New Zealand Standard AS/NZS 1906.1:1993 Retroreflective

### 7—Variation of rule 41—Electrical wiring, components, connections and installations

Rule 41(2)—delete "Connections" and substitute:

Connectors

### 8—Variation of rule 43—Windscreens and windows

Rule 43(2), definition of *approved material*, 5th and 6th dot points—delete "Road Vehicle Safety Glass" wherever occurring and substitute in each case:

Specification for Road Vehicle Safety Glass

### 9—Variation of rule 44—Window tinting

Rule 44(6)—delete subrule (6) and substitute:

- (6) Glazing in a side window forward of the rear of the driver's seat may be coated to achieve a luminous transmittance of not less than 35%.

## 10—Variation of rule 53—Retreads

- (1) Rule 53(1)(a)—delete "or Australian Standard AS 1973-1985 Retreaded Pneumatic Passenger and Light Truck Tyre" and substitute:

or Australian Standard AS 1973-1985 Retreaded Pneumatic Passenger Car and Light Truck Tyres
- (2) Rule 53(1)(c)—delete "Australian Standard AS 1973-1985 Retreaded Pneumatic Passenger and Light Truck Tyre" and substitute:

Australian Standard AS 1973-1985 Retreaded Pneumatic Passenger Car and Light Truck Tyres

## 11—Variation of rule 62—Specifications for warning signs

- (1) Rule 62(3)—delete "1744" and substitute:

1744-1975
- (2) Rule 62(7)—delete "Australian Standard AS 1906 Retro-reflective" and substitute:

Australian/New Zealand Standard AS/NZS 1906.1:1993 Retroreflective

## 12—Variation of rule 117—Specifications for warning signs

Rule 117(3)(c)—delete "Australian Standard AS 1906 Retro-reflective" and substitute:

Australian/New Zealand Standard AS/NZS 1906.1:1993 Retroreflective

## 13—Variation of rule 128—Performance of braking systems

Rule 128(8)—delete subrule (8) and substitute:

- (8) The parking brake of a vehicle or combination must be able to hold the vehicle or combination stationary on a 12% gradient:
  - (a) when the vehicle or combination is on a dry, smooth road surface, free from loose material; and
  - (b) whether or not the vehicle or combination is loaded.

## 14—Insertion of rule 148A

Part 10, Division 3—before rule 149 insert:

### 148A—Measurement of stationary noise levels

- (1) For this Division, the stationary noise level of a motor vehicle is to be measured in accordance with the procedure set out for the kind of vehicle in the National Stationary Exhaust Noise Test Procedures for In-Service Motor Vehicles—September 2006 (ISBN: 1 921 168 50 1) published by the Commission.
- (2) In this rule:

**Commission** means the National Transport Commission established by the *National Transport Commission Act 2003* of the Commonwealth.

#### Note—

The National Stationary Exhaust Noise Test Procedures for In-Service Motor Vehicles—September 2006 is available on the Commission's website at [www.ntc.gov.au](http://www.ntc.gov.au).

## 15—Revocation of rule 153

Rule 153—delete the rule

## 16—Variation of heading to Part 11

Heading to Part 11, Note—delete the note and substitute:

**Note—**

This Part sets out requirements to ensure that LPG (Liquid Petroleum Gas) and NG (Natural Gas) fuel systems are safely installed in motor vehicles. In the case of vehicles with an LPG system installed, there is an additional requirement to ensure that they can be identified as LPG-powered vehicles.

## 17—Substitution of rule 154

Rule 154—delete the rule and substitute:

### 154—LPG-powered vehicles

- (1) An LPG system installed in a motor vehicle, and the vehicle, must comply with all relevant requirements set out in the version of Australian/New Zealand Standard AS/NZS 1425 current at the time of installation of the system in the vehicle.
- (2) A motor vehicle that has an LPG system installed must have fixed conspicuously to its front and rear number plates the labels required by the version of Australian/New Zealand Standard AS/NZS 1425 current at the time of installation of the system in the vehicle.
- (3) If a motor vehicle had an LPG system installed before Australian Standard AS 1425-1973 was published, the vehicle must have fixed conspicuously to its front and rear number plates a label:
  - (a) that is made of durable material; and
  - (b) that is at least 25 millimetres wide and 25 millimetres high; and
  - (c) that is of a reflective red that conforms with either Australian Standard AS 1743-1975 or Australian Standard AS 1906.1-1976; and
  - (d) that states "LPGAS" or "LPG", or similar words or acronyms that have the same meaning, in capital letters at least 6 millimetres high.

### 154A—Vehicles powered by natural gas

A natural gas system installed in a motor vehicle, and the vehicle, must comply with all relevant requirements set out in the version of Australian/New Zealand Standard AS/NZS 2739 current at the time of installation of the system in the vehicle.

**Examples—**

Forms of natural gas include CNG (Compressed Natural Gas) and LNG (Liquid Natural Gas).

## 18—Insertion of rule 177

After rule 176, including the note, insert:

### 177—References to Australian Standards and Australian/New Zealand Standards

For the Vehicle Standards, each version of—

- (a) an Australian Standard (or AS) of a specified number; and
- (b) an Australian/New Zealand Standard (or AS/NZS) of the same number,

will be taken to be a version of the same standard.

## 19—Variation of Dictionary

- (1) Dictionary, definition of *50 millimetre kingpin*—delete "Articulated Vehicles Kingpins" and substitute:

Articulated Vehicles—Kingpins

- (2) Dictionary, definition of *90 millimetre kingpin*—delete "Articulated Vehicles Kingpins" and substitute:

Articulated Vehicles—Kingpins

- (3) Dictionary, definition of *Australian Standard* or *Australian/New Zealand Standard*—delete the definition and substitute:

*AS* or *Australian Standard* or *AS/NZS* or *Australian/New Zealand Standard* means a standard published by or under the authority of Standards Australia (alone or jointly with others).

### 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 rules come into operation as set out in these rules.

## Made by the Governor

with the advice and consent of the Executive Council  
on 10 December 2009

No 285 of 2009

MRS09/008CS

South Australia

# Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009

under the *Liquor Licensing Act 1997*

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## Contents

### Part 1—Preliminary

- 1 Short title
- 2 Commencement
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### Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997*

- 4 Variation of Schedule 1—Short term dry areas
- 

## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009*.

### 2—Commencement

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

### 3—Variation provisions

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

## Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997*

### 4—Variation of Schedule 1—Short term dry areas

Schedule 1, item headed "Glenelg—Area 1", column headed "Period"—delete "9 p.m. on 31 December 2008 to 6 a.m. on 1 January 2009." and substitute:

9 pm on 31 December 2009 to 6 am on 1 January 2010.

#### 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 10 December 2009

No 286 of 2009

09MCA0050CS

South Australia

## **Liquor Licensing (Dry Areas—Long Term) Variation Regulations 2009**

under the *Liquor Licensing Act 1997*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Liquor Licensing (Dry Areas—Long Term) Regulations 1997***

- 4 Variation of Schedule 1—Long term dry areas
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Liquor Licensing (Dry Areas—Long Term) Variation Regulations 2009*.

#### **2—Commencement**

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

#### **3—Variation provisions**

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

### **Part 2—Variation of *Liquor Licensing (Dry Areas—Long Term) Regulations 1997***

#### **4—Variation of Schedule 1—Long term dry areas**

Schedule 1—after the item headed "Coober Pedy—Area 1" insert:

**Edithburgh—Area 1**

(there is no plan for this area)

The area in and adjacent to Edithburgh bounded as follows: commencing at the point at which the prolongation in a straight line of the northern boundary of Beach Road intersects the low water mark on the western side of Gulf St Vincent, then generally south-easterly, southerly and south-westerly along the low water mark (including around the outer boundary of any groyne, breakwater, jetty, boat ramp or other structure extending out to sea so as to include in the area the whole of that structure and any area beneath it) to the point at which the low water mark is intersected by the prolongation in a straight line of the southern boundary of Whiting Drive, then north-westerly and westerly along that prolongation and boundary of Whiting Drive to the point at which it is intersected by the prolongation in a straight line of the western boundary of Tuna Avenue, then northerly along that prolongation and boundary of Tuna Avenue to the southern boundary of Panfry Terrace, then westerly along that boundary of Panfry Terrace and the prolongation in a straight line of that boundary to the point at which it intersects the prolongation in a straight line of the western boundary of Park Terrace, then northerly along that prolongation and boundary of Park Terrace to the point at which it intersects the prolongation in a straight line of the northern boundary of Beach Road, then easterly along that prolongation and boundary of Beach Road and the prolongation in a straight line of that boundary to the point of commencement.

From 10 p.m. on each day until 8 a.m. on the following day, until 8 a.m. on 22 October 2010.

The consumption and possession of liquor are prohibited.

**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 10 December 2009

No 287 of 2009

09MCA0036CS

South Australia

## Motor Vehicles Variation Regulations 2009

under the *Motor Vehicles Act 1959*

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### Contents

#### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### Part 2—Variation of *Motor Vehicles Regulations 1996*

- 4 Insertion of regulation 34AA  
34AA Circumstances in which licence not subject to mandatory alcohol interlock scheme conditions
  - 5 Variation of regulation 34C—Fees payable by holders of licence subject to alcohol interlock scheme conditions
- 

### Part 1—Preliminary

#### 1—Short title

These regulations may be cited as the *Motor Vehicles Variation Regulations 2009*.

#### 2—Commencement

These regulations will come into operation on 1 February 2010.

#### 3—Variation provisions

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

### Part 2—Variation of *Motor Vehicles Regulations 1996*

#### 4—Insertion of regulation 34AA

Part 3 Division 1A— before regulation 34A insert:

##### **34AA—Circumstances in which licence not subject to mandatory alcohol interlock scheme conditions**

For the purposes of section 81E(4) of the Act, the prescribed circumstances are that—

- (a) the applicant for a licence is unable to operate an alcohol interlock by reason of some physical or medical condition of the applicant; and
- (b) it is not reasonably practicable for an alcohol interlock to be modified so as to enable the applicant to operate the device.

### **5—Variation of regulation 34C—Fees payable by holders of licence subject to alcohol interlock scheme conditions**

- (1) Regulation 34C(2)—after "subject to the" insert:  
mandatory alcohol interlock scheme conditions or the
- (2) Regulation 34C(4), definition of *prescribed period*—after "subject to the" insert:  
mandatory alcohol interlock scheme conditions or the

**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 10 December 2009

No 288 of 2009

MRS07/007CS

South Australia

## Road Traffic (Miscellaneous) Variation Regulations 2009

under the *Road Traffic Act 1961*

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### Contents

#### Part 1—Preliminary

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

- 4 Variation of regulation 4—Interpretation
  - 5 Variation of regulation 8C—Oral advice on refusal or failure to comply with drug screening test, oral fluid analysis or blood test direction
  - 6 Variation of regulation 9—Oral advice and written notice on recording of positive breath analysis reading
  - 7 Variation of regulation 10—Request for approved blood test kit
  - 8 Variation of regulation 11—Procedures for voluntary blood test
  - 9 Substitution of regulation 13A
    - 13A Recurrent offenders—prescribed day
  - 10 Substitution of Schedule 3
    - Schedule 3—Form of certificate
- 

### Part 1—Preliminary

#### 1—Short title

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

#### 2—Commencement

These regulations will come into operation on 1 February 2010.

#### 3—Variation provisions

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

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

#### 4—Variation of regulation 4—Interpretation

Regulation 4(1)—after the definition of *ADR* insert:

*approved courier* means a person approved by the Commissioner of Police as a courier for the purposes of Schedule 1 of the Act;

**5—Variation of regulation 8C—Oral advice on refusal or failure to comply with drug screening test, oral fluid analysis or blood test direction**

Regulation 8C—delete "or blood test" and substitute:

and blood test

**6—Variation of regulation 9—Oral advice and written notice on recording of positive breath analysis reading**

Regulation 9—delete "(Evidence etc)" wherever occurring and substitute in each case:

(Evidence)

**7—Variation of regulation 10—Request for approved blood test kit**

Regulation 10(1)—delete "(Evidence etc)" and substitute:

(Evidence)

**8—Variation of regulation 11—Procedures for voluntary blood test**

(1) Regulation 11—delete "(Evidence etc)" and substitute:

(Evidence)

(2) Regulation 11(a)—delete "(Evidence etc)" and substitute:

(Evidence)

(3) Regulation 11(j)—delete paragraph (j) and substitute:

(j) a copy of the signed certificate must be delivered by the medical practitioner together with the other sealed container containing part of the blood sample to a police officer or an approved courier;

(ja) a police officer to whom a copy of the signed certificate and the other sealed container is delivered under paragraph (j) must deliver the copy and container to Forensic Science SA or to an approved courier;

(jb) an approved courier to whom a copy of the signed certificate and the other sealed container is delivered under this regulation must deliver the copy and container to Forensic Science SA;

(4) Regulation 11(l)—delete "State Forensic Science" and substitute:

Forensic Science SA

(5) Regulation 11(m)(i)—delete "State Forensic Science" and substitute:

Forensic Science SA

**9—Substitution of regulation 13A**

Regulation 13A—delete the regulation and substitute:

**13A—Recurrent offenders—prescribed day**

For the purposes of section 47J of the Act, the prescribed day is  
1 February 2010.

**10—Substitution of Schedule 3**

Schedule 3—delete the Schedule and substitute:

### Schedule 3—Form of certificate

(Section 47K(1a) and regulation 11)

*Road Traffic Act 1961*

#### Blood Test For Alcohol (Medical Practitioner's Or Nurse's Certificate)

**A. CERTIFICATE BY \*MEDICAL PRACTITIONER/REGISTERED NURSE**  
*Pursuant to section 47K of the Road Traffic Act 1961*

I, \_\_\_\_\_ a \*medical practitioner/registered nurse, certify that at \_\_\_\_\_ at \_\_\_\_\_ am/pm on the \_\_\_\_\_ day  
 Place (Name of Hospital/Surgery/Medical Institution)  
 of \_\_\_\_\_ 20\_\_\_\_, I took a sample of blood from:

**PATIENT'S NAME & ADDRESS** *Please print clearly for mailing*

Postcode

I placed the sample of blood, in approximately equal proportions, in 2 containers (being the containers provided as part of the blood test kit that was delivered to me by the patient) and secured the caps. I then sealed each container by application of the adhesive seal (bearing the identifying number specified below) provided as part of the blood test kit. I delivered 1 of the sealed containers containing part of the blood sample by giving the container to the patient. I witnessed the patient's signature.

IDENTIFYING NUMBER  
 BARCODE

\_\_\_\_\_  
*Signature of \*medical practitioner/registered nurse*

**B. PATIENT'S CONTAINER**

**PATIENT TO SIGN ON RECEIPT OF SAMPLE:**  
 I acknowledge receipt of 1 sealed container containing part of the blood sample:

\_\_\_\_\_  
*Signature of patient*

**C. POLICE CONTAINER**  
 Please indicate by an "x" in the appropriate box:

I delivered 1 of the sealed containers containing part of the blood sample to a police officer or an approved courier by:

Placing the container in a secured blood box:                      **Box number:**  
 Giving the container to \*a police officer/an approved courier

\_\_\_\_\_  
*Signature of \*medical practitioner/registered nurse*

*\*delete as required*

**NOTE:** *a blood sample may be taken by a registered nurse only if the breath analysis was conducted under the Road Traffic Act 1961 outside Metropolitan Adelaide.*

**Note—**

This form may be combined with a form required for the purposes of section 73(2) of the *Harbors and Navigation Act 1993* and Schedule 2 clause 15(2) of the *Rail Safety Act 2007* and regulations under those Acts.

**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 10 December 2009

No 289 of 2009

MRS07/007CS & MRS08/004CS

South Australia

## **Harbors and Navigation (Alcohol and Drug Testing) Regulations 2009**

under the *Harbors and Navigation Act 1993*

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### **Contents**

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Prescribed class of offences
- 5 Conduct of breath analysis
- 6 Oral advice on refusal or failure to comply with alcotest or breath analysis direction
- 7 Oral advice on refusal or failure to comply with drug screening test, oral fluid analysis or blood test direction
- 8 Oral advice and written notice on recording of positive breath analysis reading
- 9 Procedures for voluntary blood test
- 10 Request for approved blood test kit
- 11 Prescribed period for keeping blood samples and oral fluid samples
- 12 Information to be included on analyst's certificate

### **Schedule 1—Prescribed oral advice and written notice**

- 1 Oral advice on refusal or failure to comply with alcotest or breath analysis direction—section 71(9)(b) of Act
- 2 Oral advice on refusal or failure to comply with drug screening test, oral fluid analysis or blood test direction—section 72(11)(b) of Act
- 3 Oral advice on recording of positive breath analysis reading—section 73(6)(a) of Act
- 4 Written notice on recording of positive breath analysis reading—section 73(6)(a) of Act

### **Schedule 2—Form of certificate**

### **Schedule 3—Form of request**

### **Schedule 4—Revocation of *Harbors and Navigation (Breath Analysis and Blood Test) Regulations 1997***

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#### **1—Short title**

These regulations may be cited as the *Harbors and Navigation (Alcohol and Drug Testing) Regulations 2009*.

#### **2—Commencement**

These regulations will come into operation on 1 February 2010.

#### **3—Interpretation**

In these regulations—

*Act* means the *Harbors and Navigation Act 1993*;

*approved courier* means a person approved by the Commissioner of Police under the *Road Traffic Act 1961* as a courier for the purposes of Schedule 1 of that Act.

#### 4—Prescribed class of offences

For the purposes of paragraph (a) of the definition of *prescribed circumstances* in section 4(1) of the Act, each of the following is an offence of a prescribed class:

- (a) an offence against section 69, 69A, 70 or 85 of the Act;
- (b) an offence against regulation 11(1), 167, 168, 171, 173, 179, 180, 181 or 198 of the *Harbors and Navigation Regulations 2009*;
- (c) an offence against—
  - (i) section 84 of the Act; or
  - (ii) regulation 165(2) or 166(2) of the *Harbors and Navigation Regulations 2009*,

committed by a master or an operator of a vessel.

#### 5—Conduct of breath analysis

- (1) Pursuant to section 71(7) of the Act, if a person submits to a breath analysis, the breath analysis must be conducted in the following manner:
  - (a) the person must provide 2 separate samples of breath for analysis;
  - (b) each sample must be provided in accordance with the directions of the operator of the breath analysing instrument and must consist of not less than 1 litre of breath;
  - (c) there must be an interval of not less than 2 minutes and not more than 10 minutes between the provision of the samples.
- (2) Despite subregulation (1)—
  - (a) if, on analysing a sample of breath, the breath analysing instrument indicates an error in the analysis of the sample—
    - (i) that sample, or, if that sample was the second sample provided, both samples, must be disregarded; and
    - (ii) the person may be required to provide 2 further samples of breath for analysis using a different instrument (and such samples must be provided in accordance with subregulation (1)(b) and (c)); or
  - (b) if, on analysing a sample of breath, the breath analysing instrument indicates the presence of alcohol in the mouth of the person—
    - (i) that sample, or, if that sample was the second sample provided, both samples, must be disregarded; and
    - (ii) the person may be required to provide 2 further samples of breath for analysis (and such samples must be provided in accordance with subregulation (1)(b) and (c)); or
  - (c) if, on analysing 2 samples of breath, the breath analysing instrument indicates that the reading obtained on analysis of the second sample was more than 15% higher or lower than the reading obtained on analysis of the first sample—
    - (i) those samples must be disregarded; and

- (ii) the person may be required to provide 2 further samples of breath for analysis (and such samples must be provided in accordance with subregulation (1)(b) and (c)); or
- (d) if, for any reason, a second sample of breath is not provided within 10 minutes of the provision of the first sample—
  - (i) the first sample is to be disregarded; and
  - (ii) the person may be required to provide 2 further samples of breath for analysis (and such samples must be provided in accordance with subregulation (1)(b) and (c)).
- (3) If a person submits to a breath analysis, the result of the breath analysis will, for the purposes of Part 10 Division 4 of the Act and for the purposes of any other Act, be taken to be the reading produced by the breath analysing instrument, on analysis of the samples of breath provided by the person in accordance with this regulation, that indicates the lower concentration of alcohol in the person's breath (not taking into account any samples that, in accordance with this regulation, are to be disregarded).

#### **6—Oral advice on refusal or failure to comply with alcotest or breath analysis direction**

For the purposes of section 71(9)(b) of the Act, the prescribed oral advice is set out in Schedule 1 clause 1.

#### **7—Oral advice on refusal or failure to comply with drug screening test, oral fluid analysis or blood test direction**

For the purposes of section 72(11)(b) of the Act, the prescribed oral advice is set out in Schedule 1 clause 2.

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

- (1) For the purposes of section 73(6)(a) of the Act, the prescribed oral advice is set out in Schedule 1 clause 3.
- (2) For the purposes of section 73(6)(a) of the Act, the prescribed written notice is set out in Schedule 1 clause 4.

#### **9—Procedures for voluntary blood test**

For the purposes of section 73(2)(a) of the Act, a sample of a person's blood must be taken and dealt with as follows:

- (a) the person must cause the sample to be taken by a medical practitioner of the person's choice and must deliver the blood test kit supplied to the person under section 73(6)(b) of the Act to the medical practitioner for use for that purpose;
- (b) the medical practitioner by whom the sample of the person's blood is taken must place the sample, in approximately equal proportions, in 2 containers (being the containers provided as part of the blood test kit);
- (c) each container must contain a sufficient quantity of blood to enable an accurate evaluation to be made of any concentration of alcohol present in the blood and the sample of blood taken by the medical practitioner must be such as to furnish 2 such quantities of blood;
- (d) the medical practitioner must seal each container by application of the adhesive seal (bearing an identifying number) provided as part of the blood test kit;

- (e) it is the duty of the medical practitioner to take such measures as are reasonably practicable in the circumstances to ensure that the blood is not adulterated and does not deteriorate so as to prevent a proper assessment of the concentration of alcohol present in the blood of the person from whom the sample was taken;
- (f) the medical practitioner must then complete a certificate in the form set out in Schedule 2 by inserting the particulars required by the form;
- (g) the certificate must be signed by the medical practitioner certifying as to the matters set out in the form;
- (h) the certificate must also bear the signature of the person from whom the blood sample was taken, attested to by the signature of the medical practitioner;
- (i) the original of the signed certificate must then be delivered to the person from whom the blood sample was taken together with 1 of the sealed containers containing part of the blood sample;
- (j) a copy of the signed certificate must be delivered by the medical practitioner together with the other sealed container containing part of the blood sample to a police officer or an approved courier;
- (k) a police officer to whom a copy of the signed certificate and the other sealed container is delivered under paragraph (j) must deliver the copy and container to Forensic Science SA or to an approved courier;
- (l) an approved courier to whom a copy of the signed certificate and the other sealed container is delivered under this regulation must deliver the copy and container to Forensic Science SA;
- (m) the blood sample container and copy of the certificate referred to in paragraph (j) must not be delivered into the possession of the person from whom the sample was taken;
- (n) on receipt of the blood sample container and certificate at Forensic Science SA, the blood in the container must be analysed as soon as reasonably practicable by or under the supervision of an analyst to determine the concentration of alcohol present in the blood expressed in grams in 100ml of blood;
- (o) the analyst must then complete and sign a certificate certifying as to the following matters:
  - (i) the date of receipt at Forensic Science SA of the blood sample container and the certificate accompanying the blood sample container;
  - (ii) the identifying number appearing on the adhesive seal used to seal the blood sample container;
  - (iii) the name and professional qualifications of the analyst;
  - (iv) the concentration of alcohol found to be present in the blood expressed in grams in 100ml of blood;
  - (v) any factors relating to the blood sample or the analysis that might, in the opinion of the analyst, adversely affect the accuracy or validity of the analysis;
  - (vi) any other information relating to the blood sample or analysis or both that the analyst thinks fit to include;

- (p) the analyst's certificate must be sent by post to the person from whom the blood sample was taken at the address shown as the person's address on the certificate accompanying the blood sample container;
- (q) a copy of the analyst's certificate must be sent to or retained on behalf of the Minister;
- (r) a copy of the analyst's certificate must also be sent to the Commissioner of Police;
- (s) the person from whom the blood sample was taken may cause the sample of blood as contained in the blood sample container delivered to that person to be analysed to determine the concentration of alcohol present in the blood.

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

- (1) For the purposes of section 73(6)(b) of the Act, a request for an approved blood test kit must be made in accordance with the following:
  - (a) the request must be made either orally or in writing to the person operating the breath analysing instrument (the *operator*);
  - (b) on such a request having been made by the person, the operator or any other authorised person present at the scene must complete a written request form in the form set out in Schedule 3 by inserting the particulars required by the form;
  - (c) the person making the request must then sign the request form in the presence of the operator or other authorised person and the person's signature must be attested to by the signature of the operator or other authorised person;
  - (d) the original of the signed request form may be retained by the person making the request;
  - (e) a copy of the signed request form must be delivered to the operator or other authorised person.
- (2) The copy of the request form delivered to the operator or other authorised person must be delivered to the Minister or retained on the Minister's behalf for 12 months from the day on which the request form was signed by the person making the request.

### **11—Prescribed period for keeping blood samples and oral fluid samples**

For the purposes of clauses 2(e)(ii) and 7(e)(ii) of Schedule 1A of the Act, the period prescribed for which a container containing a sample of a person's blood or oral fluid (as the case may be) must be kept available for collection by or on behalf of that person is 12 months from the day on which the sample was taken from the person.

### **12—Information to be included on analyst's certificate**

For the purposes of clause 7(f)(iv) of Schedule 1A of the Act, the required information in relation to any prescribed drug found to be present in the sample is information identifying the drug or drugs.

## **Schedule 1—Prescribed oral advice and written notice**

[regulations 6 to 8]

### **1—Oral advice on refusal or failure to comply with alcotest or breath analysis direction—section 71(9)(b) of Act**

It is a criminal offence to refuse or fail to provide a breath sample without good cause and you could be fined as a consequence.

It is a defence if you have some physical or medical condition that prevents you from providing a breath sample, but only if you ask for a sample of your blood to be taken instead or can show that your condition also prevents the taking of blood.

If you want a blood sample taken because of your condition, you should ask for that and the authorised person will help you to have the sample taken at Government expense.

### **2—Oral advice on refusal or failure to comply with drug screening test, oral fluid analysis or blood test direction—section 72(11)(b) of Act**

It is a criminal offence to refuse or fail to provide a sample of oral fluid or blood without good cause and you could be fined as a consequence.

It is a defence if you have some physical or medical condition that prevents you from providing a sample of oral fluid or blood [whichever is applicable], but only if you ask for a sample of your blood or oral fluid [whichever is applicable] to be taken instead.

If you want a sample of blood or oral fluid [whichever is applicable] taken because of your condition, you should ask for that and the authorised person will help you to have the sample taken at Government expense.

### **3—Oral advice on recording of positive breath analysis reading—section 73(6)(a) of Act**

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

Therefore, it appears that you have committed an offence against section 70(2) of the *Harbors and Navigation Act 1993*.

In any court proceedings for that offence, or for an offence against section 70(1) of the *Harbors and Navigation Act 1993*, it will be presumed that the breathalyser accurately indicated your blood alcohol level at the time of the reading and for the preceding 2 hours. However, the *Harbors and Navigation Act 1993* allows for contrary evidence based on the results of a blood test.

If you want to have such a blood test you will have to make your own arrangements and follow certain procedures, using a special blood test kit. This blood test kit will be supplied to you on your signing a written request.

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

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

Under the blood test procedure, the sample of blood is divided and sealed in 2 containers. You will have to sign a form that will be given to you by the medical practitioner.

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

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

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

#### **4—Written notice on recording of positive breath analysis reading—section 73(6)(a) of Act**

##### **Operation of *Harbors and Navigation Act 1993* in relation to results of breath analysis**

###### **1—Offence**

A person commits an offence against section 70(2) of the *Harbors and Navigation Act 1993* if the person—

- (a) operates a vessel; or
- (b) is a member of the crew of a vessel who is (or ought to be) engaged in duties affecting the safe navigation, operation or use of the vessel,

while there is present in his or her blood the prescribed concentration of alcohol (as defined in section 4 of the Act).

###### **2—Breath analysis**

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

Accordingly, it appears that you have committed the offence described above.

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

In proceedings for the offence described above or an offence against section 70(1) of the *Harbors and Navigation Act 1993*, the result of the breath analysis will be presumed to accurately record the concentration of alcohol in your blood at the time of the analysis and throughout the preceding 2 hours (section 73(1), (3)).

In any proceedings against you for such an offence, you will be able to challenge the accuracy of the breath analysis reading—

- (a) if you have a sample of your blood taken and analysed as described below; AND
- (b) if the result of analysis of the blood sample shows that the breath analysing instrument gave an exaggerated reading of the concentration of alcohol present in your blood (section 73(2)).

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

- 1 You may have a sample of your blood taken and analysed if you wish.
- 2 For that purpose, you must request the breath analysis operator to supply you with an approved blood test kit (you must sign a written request form for the kit and should retain a copy of the signed request form).

- 3 You should then proceed promptly to a hospital or a medical practitioner of your choice and request that a sample of your blood be taken (using the blood test kit).
- 4 Do not consume any further alcohol before the sample is taken.
- 5 Do not open the blood test kit.
- 6 The medical practitioner taking the sample of your blood will divide it and place it into 2 containers and seal the containers. 1 container will be delivered to you—do not break the seal on this container.
- 7 Sign the form presented to you by the medical practitioner—the original of the form will be given to you which you should retain.
- 8 You may, if you wish, have the blood sample (in the container delivered to you) analysed at a laboratory to determine the concentration of alcohol present in the blood.
- 9 The other blood sample container will, in any event, be sent to Forensic Science SA where the blood will be analysed. The results of this analysis will be sent to you at your address (as indicated on the form presented to you by the medical practitioner who took the blood sample).

## Schedule 2—Form of certificate

[Section 73(2) and regulation 9]

*Harbors and Navigation Act 1993*

### Blood Test For Alcohol (Medical Practitioner's Certificate)

**A. CERTIFICATE BY MEDICAL PRACTITIONER**  
*Pursuant to section 73 of the Harbors and Navigation Act 1993*

I, \_\_\_\_\_ a medical practitioner, certify that at  
 \_\_\_\_\_ at \_\_\_\_\_ am/pm on the \_\_\_\_\_ day  
 Place (Name of Hospital/Surgery/Medical Institution)  
 of \_\_\_\_\_ 20\_\_\_\_, I took a sample of blood from:

**PATIENT'S NAME & ADDRESS** *Please print clearly for mailing*

	Postcode

I placed the sample of blood, in approximately equal proportions, in 2 containers (being the containers provided as part of the blood test kit that was delivered to me by the patient) and secured the caps. I then sealed each container by application of the adhesive seal (bearing the identifying number specified below) provided as part of the blood test kit. I delivered 1 of the sealed containers containing part of the blood sample by giving the container to the patient. I witnessed the patient's signature.

IDENTIFYING NUMBER  
 BARCODE

\_\_\_\_\_  
*Signature of medical practitioner*

**B. PATIENT'S CONTAINER**

**PATIENT TO SIGN ON RECEIPT OF SAMPLE:**  
 I acknowledge receipt of 1 sealed container containing part of the blood sample:

\_\_\_\_\_  
*Signature of patient*

**C. POLICE CONTAINER**  
 Please indicate by an "x" in the appropriate box:

I delivered 1 of the sealed containers containing part of the blood sample to a police officer or an approved courier by:

Placing the container in a secured blood box:                      Box number:  
 Giving the container to \*a police officer/an approved courier

\_\_\_\_\_  
*Signature of medical practitioner*

*\*delete as required*

**Note—**

This form may be combined with a form required for the purposes of section 47K(1a) of the *Road Traffic Act 1961* and Schedule 2 clause 15(2) of the *Rail Safety Act 2007* and regulations under those Acts.

### Schedule 3—Form of request

[Section 73(6)(b) and regulation 10]

*Harbors and Navigation Act 1993*

#### Request form for the purposes of section 73(6)(b)

..... of .....

*(Name)*

.....

*(Address)*

submitted to a breath analysis at.....

*(Address or description)*

at .....am/pm on the.....day of .....20 .....

I (the person named above) now request that I be supplied with an approved blood test kit.

Signature:..... In the presence of: .....

*(Person making request)*

*(Name of Authorised Person)*

Signature of witnessing Authorised Person:.....

### Schedule 4—Revocation of *Harbors and Navigation (Breath Analysis and Blood Test) Regulations 1997*

The *Harbors and Navigation (Breath Analysis and Blood Test) Regulations 1997* are revoked.

**Note—**

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

#### Made by the Governor

with the advice and consent of the Executive Council

on 10 December 2009

No 290 of 2009

MRS08/004CS

South Australia

## **Harbors and Navigation (Miscellaneous) Variation Regulations 2009**

under the *Harbors and Navigation Act 1993*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

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

- 4 Variation of regulation 12—Special rule in relation to sailing on Port Adelaide River
  - 5 Variation of regulation 189—Port River Expressway Bridges
  - 6 Variation of Schedule 5—Restricted areas
- 

### **Part 1—Preliminary**

#### **1—Short title**

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

#### **2—Commencement**

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

#### **3—Variation provisions**

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

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

#### **4—Variation of regulation 12—Special rule in relation to sailing on Port Adelaide River**

- (1) Regulation 12(1)—delete subregulation (1) and substitute:

- (1) A person must not, without the approval of the CEO, operate a vessel under sail power alone in the waters of the Port Adelaide River—
  - (a) west of the Birkenhead Bridge; or
  - (b) in No 1 Dock.

Maximum penalty: \$1 250.

Expiation fee: \$160.

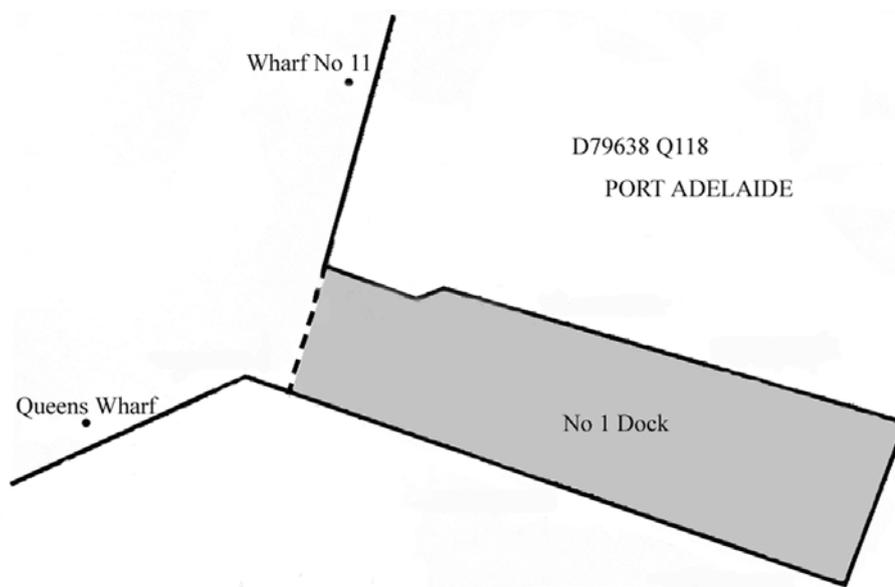
(2) Regulation 12—after subregulation (3) insert:

(4) In this regulation—

*No 1 Dock* means the waters of the Port Adelaide River east of a line being the prolongation generally south of the western boundary of Piece 118 of Deposited Plan 79638.

**Note—**

The following map is provided for convenience of reference only.



## 5—Variation of regulation 189—Port River Expressway Bridges

(1) Regulation 189(6)(f)—delete paragraph (f) and substitute:

- (f) subject to any direction of the person operating the bridge to the contrary, he or she must ensure that the vessel, when being navigated under the bridge—
- (i) in the case of a sailing vessel, operated under sail power alone, that does not require the bridge to be opened to navigate under the bridge—is not operated within the navigation pass; or
  - (ii) in any other case—is only operated within the navigation pass;

(2) Regulation 189(6)—after paragraph (k) insert:

- (l) in the case of a sailing vessel, operated under sail power alone, that does not require the bridge to be opened to navigate under the bridge—he or she must not stop the vessel within 10 metres of the bridge.

(3) Regulation 189—after subregulation (7) insert:

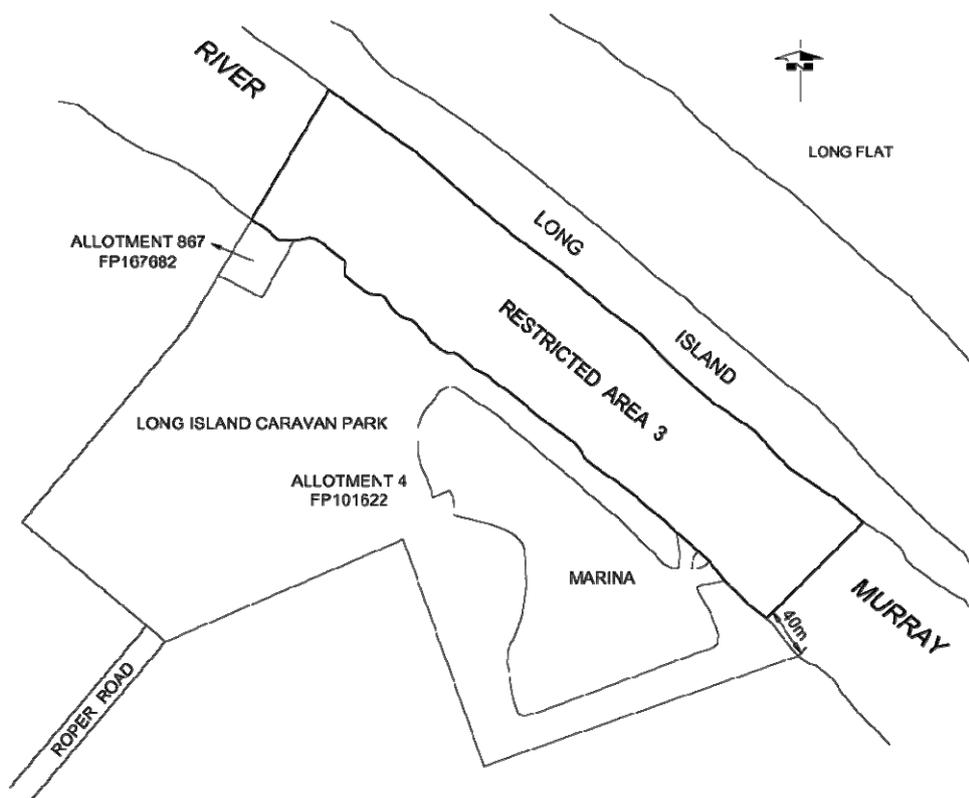
- (7a) Paragraphs (a), (i) and (j) of subregulation (6) do not apply to the master or operator of a sailing vessel, operated under sail power alone, that does not require the bridge to be opened to navigate under the bridge.

## 6—Variation of Schedule 5—Restricted areas

(1) Schedule 5 Part 1 clause 1, item relating to Murray Bridge—after Area 2 insert:

**Area 3:** the portion of the River Murray at Murray Bridge on the south-west side of Long Island bounded as follows:

- on the south-east by a straight line from a point 40 m (along the bank of the river) generally north-west of the southern alignment of Allotment 4 in Filed Plan 101622, Hundred of Mobilong, and extending north-east to the south-west bank of Long Island;
- on the south-west by the south-west bank of the river;
- on the north-west by a straight line from the north-west alignment of Allotment 867 in Filed Plan 167682, Hundred of Mobilong, and extending north-east to the south-west bank of Long Island;
- on the north-east by the south-west bank of Long Island.



(2) Schedule 5 Part 3 clause 3—after the item relating to Murray Bridge Area 2 insert:

Murray Bridge Area 3 Controls 2 and 5

### 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 10 December 2009

No 291 of 2009

MTR09/087

South Australia

## **Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009**

under the *Liquor Licensing Act 1997*

---

### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997***

- 4 Variation of Schedule 1—Short term dry areas
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009*.

#### **2—Commencement**

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

#### **3—Variation provisions**

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

### **Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997***

#### **4—Variation of Schedule 1—Short term dry areas**

- (1) Schedule 1, item headed "Walleroo—Area 1", column headed "Period"—delete "12 noon on 31 December 2008 to 7 a.m. on 1 January 2009." and substitute:

12 noon on 31 December 2009 to 7 am on 1 January 2010.
- (2) Schedule 1, item headed "Walleroo—Area 2", column headed "Period"—delete "12 noon on 31 December 2008 to 7 a.m. on 1 January 2009." and substitute:

12 noon on 31 December 2009 to 7 am on 1 January 2010.

#### **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 10 December 2009

No 292 of 2009

09MCA0049CS

South Australia

## **Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009**

under the *Liquor Licensing Act 1997*

---

### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997***

- 4 Variation of Schedule 1—Short term dry areas
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009*.

#### **2—Commencement**

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

#### **3—Variation provisions**

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

### **Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997***

#### **4—Variation of Schedule 1—Short term dry areas**

- (1) Schedule 1, item headed "Robe—Area 1", column headed "Period"—delete "1 p.m. on 31 December 2008 to 12.01 a.m. on 2 January 2009." and substitute:
  - 1 pm on 31 December 2009 to 12.01 am on 2 January 2010.
- (2) Schedule 1, item headed "Robe—Area 2", column headed "Period"—delete "1 p.m. on 31 December 2008 to 12.01 a.m. on 2 January 2009." and substitute:
  - 1 pm on 31 December 2009 to 12.01 am on 2 January 2010.
- (3) Schedule 1, item headed "Robe—Area 3", column headed "Period"—delete "1 p.m. on 31 December 2008 to 12.01 a.m. on 2 January 2009." and substitute:
  - 1 pm on 31 December 2009 to 12.01 am on 2 January 2010.

- (4) Schedule 1, item headed "Robe—Area 4", column headed "Period"—delete "1 p.m. on 31 December 2008 to 12.01 a.m. on 2 January 2009." and substitute:  
1 pm on 31 December 2009 to 12.01 am on 2 January 2010.
- (5) Schedule 1, item headed "Robe—Area 5", column headed "Period"—delete "1 p.m. on 31 December 2008 to 12.01 a.m. on 2 January 2009." and substitute:  
1 pm on 31 December 2009 to 12.01 am on 2 January 2010.

**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 10 December 2009

No 293 of 2009

09MCA0052CS

South Australia

## **Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009**

under the *Liquor Licensing Act 1997*

---

### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997***

- 4 Variation of Schedule 1—Short term dry areas
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Liquor Licensing (Dry Areas—Short Term) Variation Regulations 2009*.

#### **2—Commencement**

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

#### **3—Variation provisions**

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

### **Part 2—Variation of *Liquor Licensing (Dry Areas—Short Term) Regulations 1997***

#### **4—Variation of Schedule 1—Short term dry areas**

Schedule 1, item headed "Beachport—Area 1", column headed "Period"—delete "12 noon on 31 December 2008 to 12 noon on 2 January 2009." and substitute:

12 noon on 31 December 2009 to 12 noon on 2 January 2010.

#### **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 10 December 2009

No 294 of 2009

09MCA0053CS

South Australia

# **Natural Resources Management (Marne Saunders Prescribed Water Resources Area—Reduction of Water Access Entitlements) Regulations 2009**

under the *Natural Resources Management Act 2004*

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## **Contents**

### **Preamble**

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Average adjusted winter runoff
- 5 Maximum theoretical enterprise requirement
- 6 Reasonable requirements
- 7 Consumptive use limit
- 8 Water taken from multiple resources or multiple diversion structures etc
- 9 Scheme for reduction of water access entitlements for existing users

Schedule 1—Estimated water requirements—intensive farming

Schedule 2—Irrigated crop water requirements

Schedule 3—Table of values

Schedule 4—Main watercourse and tributary management sub-zones

Part 1—Main watercourse management sub-zones

Part 2—Tributary management sub-zones

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## **Preamble**

- 1 The Marne River and Saunders Creek Area was declared to be a surface water prescribed area, all watercourses in the Marne River and Saunders Creek Area were declared to be prescribed watercourses and existing and future wells in the Marne River and Saunders Creek Area were declared to be prescribed wells by the *Water Resources (Marne River and Saunders Creek—Prescribed Water Resources) Regulations 2003*.

### **Note—**

Those regulations came into operation on 20 March 2003—see *Gazette 20.03.2003 p1111*.

- 2 Those regulations were revoked by the *Water Resources (Marne Saunders Prescribed Water Resources Area) Regulations 2005* (the **2005 regulations**), which declared—
- (a) an area to be the Marne Saunders Prescribed Water Resources Area; and
  - (b) all watercourses situated in the Marne Saunders Prescribed Water Resources Area to be prescribed watercourses; and
  - (c) all wells situated in the Marne Saunders Prescribed Water Resources Area and wells drilled in that area after the commencement of those regulations to be prescribed wells; and
  - (d) the Marne Saunders Prescribed Water Resources Area to be a surface water prescribed area.

**Note—**

Those regulations came into operation on 7 April 2005—see *Gazette 7.04.2005 p834*.

- 3 Pursuant to Schedule 4 clause 54(2) of the Act, the 2005 regulations continue in force and effect as if they were regulations made under section 125 of the Act.
- 4 Pursuant to the 2005 regulations, the prescribed period in relation to the Marne Saunders Prescribed Water Resources Area ended on 20 March 2006.
- 5 The prescribed period having ended, the Minister is of the opinion that the aggregate of water access entitlements assigned to existing users under section 164N(1) and (2) of the Act exceeds the capacity of the resource.
- 6 It is now appropriate to make regulations setting out a scheme for the reduction of water access entitlements of existing users in the Marne Saunders Prescribed Water Resources Area.

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## 1—Short title

These regulations may be cited as the *Natural Resources Management (Marne Saunders Prescribed Water Resources Area—Reduction of Water Access Entitlements) Regulations 2009*.

## 2—Commencement

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

## 3—Interpretation

- (1) In these regulations—

*Act* means the *Natural Resources Management Act 2004*;

*average adjusted winter runoff*—see regulation 4;

*category A zone*, in relation to underground water, means the following underground water management zones and sub-zone as set out in the plans lodged as Deposits No 49 of 2008 and 28 of 2009 in the General Registry Office:

- (a) Unconfined Zone 1;
- (b) Confined Zone A;
- (c) Confined sub-zone C2;

*consumptive use limit*—see regulation 7;

**dam** includes a reservoir or lake;

**Department** means the administrative unit of the Public Service that is designated from time to time by the Minister by notice in the Gazette as being the Department for the purposes of these regulations;

**diversion structure** means a structure or object that collects, diverts or extracts water flowing in a watercourse, or surface water flowing over land;

**establishment period**, applying to particular land within the Marne Saunders Prescribed Water Resources Area, means the establishment period for the area in which the land is situated under the *Water Resources (Marne Saunders Prescribed Water Resources Area) Regulations 2005*;

**existing user** means—

- (a) an existing user under section 164N of the Act; and
- (b) an existing user under section 36 of the repealed Act;

**flow path**, in relation to water, means the path or direction over land which the water flow naturally takes or would take;

**licensable dam** means a dam used for a purpose other than stock watering or domestic purposes—

- (a) that had been lawfully constructed on the relevant land as at the end of the establishment period applying to the land; or
- (b) that had not been constructed on the relevant land as at the end of the establishment period applying to the land but in respect of which the existing user had committed significant financial or other resources during that period;

**main watercourse management sub-zone** means a main watercourse management sub-zone specified in Schedule 4 Part 1;

**management sub-zone**, in relation to an existing user, means the main watercourse management sub-zone or tributary management sub-zone (as set out in the plan lodged as Deposit No 1 of 2009 in the General Registry Office) of the management zone of the Marne Saunders Prescribed Water Resources Area in which the relevant land, or the relevant part of the relevant land, is located;

**management zone**, in relation to an existing user, means a management zone (as set out in the plans lodged as Deposits No 47, 49 and 51 of 2008 in the General Registry Office) of Marne Saunders Prescribed Water Resources Area;

**Marne Saunders Prescribed Water Resources Area** has the same meaning as in the *Water Resources (Marne Saunders Prescribed Water Resources Area) Regulations 2005*;

**maximum theoretical enterprise requirement** or **MTER**, in relation to an existing user, means the MTER for the user determined in accordance with regulation 5;

**non-licensable dam** means a dam used, or to be used, for stock watering or domestic purposes and that had been lawfully constructed on the relevant land as at the end of the establishment period applying to the land;

**reasonable requirements** of an existing user—see regulation 6;

**repealed Act** means the *Water Resources Act 1997* (as in force immediately before the commencement of Schedule 4 of the Act);

**tributary management sub-zone** means a tributary management sub-zone specified in Schedule 4 Part 2;

**watercourse water** means water in a watercourse.

- (2) For the purposes of these regulations, a reference to a particular climate band will be taken to be a reference to the climate band of that number, as set out in the map lodged as Deposit No 29 of 2009 in the General Registry Office.
- (3) For the purposes of these regulations, the area of catchment areas is to be measured in square kilometres.
- (4) For the purposes of these regulations, a management sub-zone will be taken to be upstream of a main watercourse diversion structure if—
  - (a) in the case of a main watercourse management sub-zone—the whole of the management sub-zone lies upstream of the main watercourse diversion structure;
  - (b) in the case of a tributary watercourse management sub-zone—the primary point of inflow from the tributary management sub-zone to the main watercourse management sub-zone is upstream of that main watercourse diversion structure.
- (5) For the purposes of these regulations, diversion structures will be taken to be hydrologically continuous if they are connected by the same flow path or watercourse.
- (6) Nothing in these regulations authorises an existing user to take more water under a water access entitlement than an amount equal to the user's reasonable requirements.

#### **4—Average adjusted winter runoff**

- (1) The **average adjusted winter runoff** (measured in megalitres) at a particular diversion structure that takes water from a tributary management sub-zone is to be determined by multiplying the average adjusted winter runoff depth applicable at the diversion structure (as determined by the Minister) by the catchment area upstream of the diversion structure.
- (2) The **average adjusted winter runoff** (measured in megalitres) at a particular diversion structure that takes water from a main watercourse management sub-zone (the **main watercourse diversion structure**) is to be determined by aggregating the average adjusted winter runoff volume for each tributary management sub-zone upstream of the diversion structure.
- (3) In this regulation—

**average adjusted winter runoff volume**, for a tributary management sub-zone, is the volume specified in column 2 of the table in Schedule 3 in relation to the tributary management sub-zone.

#### **5—Maximum theoretical enterprise requirement**

- (1) For the purposes of these regulations, the maximum theoretical enterprise requirement for an existing user is to be determined as follows:
  - (a) if the existing user is an intensive farmer—the estimated water requirement of the user, calculated—
    - (i) in relation to an animal or animals of a kind referred to in the table in Schedule 1—

- (A) by multiplying the number of a particular kind of animal referred to in column 1 of the table farmed by the user by the estimated water requirement in column 2 of the table relating to the relevant animal; and
  - (B) aggregating the amounts referred to in subsubparagraph (A) for each kind of animal intensively farmed by the user;
- (ii) in the case of an intensive farmer of yabbies (*Cherax destructor*)—by applying the following formula in relation to the pond used to farm the yabbies (or, if the user has more than 1 such pond, by applying the formula to each such pond and aggregating the results):
- $$MTER = (L \times W \times D) + (L \times W \times ER)$$
- where—
- L** means length in metres of the pond
- W** means width in metres of the pond
- D** means depth in metres of the pond
- ER** means the evaporation rate of 1.95 metres per year;
- (iii) if the intensive farming involves a washdown for dairy cattle—
- (A) in the case of farming involving less than 150 animals—3 224 kilolitres per year; or
  - (B) in the case of farming involving not less than 150 animals but less than 350 animals—4 049 kilolitres per year; or
  - (C) in the case of farming involving not less than 350 animals—5 566 kilolitres per year;
- (iv) if the intensive farming involves a washdown for dogs—4.9 kilolitres per m<sup>2</sup> of the washdown;
- (b) if the existing user is an irrigated crop farmer—
- (i) to the extent that the relevant crop is in climate band 1—the irrigated crop water requirement of the user, calculated by multiplying the number of hectares of the crop in climate band 1 by the irrigated crop water requirement in column 2 of the table in Schedule 2 relating to the relevant crop;
  - (ii) to the extent that the relevant crop is in climate band 2—the irrigated crop water requirement of the user, calculated by multiplying the number of hectares of the crop in climate band 2 by the irrigated crop water requirement in column 3 of the table in Schedule 2 relating to the relevant crop;
  - (iii) to the extent that the relevant crop is in climate band 3—the irrigated crop water requirement of the user, calculated by multiplying the number of hectares of the crop in climate band 3 by the irrigated crop water requirement in column 4 of the table in Schedule 2 relating to the relevant crop;

- (iv) to the extent that the relevant crop is in climate band 4—the irrigated crop water requirement of the user, calculated by multiplying the number of hectares of the crop in climate band 4 by the irrigated crop water requirement in column 5 of the table in Schedule 2 relating to the relevant crop;
  - (v) to the extent that the relevant crop is in climate band 5—the irrigated crop water requirement of the user, calculated by multiplying the number of hectares of the crop in climate band 5 by the irrigated crop water requirement in column 6 of the table in Schedule 2 relating to the relevant crop;
- (c) if the existing user is an industrial user—the industrial water requirements applicable to the user specified in 1 or more of the following subparagraphs:
- (i) in the case of olive pickling and bottling (including washdown)—300 kilolitres per year;
  - (ii) in the case of a winery processing more than 700 but less than 900 tonnes of grapes per year—2 500 kilolitres per year;
  - (iii) in the case of a winery processing less than 200 tonnes of grapes per year—300 kilolitres per year;
  - (iv) in the case of a winery with 2.5 hectares of surrounding gardens—14 550 kilolitres per year;
  - (v) in the case of a winery nursery and surrounding trees—500 kilolitres per year;
  - (vi) in the case of washdown for winery plant and equipment—250 kilolitres per year;
  - (vii) in the case of a quarry (sawing equipment and washdown)—4 000 kilolitres per year;
  - (viii) in the case of a quarry (diamond wire saw)—200 kilolitres per year;
  - (ix) in the case of a restaurant with 14 accommodation units—700 kilolitres per year;
- (d) if more than 1 of the above paragraphs or subparagraphs applies in relation to the existing user—the aggregate of all applicable requirements.
- (2) For the purposes of this regulation, a reference to a particular number of animals, or to the size of a particular crop, yabbie pond or washdown for dogs, will be taken to be a reference to the maximum number of animals, or size of the crop, pond or washdown, farmed or used by the existing user during the establishment period applying to the relevant land.

## 6—Reasonable requirements

For the purposes of these regulations, the *reasonable requirements* of an existing user, or a class of existing users, will be taken to be an amount of water equal to the MTER for the existing user (if any).

## 7—Consumptive use limit

- (1) For the purposes of these regulations, the *consumptive use limit* for a tributary management sub-zone will be taken to be the amount set out in column 3 of the table in Schedule 3 relating to the relevant tributary management sub-zone.

- (2) For the purposes of these regulations, the *consumptive use limit* at a diversion structure in a main watercourse management sub-zone will be taken to be an amount equal to the aggregate of the consumptive use limits for each tributary management sub-zone upstream of the diversion structure.
- (3) For the purposes of these regulations, an *existing user's share of the consumptive use limit*, in relation to a tributary management sub-zone, will be taken to be the proportion of the available consumptive use limit for the tributary management sub-zone that represents the proportion of the existing user's reasonable requirements as compared to the total reasonable requirements of all existing users within the management sub-zone.
- (4) For the purposes of these regulations, an *existing user's share of the consumptive use limit*, at a diversion structure in a main watercourse management sub-zone, will be taken to be the proportion of the available consumptive use limit at the diversion structure that represents the proportion of the existing user's reasonable requirements as compared to the total reasonable requirements of all existing users—
  - (a) in that part of the main watercourse management sub-zone that is upstream of the diversion structure; plus
  - (b) in all other management sub-zones upstream of the diversion structure.
- (5) For the purposes of this regulation, the *available consumptive use limit* for a tributary management sub-zone will be taken to be the consumptive use limit for the tributary management sub-zone less an amount equal to 30% of the capacity of all non-licensable dams for the management sub-zone (as at the end of the establishment period applying to the management sub-zone).
- (6) For the purposes of this regulation, the *available consumptive use limit* at a diversion structure in a main watercourse management sub-zone will be taken to be the consumptive use limit at the diversion structure less an amount equal to 30% of the capacity of—
  - (a) all non-licensable dams in that part of the main watercourse management sub-zone that is upstream of the diversion structure; plus
  - (b) all non-licensable dams in all other management sub-zones upstream of the diversion structure.

## **8—Water taken from multiple resources or multiple diversion structures etc**

- (1) If an existing user has water access entitlements under section 164N of the Act in respect of more than 1 water resource, the Minister may, in reducing a water access entitlement or entitlements—
  - (a) reduce the amount of water that may be taken under a particular water access entitlement, or the aggregate amount of water that may be taken under all such water access entitlements; or
  - (b) make an order specifying the amount of water that may be taken from a particular water resource; or
  - (c) make an order specifying a proportion or ratio in which water may be taken from each water resource.
- (2) If an existing user has water access entitlements under section 164N of the Act in respect of multiple diversion structures—
  - (a) all of which are in the same management sub-zone; and
  - (b) that are hydrologically continuous; and

- (c) in relation to which the flow path stays within the same property, the Minister may, in reducing a water access entitlement or entitlements—
  - (d) reduce the total amount of water that may be taken at 1 or more of the diversion structures; or
  - (e) make an order specifying—
    - (i) the amount of water that may be taken at a particular diversion structure; or
    - (ii) the aggregate amount of water that may be taken at all such diversion structures; or
  - (f) make an order specifying a proportion or ratio in which water may be taken at each of the diversion structures.
- (3) If an existing user has water access entitlements under section 164N of the Act in respect of multiple wells in the same water resource, the Minister may, in reducing a water access entitlement or entitlements—
- (a) reduce the total amount of water that may be taken from the wells; or
  - (b) make an order specifying—
    - (i) the amount of water that may be taken from a particular well; or
    - (ii) the aggregate amount of water that may be taken from the wells.
- (4) A person who contravenes an order under this regulation is guilty of an offence.

Maximum penalty:

- (a) in the case of a body corporate—\$10 000;
- (b) in the case of a natural person—\$5 000.

Expiation fee: \$315.

### **9—Scheme for reduction of water access entitlements for existing users**

- (1) Subject to this regulation, for the purposes of section 164N(3)(b) of the Act, a water access entitlement assigned to an existing user in the Marne Saunders Prescribed Water Resources Area under section 164N of the Act, or under section 36 of the repealed Act, may be reduced in accordance with the following provisions:
- (a) in the case of a water access entitlement of an existing user in respect of surface water (other than surface water comprised of roof runoff)—the Minister may reduce the water access entitlement such that the amount of surface water that may be taken at a particular diversion structure under the water access entitlement is reduced to the lesser of—
    - (i) the existing user's share of the consumptive use limit for the user's management sub-zone, determined in accordance with regulation 7; or
    - (ii) the amount of water comprising—
      - (A) in the case of a diversion structure that is a licensable dam—the capacity of the dam; or
      - (B) 100% of the average adjusted winter runoff upstream of the diversion structure less—

- the amount of evaporation from each licensable and non-licensable dam in the catchment area upstream of the diversion structure; and
  - the consumptive use in the catchment area upstream of the diversion structure,
- whichever is the lesser; or
- (iii) the MTER for the existing user (if any);
- (b) in the case of a water access entitlement of an existing user in respect of surface water comprised of roof runoff—the Minister may reduce the water access entitlement such that the amount of roof runoff that may be taken under the water access entitlement is reduced to an amount equal to 85% of the rainfall falling on the relevant roof area at any particular time;
- (c) in the case of a water access entitlement of an existing user in respect of watercourse water—the Minister may reduce the water access entitlement such that the amount of watercourse water that may be taken at a particular diversion structure under the water access entitlement is reduced to the lesser of—
- (i) the existing user's share of the consumptive use limit for the user's management sub-zone, calculated in accordance with regulation 7; or
  - (ii) the amount of water comprising 100% of the average adjusted winter runoff at the diversion structure less—
    - (A) the amount of evaporation from each licensable and non-licensable dam in the catchment area upstream of the diversion structure; and
    - (B) the consumptive use in the catchment area upstream of the diversion structure; or
  - (iii) the MTER for the existing user (if any);
- (d) in the case of a water access entitlement of an existing user in respect of underground water taking the water from a category A zone—the Minister may reduce the water access entitlement such that the amount of underground water that may be taken at a particular well under the water access entitlement is reduced to the reasonable requirements of the existing user, less a percentage determined by the Minister for the purposes of this paragraph.
- (2) Despite subregulation (1), if the reduction of a water access entitlement of an existing user at a diversion structure in accordance with that subregulation would result in the amount of water allocated, or to be allocated, at the diversion structure being less than 50% of the MTER for the existing user, then the Minister may instead reduce the water access entitlement such that the amount of water allocated, or to be allocated, in relation to the water access entitlement at the diversion structure is reduced to the lesser of—
- (a) 50% of the MTER for the existing user; or
  - (b) if the water access entitlement relates to a licensable dam—the capacity of the dam.
- (3) For the purposes of this regulation, the *amount of evaporation* from a dam will be taken to be an amount of water equal to the lesser of—
- (a) 30% of the dam's capacity; or
  - (b) the capacity of the dam less any existing user allocation to be taken from the dam.

- 
- (4) For the purposes of paragraphs (a)(ii) and (c)(ii) of subregulation (1), the *consumptive use* in a catchment area will be taken to be an amount of water equal to—
- (a) the allocations for all existing users to be made from the surface water or watercourse water (as the case requires), excluding any allocations of surface water comprised of roof runoff; plus
  - (b) 30% of the capacity of all non-licensable dams in the catchment area.

**Schedule 1—Estimated water requirements—intensive farming**

<b>Kind of animal</b>	<b>Estimated water requirement for animal</b>
Dairy cattle	55 kL/animal/year
Chicken (meat)	0.13 kL/bird/year
Chicken (eggs)	0.18 kL/bird/year
Pigs (sow breeding unit)	91 kL/sow breeding unit/year*
Sheep (feedlot)	1.46 kL/animal/year
Dogs (kennel)	5.5 kL/animal/year
Horses	18 kL/animal/year
Rabbits	4.13 kL/animal/year

\* The estimated water requirement in relation to sow breeding units is calculated at a ratio of 1:10 sows to growers/weaners/finishers.

## Schedule 2—Irrigated crop water requirements

<b>Crop</b>	<b>Band 1*</b>	<b>Band 2*</b>	<b>Band 3*</b>	<b>Band 4*</b>	<b>Band 5*</b>
Reference crop	8.63	9.55	9.78	10.18	10.70
Acacia	4.86	5.38	5.52	5.83	6.72
Almond nursery	8.63	9.55	9.78	10.18	10.70
Apricot	6.30	7.05	7.19	n/a	n/a
Beetroot	n/a	n/a	n/a	3.31	3.38
Bush tomato	4.86	5.38	5.52	5.83	6.72
Cereal hay	n/a	n/a	n/a	0.39	0.70
Citrus	4.82	5.40	5.54	n/a	n/a
Eucalyptus	5.83	6.49	6.65	7.04	7.51
Fruit tree (not otherwise listed)	6.30	7.05	7.19	n/a	n/a
Garden	5.82	6.45	6.60	6.97	7.43
Geraldton wax	4.86	5.38	5.52	5.83	6.72
Lucerne hay	7.99	8.75	8.91	9.31	9.76
Lucerne graze	5.83	6.49	6.65	7.04	7.51
Muntries berries	4.86	5.38	5.52	5.83	6.72
Native produce (not otherwise listed)	4.86	5.38	5.52	5.83	6.72
Native trees	5.83	6.49	6.65	7.04	7.51
Nursery	8.63	9.55	9.78	10.18	10.70
Olive (oil)	4.77	5.27	5.41	5.67	6.04
Olive (fresh)	5.29	5.89	6.03	6.35	6.80
Pasture	5.83	6.49	6.65	7.04	7.51
Pasture starter	0.94	1.02	1.01	1.01	1.01
Pecan	6.30	7.05	7.19	n/a	n/a
Pumpkin	4.75	5.07	5.12	5.16	5.25
Quandong	4.86	5.38	5.52	5.83	6.72
Recreational crop	5.82	6.45	6.60	6.97	7.43
Semibaccarta	4.86	5.38	5.52	5.83	6.72
Sorghum	5.91	6.39	6.46	6.55	6.68
Stonefruit (not otherwise listed)	6.30	7.05	7.19	n/a	n/a
Tomato	n/a	n/a	n/a	11.15	11.67
Turf (buffalo, couch, kikuyu)	n/a	n/a	n/a	8.23	8.70
Turf (fescue)	n/a	n/a	n/a	9.54	10.03
Vegetables (not otherwise listed)	4.75	5.07	5.12	5.16	5.25

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<b>Crop</b>	<b>Band 1*</b>	<b>Band 2*</b>	<b>Band 3*</b>	<b>Band 4*</b>	<b>Band 5*</b>
Watermelon	n/a	n/a	n/a	5.54	5.59
Wine grape (red)	1.87	2.15	2.22	2.36	2.53
Wine grape (white)	1.94	2.23	2.31	2.45	2.61
Woodlot	5.83	6.49	6.65	7.04	7.51

\* all measurements are megalitres per hectare per year.

### Schedule 3—Table of values

Management sub-zone	Average adjusted winter runoff volume for management sub-zone (megalitres)	Consumptive use limit for management sub-zone (megalitres)
M1-01	1783	535
M1-02	957	287
M1-03	557	167
M1-04	163	49
M1-05	900	270
M1-06	103	31
M1-07	353	106
M1-08	120	36
M1-09	497	149
M1-10	363	109
M1-11	87	26
M2-01	270	81
M2-02	183	55
M2-03	457	137
M2-04	527	158
M2-05	93	28
M2-06	90	27
M2-07	80	24
M2-08	73	22
M2-09	30	9
M2-10	127	38
M2-11	63	19
M2-12	47	14
M2-13	37	11
M2-14	30	9
M2-15	20	6
M3	80	24
M4	70	21
M5	123	37
M6	n/a	the amount determined by the Minister
M7	n/a	the amount determined by the Minister
M8	n/a	the amount determined by the Minister
S1-01	257	77
S1-02	43	13
S1-03	43	13

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<b>Management sub-zone</b>	<b>Average adjusted winter runoff volume for management sub-zone (megalitres)</b>	<b>Consumptive use limit for management sub-zone (megalitres)</b>
S1-04	13	4
S1-05	40	12
S1-06	13	4
S2-01	127	38
S2-02	63	19
S2-03	43	13
S2-04	30	9
S2-05	30	9
S2-06	17	5
S2-07	53	16
S2-08	33	10
S2-09	23	7
S2-10	17	5
S2-11	37	11
S3	123	37
S4	80	24
S5	37	11
S6	27	8
S7	n/a	the amount determined by the Minister
S8	n/a	the amount determined by the Minister

## Schedule 4—Main watercourse and tributary management sub-zones

### Part 1—Main watercourse management sub-zones

Management sub-zone	Management zone
M6	Upper Marne
M7	Lower Marne
M8	Upper Marne
S7	Upper Saunders
S8	Lower Saunders

### Part 2—Tributary management sub-zones

Management sub-zone	Management zone
M1-01 to M1-11 (inclusive)	Upper Marne
M2-01 to M2-15 (inclusive)	Upper Marne
M3	Upper Marne
M4, M5	Lower Marne
S1-01 to S1-06 (inclusive)	Upper Saunders
S2-01 to S2-11 (inclusive)	Upper Saunders
S3 to S6 (inclusive)	Lower Saunders

**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 10 December 2009

No 295 of 2009

WBCS09/0027

South Australia

# Highways (Port River Expressway Project) Variation Regulations 2009

under the *Highways Act 1926*

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## Contents

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- 1 Short title
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  - 5 Variation of Schedule 1—Principal features of Port River Expressway Project
  - 6 Substitution of Schedule 2
- Schedule 2—Land to which Port River Expressway Project applies
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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Highways (Port River Expressway Project) Variation Regulations 2009*.

### 2—Commencement

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

### 3—Variation provisions

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

## Part 2—Variation of *Highways (Port River Expressway Project) Regulations 2004*

### 4—Variation of regulation 4—Port River Expressway Project

Regulation 4(2)—delete "the bold black line shown in the plans (Figures 2 to 5) set out" and substitute:

the bold black line connecting the coordinate points shown in Figures 2 to 5

### 5—Variation of Schedule 1—Principal features of Port River Expressway Project

Schedule 1, Part 4, Figure 1—delete Figure 1 and substitute:

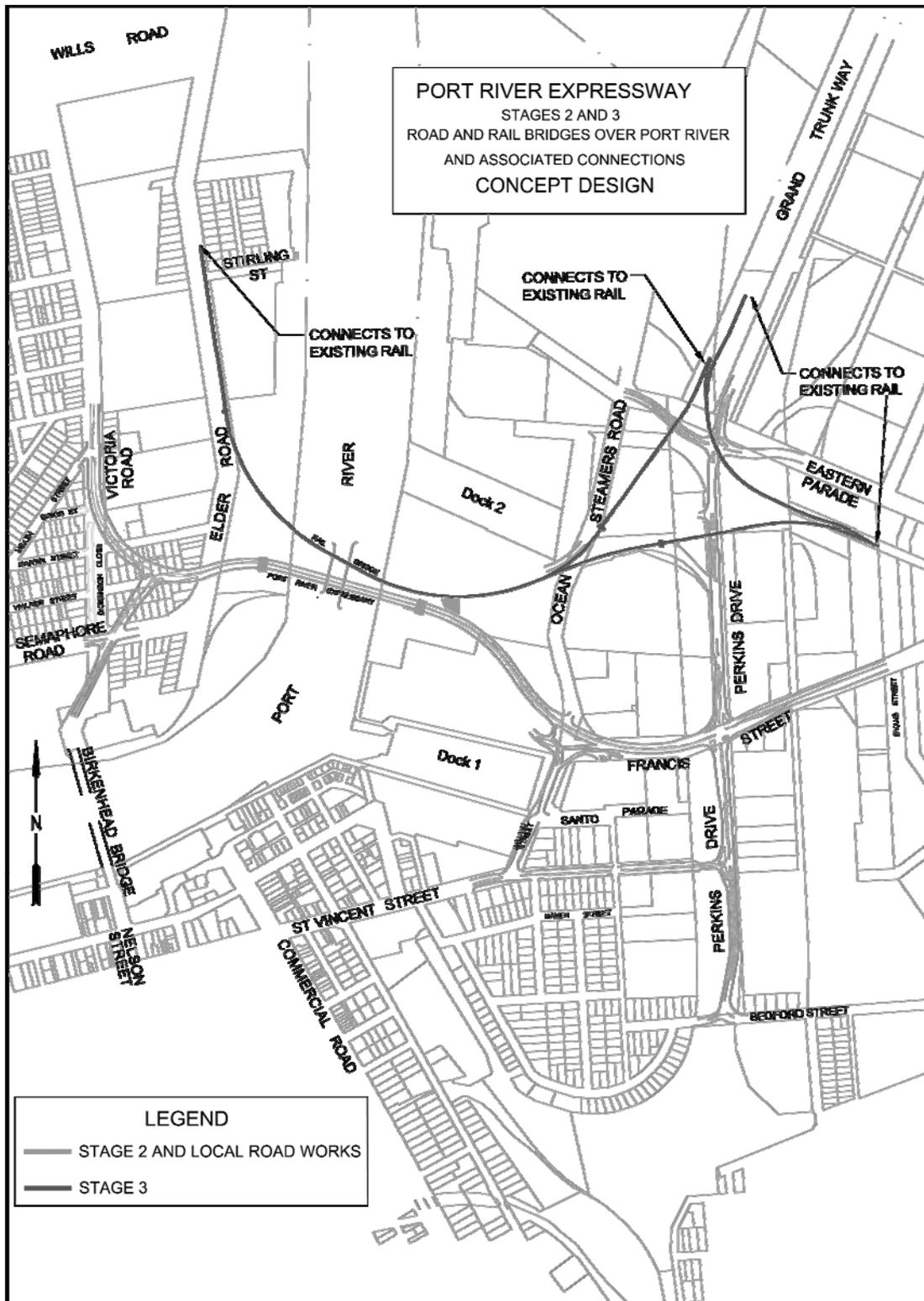
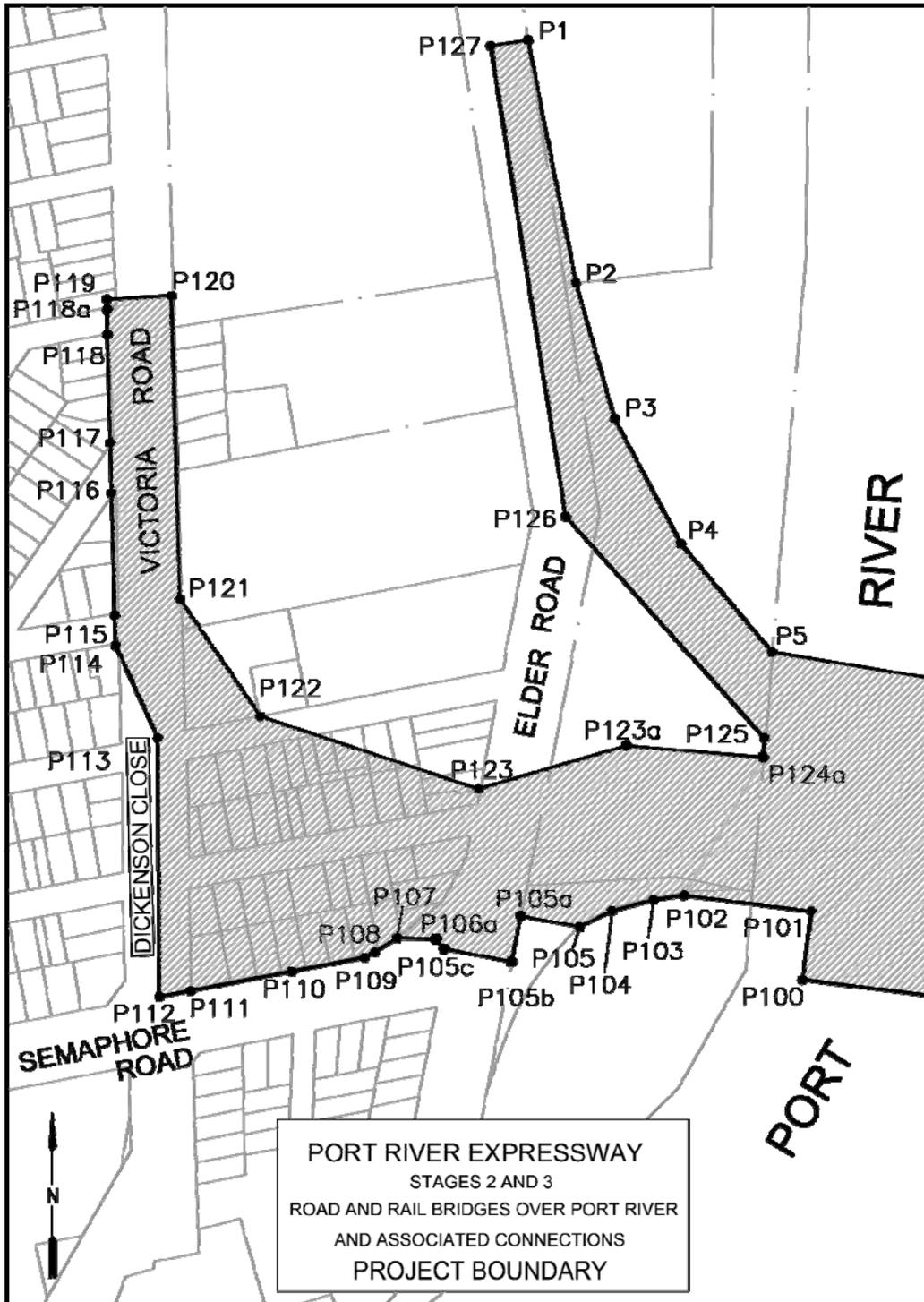


Figure 1

6—Substitution of Schedule 2

Schedule 2—delete the Schedule and substitute:

**Schedule 2—Land to which Port River Expressway Project applies**



FOR CONTINUATION SEE FIGURE 3

Figure 2

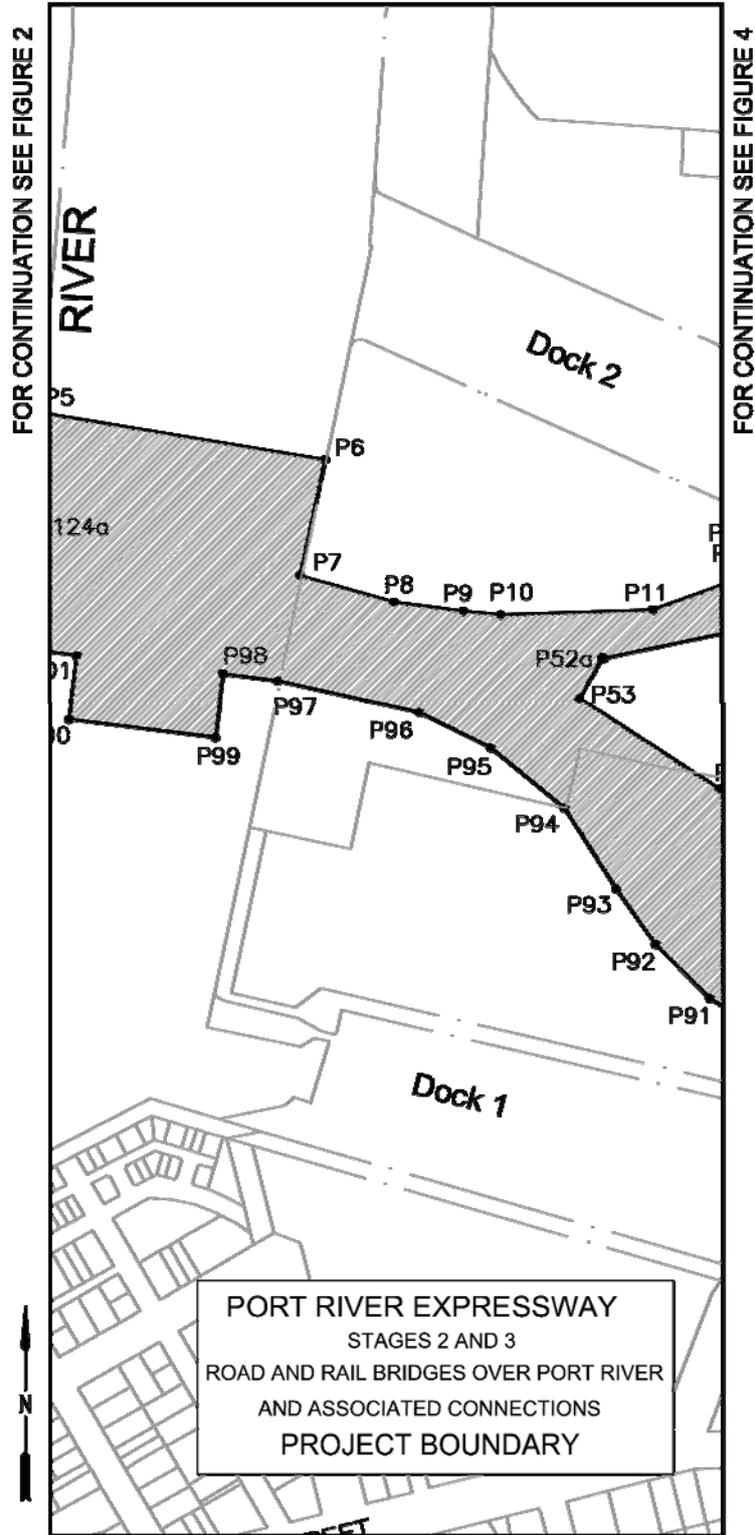


Figure 3

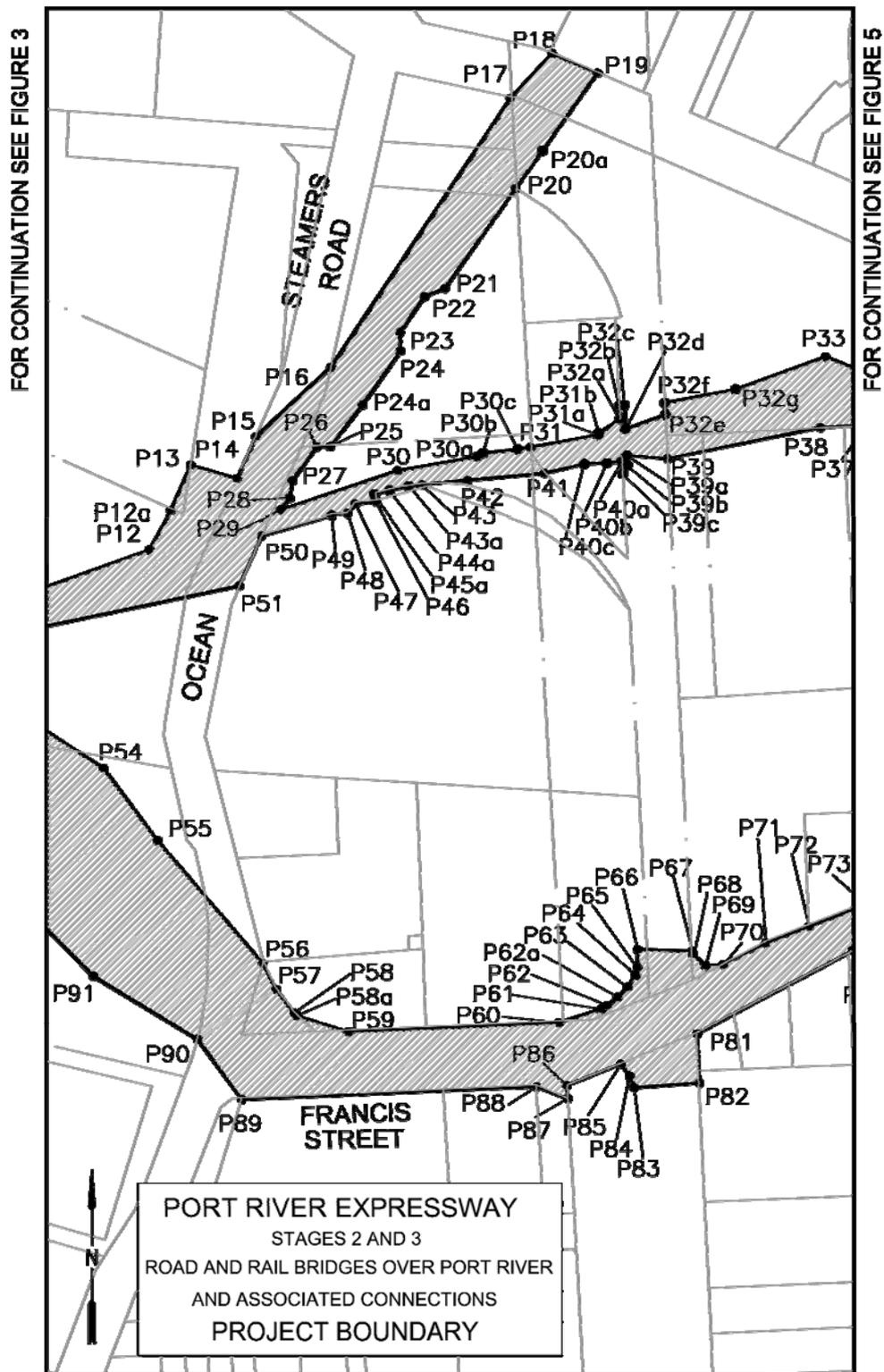


Figure 4

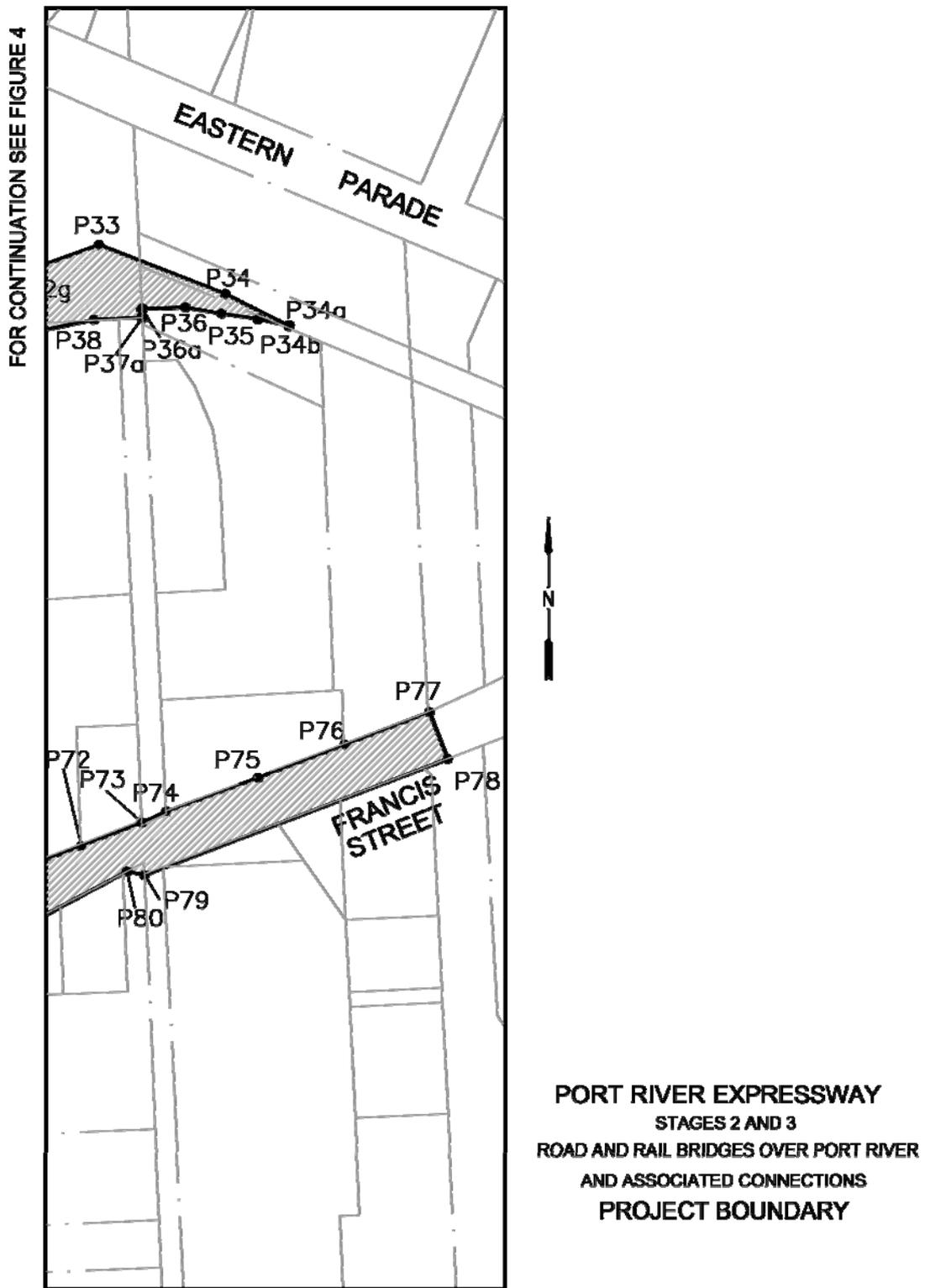


Figure 5

**Explanation of Coordinates shown in Figures 2 to 5—**

- 1 The Coordinate Origin is Permanent Survey Mark S317 (E=50000 N=100000, local in metres) that is located on the southern corner of Victoria Road and Heath Street, Cadastral No 6628/18085.
- 2 The Point Nos and Coordinates shown in Figures 2 to 5 are defined in the table below.

<b>Point No</b>	<b>Coordinates</b>	
1	E=50255.093742	N=100280.466961
2	E=50284.469641	N=100130.194413
3	E=50308.355774	N=100046.041002
4	E=50349.065143	N=99968.665976
5	E=50405.081495	N=99901.536880
6	E=50591.558382	N=99870.563362
7	E=50575.031897	N=99793.754809
8	E=50636.806950	N=99776.249925
9	E=50682.112751	N=99770.354818
10	E=50706.695341	N=99767.847600
11	E=50805.950983	N=99770.947036
12	E=50879.305329	N=99797.742481
12a	E=50893.476599	N=99823.324470
13	E=50906.761873	N=99853.588072
14	E=50937.245930	N=99844.646885
15	E=50949.674738	N=99872.425437
16	E=50999.032592	N=99918.567716
17	E=51117.341000	N=100098.102000
18	E=51144.684453	N=100127.767420
19	E=51174.756242	N=100114.961019
20	E=51120.715208	N=100037.653696
20a	E=51138.574510	N=100063.092203
21	E=51074.096859	N=99971.201679
22	E=51060.777584	N=99965.688945
23	E=51044.668530	N=99941.887035
24	E=51044.960323	N=99929.441355
24a	E=51019.918389	N=99893.460816
25	E=50998.634035	N=99865.924412
26	E=50989.622495	N=99865.421832
27	E=50973.645105	N=99843.014211
28	E=50971.921662	N=99831.365568

<b>Point No</b>	<b>Coordinates</b>	
29	E=50965.790717	N=99823.433724
30	E=51042.790068	N=99849.718465
30a	E=51095.525607	N=99859.116393
30b	E=51099.103000	N=99861.432000
30c	E=51122.121000	N=99863.856000
31	E=51130.373864	N=99865.326608
31a	E=51175.523619	N=99873.593837
31b	E=51175.406374	N=99874.678969
32a	E=51189.409371	N=99884.051193
32b	E=51188.960979	N=99893.120115
32c	E=51192.356831	N=99893.288015
32d	E=51193.121670	N=99877.429132
32e	E=51219.346967	N=99887.028116
32f	E=51219.058860	N=99894.918496
32g	E=51265.602917	N=99903.958719
33	E=51324.902946	N=99925.663716
34	E=51403.634946	N=99894.762502
34a	E=51443.495229	N=99874.652234
34b	E=51424.341836	N=99878.964592
35	E=51401.366088	N=99882.333263
36	E=51378.768997	N=99886.294186
36a	E=51351.681675	N=99885.286143
37a	E=51351.937792	N=99879.853471
38	E=51321.614368	N=99878.424100
39	E=51220.902188	N=99857.658860
39a	E=51193.970143	N=99859.836123
39b	E=51194.286113	N=99853.284510
39c	E=51191.206466	N=99847.788532
40a	E=51190.782724	N=99855.745861
40b	E=51180.900094	N=99854.780246
40c	E=51165.869146	N=99854.200626
41	E=51139.704534	N=99847.938893
42	E=51088.890361	N=99843.203021
43	E=51058.833914	N=99840.401765
43a	E=51050.588000	N=99839.264000
44a	E=51037.747000	N=99836.538000
45a	E=51027.742000	N=99833.818000

<b>Point No</b>	<b>Coordinates</b>	
46	E=51028.671306	N=99828.996545
47	E=51015.067034	N=99827.691523
48	E=51010.193934	N=99821.313397
49	E=50999.519720	N=99820.336380
50	E=50953.400793	N=99806.734121
51	E=50938.615572	N=99773.609429
52a	E=50773.337141	N=99738.789166
53	E=50757.998103	N=99712.226760
54	E=50849.142305	N=99652.374575
55	E=50884.919267	N=99604.164579
56	E=50954.120727	N=99522.472431
57	E=50963.028900	N=99505.147082
58	E=50974.694129	N=99489.500765
58a	E=50976.687312	N=99487.584362
59	E=51010.397158	N=99476.945829
60	E=51149.168951	N=99483.022273
61	E=51177.007041	N=99492.135074
62	E=51180.970307	N=99494.338663
62a	E=51187.781321	N=99500.046779
63	E=51194.315627	N=99506.736892
64	E=51199.396039	N=99514.588272
65	E=51200.721378	N=99519.896103
66	E=51201.065492	N=99531.719106
67	E=51237.078321	N=99530.670934
68	E=51237.176600	N=99528.693743
69	E=51245.562117	N=99521.098855
70	E=51257.291903	N=99521.679221
71	E=51285.481363	N=99536.020608
72	E=51313.845934	N=99546.952818
73	E=51351.844699	N=99561.601101
74	E=51366.774000	N=99568.574236
75	E=51424.153155	N=99589.901647
76	E=51478.239243	N=99610.814050
77	E=51531.119308	N=99631.260444
78	E=51542.565292	N=99601.668100
79	E=51353.396721	N=99528.501438
80	E=51342.424502	N=99530.894489

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<b>Point No</b>	<b>Coordinates</b>	
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82	E=51241.451221	N=99442.692053
83	E=51198.367998	N=99439.807980
84	E=51195.461736	N=99447.604692
85	E=51189.660398	N=99455.450445
86	E=51154.231000	N=99441.179000
87	E=51154.722716	N=99432.503573
88	E=51134.131307	N=99440.295735
89	E=50940.235423	N=99431.763619
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105a	E=50250.093827	N=99737.981471
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105c	E=50203.268323	N=99717.659668
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127	E=50232.149457	N=100276.925848

**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 10 December 2009

No 296 of 2009

MTR09/091

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CITY OF HOLDFAST BAY  
LOCAL GOVERNMENT ACT 1999

*Adoption of Community Land Management Plans*

NOTICE is hereby given that following relevant consultation pursuant to section 197 of the Local Government Act 1999, the City of Holdfast Bay at its meeting held on 24 November 2009, resolved to adopt Community Land Management Plans for Council's Business Facilities. These facilities include the following properties:

- Elizabeth Street car park;
- Partridge Street car park;
- Milton/Cowper Street car park;
- 5 to 9 Partridge Street; and
- Brighton Caravan Park.

J. P. LYNCH, Chief Executive Officer

CITY OF NORWOOD PAYNEHAM AND ST PETERS  
DEVELOPMENT ACT 1993

*Residential Development (City Wide Policy) Development Plan  
Amendment Public Consultation*

NOTICE is hereby given that the City of Norwood Payneham and St Peters has, pursuant to sections 24 and 25 of the Development Act 1993, prepared a draft Development Plan Amendment to amend the Norwood, Payneham and St Peters (City) Development Plan.

The Development Plan Amendment proposes to amend the Development Plan by:

- replacing the existing City Wide 'Residential Development' section with a new set of Objectives and Principles of Development Control which address all common aspects of a residential development (including character and amenity, land division, design and appearance, street and boundary setbacks, private open space, garages and carports, car parking and access);
- introducing specific provisions that provide guidance for hammerhead and battleaxe development, dependent and supported accommodation, housing for seniors, buildings on sloping sites and home-based business;
- introducing policies encouraging environmentally sustainable development;
- introducing four new City-Wide sections into the Development Plan to address:
  - interface between residential land uses or zones and other land uses or zones;
  - landscaping, fences and walls;
  - hazards, including flooding and site contamination; and
  - energy efficiency.

Copies of the draft Development Plan Amendment will be available for public inspection and hard copies can be obtained free of charge during normal office hours at the Council's Main Customer Service Centre at the Norwood Town Hall, 175 The Parade, Norwood and on the Council website at: [www.npsp.sa.gov.au](http://www.npsp.sa.gov.au). Copies will also be able to be obtained or viewed at:

- St Peters Customer Service Centre, 101 Payneham Road, St Peters.
- Payneham Customer Service Centre, 2 Turner Street, Felixstow.
- Norwood Library, 110 The Parade, Norwood.

The draft Development Plan Amendment will be on display from Monday, 14 December 2009 until Friday, 5 March 2010, during which time written submissions are invited.

Written submissions should be submitted no later than 5.00pm on Friday, 5 March 2010 and should be addressed to the Chief Executive Officer, City of Norwood Payneham and St Peters, P.O. Box 204, Kent Town, S.A. 5071. The written submissions should clearly indicate whether you wish to be heard at the Public Meeting in support of your submission.

Copies of all submissions will be available for inspection at the Norwood Town Hall Customer Service Centre, 175 The Parade, Norwood from Monday, 8 March 2010 until the conclusion of the Public Meeting.

A Public Meeting will be held at 7 p.m. on Wednesday, 17 March 2010 in the Don Pyatt Hall, 175 The Parade, Norwood to hear from interested persons in relation to the draft DPA and the submissions. If the Council does not receive any written submission requesting to be heard, the Public Meeting will not be held.

Any enquiries should be directed to Keke Michalos, Senior Urban Planner, Policy and Strategy, on 8366 4509.

Dated 30 November 2009.

M. BARONE, Chief Executive Officer

CITY OF SALISBURY

*Assumption of Care, Control and Management of Land*

NOTICE is hereby given that at its meeting held on 23 November 2009, the City of Salisbury with the consent of the Minister for Recreation, Sport and Racing resolved to assume the care, control and management of the land described as Allotment 65 in Filed Plan 113660 comprised in certificate of title volume 5827, folio 672 and known as the Salisbury Recreation Precinct Happy Home Reserve, Salisbury North, pursuant to and in accordance with section 192 (1) of the Local Government Act 1999.

S. HAINS, City Manager

[REPUBLISHED]

IN *Government Gazette* dated 3 December 2009 on page 6002, due to a typographical error, is to be republished.

CITY OF WEST TORRENS

FINAL RECOMMENDATION

*Periodical Review of Elector Representation*

NOTICE is hereby given that the City of West Torrens, in accordance with the requirements under section 12(4) of the Local Government Act 1999 (the 'Act'), has reviewed its composition and elector representation arrangements.

*Certification*

Pursuant to section 12 (13) (a) of the Act, the Electoral Commission has certified that the review undertaken by Council satisfies the requirements of section 12 and may therefore now be put into effect as from the day of the first general election held after the publication of this notice.

The revised representation arrangements (unchanged) are as follows:

- Retain the existing position title of Mayor.
- Retain the existing number of Elected Members (14 plus a Mayor).
- Retain the existing ward structure (7).

W. J. ROSS, Chief Executive Officer (Acting)

[\*]

CITY OF SALISBURY

Review of Elector Representation

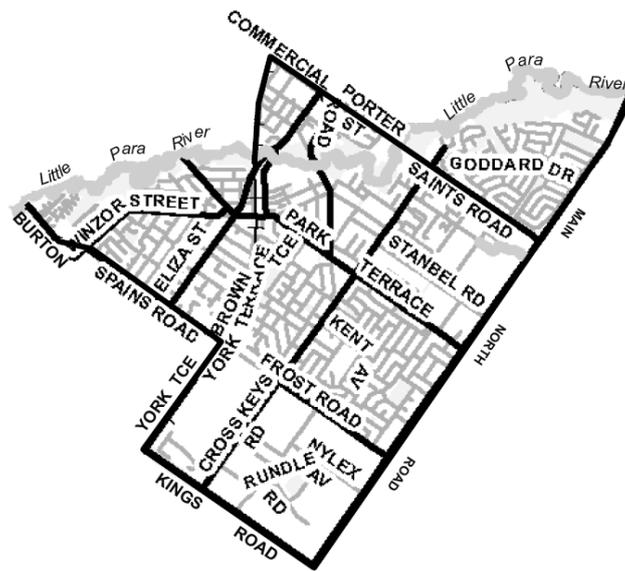
NOTICE is hereby given that the City of Salisbury has completed a review of its elector representation arrangements, including its composition and ward structure, in accordance with the requirements of section 12 (4) of the Local Government Act 1999 (the Act).

Pursuant to section 12 (13) (a) of the Act, the Electoral Commissioner has certified that the review undertaken by Council satisfies the requirements of section 12 of the Act. As such, the following structure will be put into effect as from the day of the first general election held after the publication of this notice:

- The elected Council will comprise the Mayor (elected 'at large' by the community) and 16 ward councillors.
- The City will be divided into eight wards, as defined in Schedules 1 to 8 inclusive, with each ward to be represented by two councillors.
- The wards be identified as Central (ward 1), East (ward 2), South (ward 3), Hills (ward 4), Para (ward 5), North (ward 6), Levels (ward 7) and West (ward 8).

SCHEDULE 1

Central Ward: Comprising all of the land contained within the suburbs of Brahma Lodge, Elizabeth Vale, Salisbury, Salisbury Park, Salisbury Plain and Salisbury South, being the land more particularly delineated on the plan published herewith.



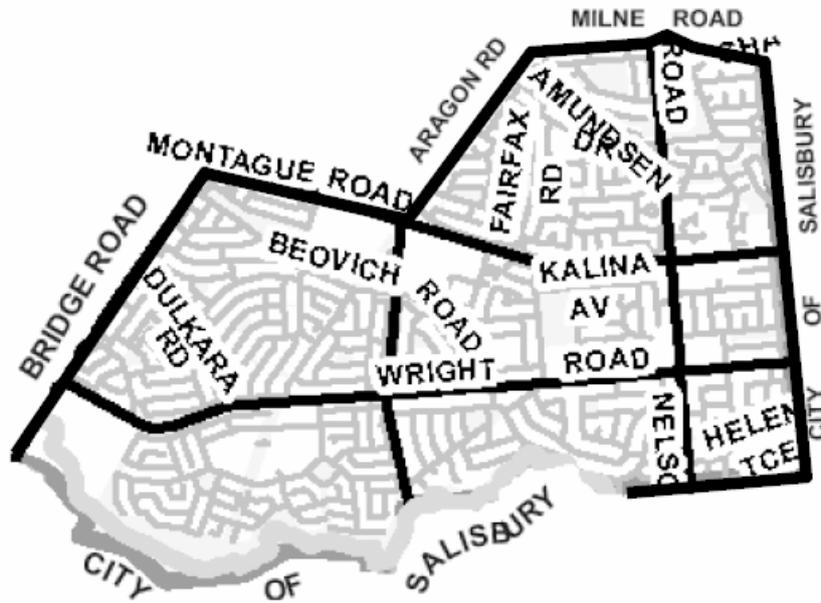
SCHEDULE 2

East Ward: Comprising all of the land contained within the suburbs of Gulfview Heights (north of Wynn Vale Drive), Salisbury East and Salisbury Heights, being the land more particularly delineated on the plan published herewith.



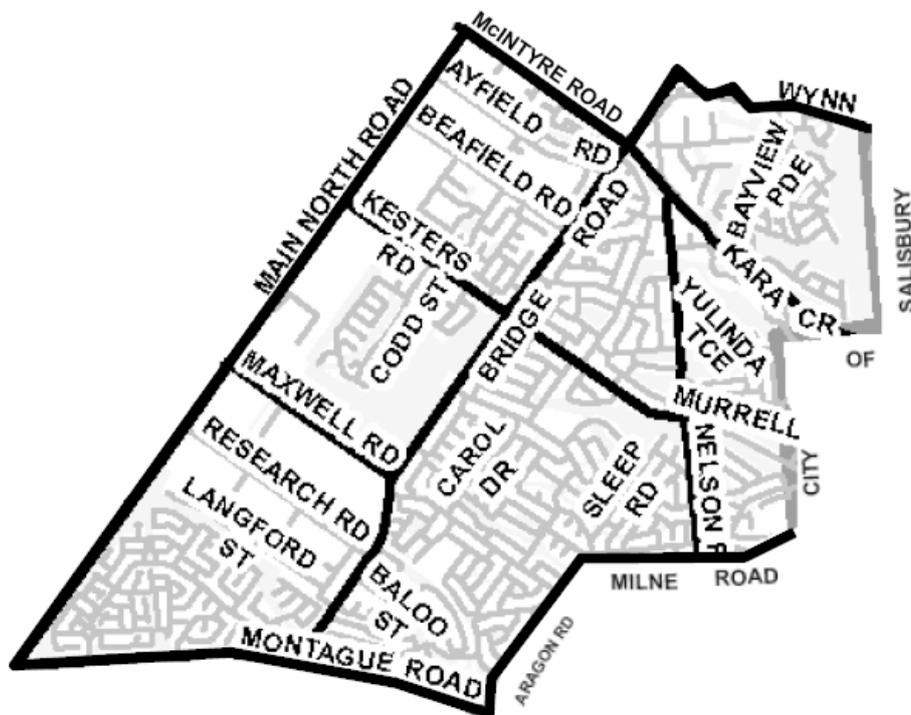
SCHEDULE 3

South Ward: Comprising all the land contained within the suburbs of Ingle Farm (except the land north of Montague Road and west of Aragon Road/Sloan Road), Para Vista, Valley View and Walkley Heights, being the land more particularly delineated on the plan published herewith.



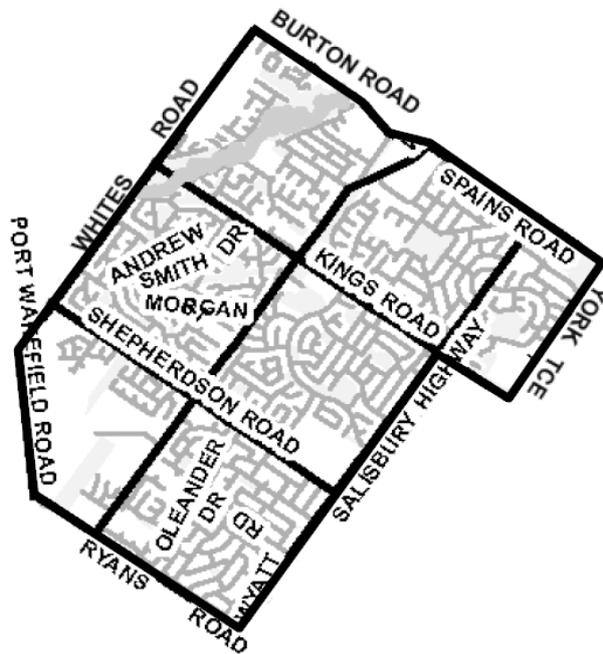
SCHEDULE 4

Hills Ward: Comprising all the land contained within the suburbs of Gulfview Heights (south of Wynn Vale Drive), Para Hills, Para Hills West, Pooraka (north of Montague Road) and Ingle Farm (north of Montague Road and west of Aragon Road/Sloan Road), being the land more particularly delineated on the plan published herewith.



SCHEDULE 5

Para Ward: Comprising all the land contained within the suburbs of Parafield Gardens (east of Whites Road and West of Salisbury Highway), Paralowie (east of Whites Road) and Salisbury Downs, being the land more particularly delineated on the plan published herewith.



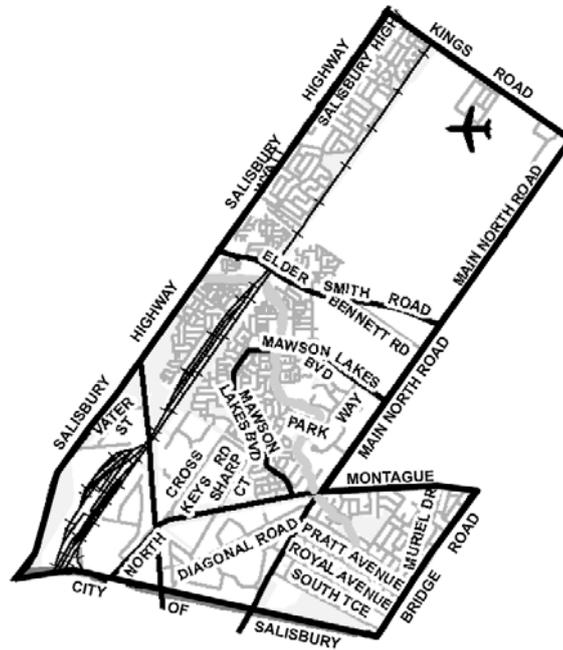
SCHEDULE 6

North Ward: Comprising all the land contained within the suburbs of Direk, Edinburgh, Paralowie (North of Burton Road) and Salisbury North, being the land more particularly delineated on the plan published herewith.



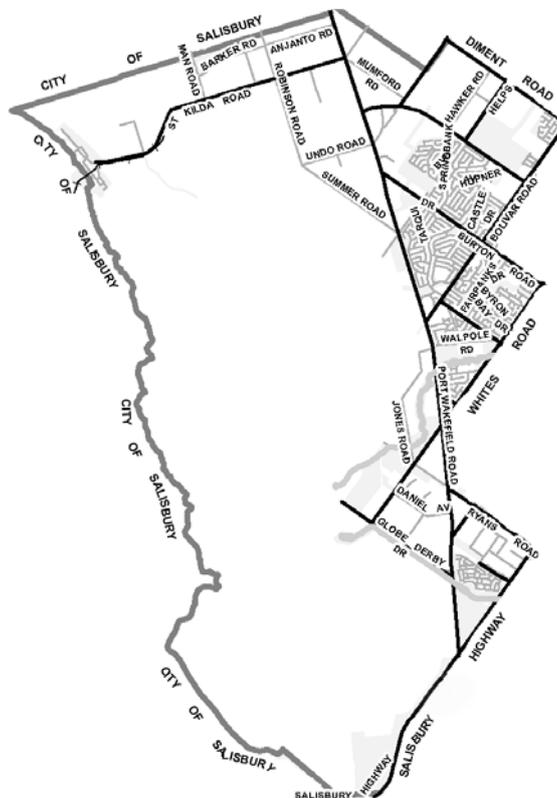
SCHEDULE 7

Levels Ward: Comprising all the land contained within the suburbs of Cavan, Dry Creek (east of Salisbury Highway), Mawson Lakes (east of Salisbury Highway), Parafield, Parafield Gardens (east of Salisbury Highway) and Pooraka (south of Montague Road), being the land more particularly delineated on the plan published herewith.



SCHEDULE 8

West Ward: Comprising all the land contained within the suburbs of Bolivar, Burton, Dry Creek (West of Salisbury Highway), Globe Derby Park, Greenfields, Mawson Lakes (West of Salisbury Highway), Parafield Gardens (West of Whites Road), Paralowie (West of Whites Road), St Kilda and Waterloo Corner, being the land more particularly delineated on the plan published herewith.



## ADELAIDE HILLS COUNCIL

*Periodical Review of Elector Representation*

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

Pursuant to section 12 (13) (a) of the said Act, the Electoral Commissioner has certified that the review undertaken by Council satisfies the requirements of section 12 and may therefore now be put into effect as from the day of the first general election held after the publication of this notice.

The revised representation arrangements are as follows:

The elected composition will remain a total of 13 elected members comprised of:

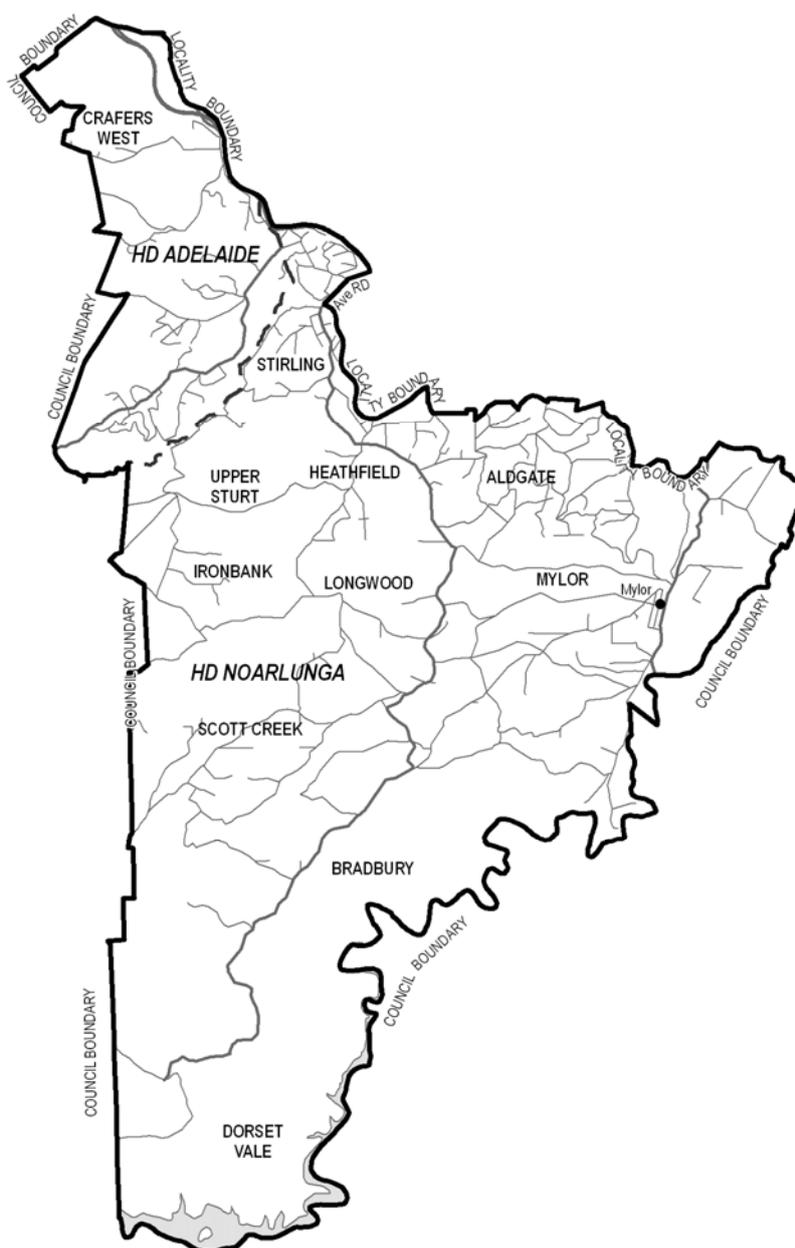
- The position of Mayor as principal member of the Council elected at large.
- 12 ward Councillors elected from five wards.

The existing ward structure, which divides the Council area into 5 wards, is to be retained with boundary adjustments as defined in Schedules 1 to 5 inclusive. The wards will continue to be entitled as follows and the ward elected composition will be:

Manoah, Marble Hill and Torrens Valley Wards are each represented by two councillors and Mount Lofty and Onkaparinga Valley wards are each represented by three councillors.

## FIRST SCHEDULE

Manoah Ward: Comprising the whole of the suburbs within the area of the municipality of Adelaide Hills Council of Bradbury, Crafers West, Dorset Vale, Heathfield, Ironbank, Longwood, Mylor, Scott Creek, Upper Sturt and the portions of Aldgate and Stirling being the land more particularly delineated on the plan published herewith.



SECOND SCHEDULE

Mount Lofty: Comprising the whole of the suburbs within the area of the municipality of Adelaide Hills Council of Crafers, Bridgewater, Cleland and Mount George and the portions of Hundreds of Adelaide, Aldgate and Stirling being the land more particularly delineated on the plan published herewith.



THIRD SCHEDULE

Marble Hill: Comprising the whole of the suburbs within the area of the municipality of Adelaide Hills Council of Ashton, Basket Range, Carey Gully, Castambul, Cherryville, Greenhill, Horsnell Gully, Marble Hill, Montacute, Norton Summit, Piccadilly, Rostrevor, Summertown, Teringie, Uraidla, Woodforde and the portions of Hundreds of Adelaide and Onkaparinga, being the land more particularly delineated on the plan published herewith.



FOURTH SCHEDULE

Torrens Valley: Comprising the whole of the suburbs within the area of the municipality of Adelaide Hills Council of Birdwood, Chain of Ponds, Cromer, Cudlee Creek, Forreston, Gumeracha, Houghton, Humbug Scrub, Inglewood, Kersbrook, Lower Hermitage, Millbrook, Mount Pleasant, Paracombe, Upper Hermitage and the portion of Mount Torrens being the land more particularly delineated on the plan published herewith.



## FIFTH SCHEDULE

Onkaparinga Valley: Comprising the whole of the suburbs within the area of the municipality of Adelaide Hills Council of Balhannah, Charleston, Inverbrackie, Lenswood, Lobethal, Oakbank, Verdun, Woodside and the portions of Mount Torrens and Forest Range being the land more particularly delineated on the plan published herewith.



P. PEPPIN, Chief Executive Officer

## ALEXANDRINA COUNCIL

*Assignment of Road Names*

NOTICE is hereby given, pursuant to section 219 (1) of the Local Government Act 1999, that the Alexandrina Council has assigned the following road names:

*Meeting held on 19 May 2008:*

- For the un-named road east off Stevens Road to Sterling Downs Road, Currency Creek, be named Taverner Road.

*Meeting held on 17 December 2007:*

- That the southern end of Cole Crossing Road, Nangkita, from the southern boundary of section 441 to the southern boundary of section 243, Hundred of Nangkita, be named Griggs Road.

*Meeting held on 18 September 2006:*

- For the un-named road reserve west off the road junction of Merrilli Place and Hutton Street, Port Elliot be named Knights Beach Walk.

*Meeting held on 7 August 2006:*

- For the partial re-naming of the southern entrance of Lockett Road, off Myrtle Grove Road, Currency Creek adjacent to part section 2002, Hundred of Nangkita, be named Shaw Road.

*Meeting held on 7 May 2007:*

- For the un-named road reserve east off Pullen Road, Hindmarsh Island, from the western boundary of section 103, Hundred of Nangkita, east to the un-made road reserve adjacent to PCS2004/05 Randell Road, be named Sheoak Lane.

J. COOMBE, Chief Executive

## CLARE AND GILBERT VALLEYS COUNCIL

*Review of Elector Representation*

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

Pursuant to section 12 (13) (a) of the Act, the Electoral Commissioner has certified that the review undertaken by Council satisfies the requirements of section 12 of the Act. As such, the following structure will be put into effect as from the day of the first general election held after the expiration of five months from the publication of this notice:

- The council area will not be divided into wards.
- The elected Council will comprise the Mayor and nine area councillors who represent the Council area as a whole.

R. D. BLIGHT, Chief Executive Officer

#### DISTRICT COUNCIL OF THE COPPER COAST

##### *Review of Elector Representation*

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

Pursuant to section 12 (13) (a) of the Act, the Electoral Commissioner has certified that the review undertaken by Council satisfies the requirements of section 12 of the Act. As such, the following structure will be put into effect as from the day of the first general election held after the publication of this notice.

- The Council area will not be divided into wards.
- The elected Council will comprise the Mayor (elected by the whole community) and 10 area councillors who represent the Council area as a whole.

P. DINNING, Chief Executive Officer

#### DISTRICT COUNCIL OF MALLALA

##### *Rename Roads*

NOTICE is hereby given that, in accordance with section 219 of the Local Government Act 1999, the Council, at its meeting held on Monday, 19 October 2009, resolved to rename the following road names:

The roadway currently named Masters Road adjacent section 92, H140800 to section 629 H140800, Hundred of Port Gawler, be renamed Verner Road;

Notice is hereby given that, in accordance with section 219 of the Local Government Act 1999, the Council, at its meeting held on Monday, 16 November 2009, resolved to rename the following road names:

The roadway currently named Port Lorne Road adjacent section 378, H140400 to section 376 H140400, Hundred of Dublin, be renamed Lorne Road.

##### *Alteration to Load Limit*

Notice is hereby given that the Council, at its meeting held on Monday, 16 November 2009, resolved that in accordance with the provisions of section 32 of the Road Traffic Act 1961, a load limit of 5 tonnes, service vehicles excepted, be applied to Lois Lane, Mallala, effective 7 December 2009.

C. MANSUETO, Chief Executive Officer

#### DISTRICT COUNCIL OF MALLALA

##### *Review of Elector Representation*

NOTICE is hereby given that the District Council of Mallala has completed a review of its composition and elector representation arrangements in accordance with the provisions of section 12 (4) of the Local Government Act 1999.

Pursuant to section 13 (a) of the said Act, the Electoral Commissioner has certified that the review undertaken by Council satisfies the requirements of section 12 of the Local Government Act 1999 and may therefore be put into effect as from the day of the first general election held after the expiration of five months from the publication of this notice.

The result of the review sees the composition and elector representation for the Council area unchanged and that the arrangements will remain as:

The principal member of Council continue to be a Chairperson, chosen by the elected members of Council from amongst their own number and the office continue to bear the title of Mayor, pursuant to the provisions of section 51 of the Act.

The District Council of Mallala area continue to be divided into four wards, as per the existing ward structure, with two wards each being represented by two ward councillors, one ward being represented by three ward councillors and one to be represented by four ward councillors.

The elected Council continue to comprise 11 ward councillors.

The wards shall be identified as Dublin (Ward 1); Mallala (Ward 2) Two Wells (Ward 3) and Lewiston (Ward 4).

Dated 4 December 2009.

C. MANSUETO, Chief Executive Officer

#### MID MURRAY COUNCIL

##### *Review of Elector Representation*

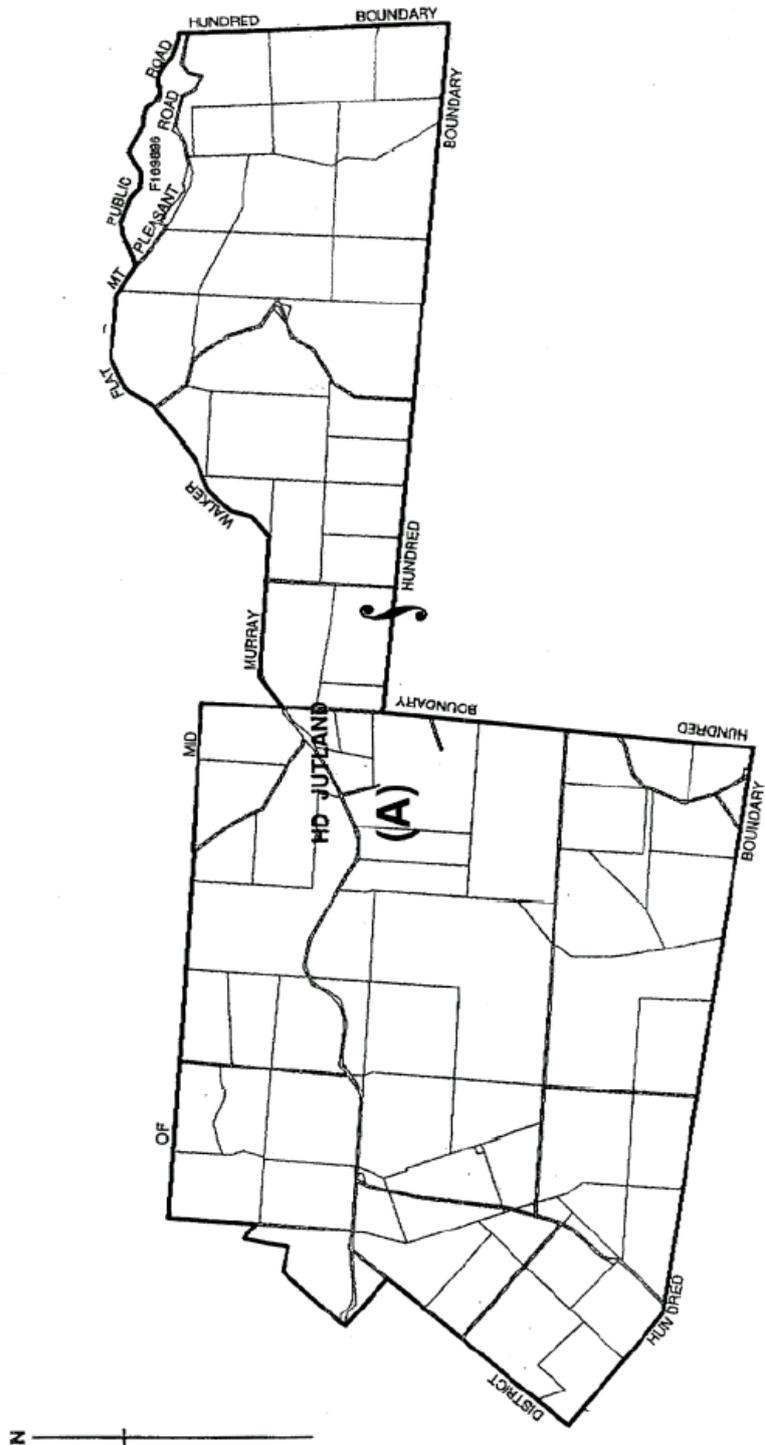
NOTICE is hereby given that the Mid Murray Council has completed a review of its elector representation arrangements, including its composition and ward structure, in accordance with the requirements of section 12 (4) of the Local Government Act 1999 (the Act).

Pursuant to section 12 (13) (a) of the Act, the Electoral Commissioner has certified that the review undertaken by Council satisfies the requirements of section 12 of the Act. As such, the following structure will be put into effect as from the day of the first general election held after the publication of this notice:

- The elected Council will comprise the Mayor (elected 'at large' by the community) 11 ward councillors.
- The council area continue to be divided into five wards under an amended ward structure, with two wards (i.e. Randell and River North wards) each being represented by three ward councillors, a further two wards (i.e. River South and Sturt wards) each being represented by two ward councillors, and the remaining ward (i.e. Reedy Creek ward) being represented by one ward councillor.
- The wards be identified as Randell (Ward 1), River South (Ward 2), Sturt (Ward 3) River North (Ward 4) and Reedy Creek (Ward 5).
- The alterations to the boundaries of the existing wards are defined in Schedules 1 to 3 that follow.

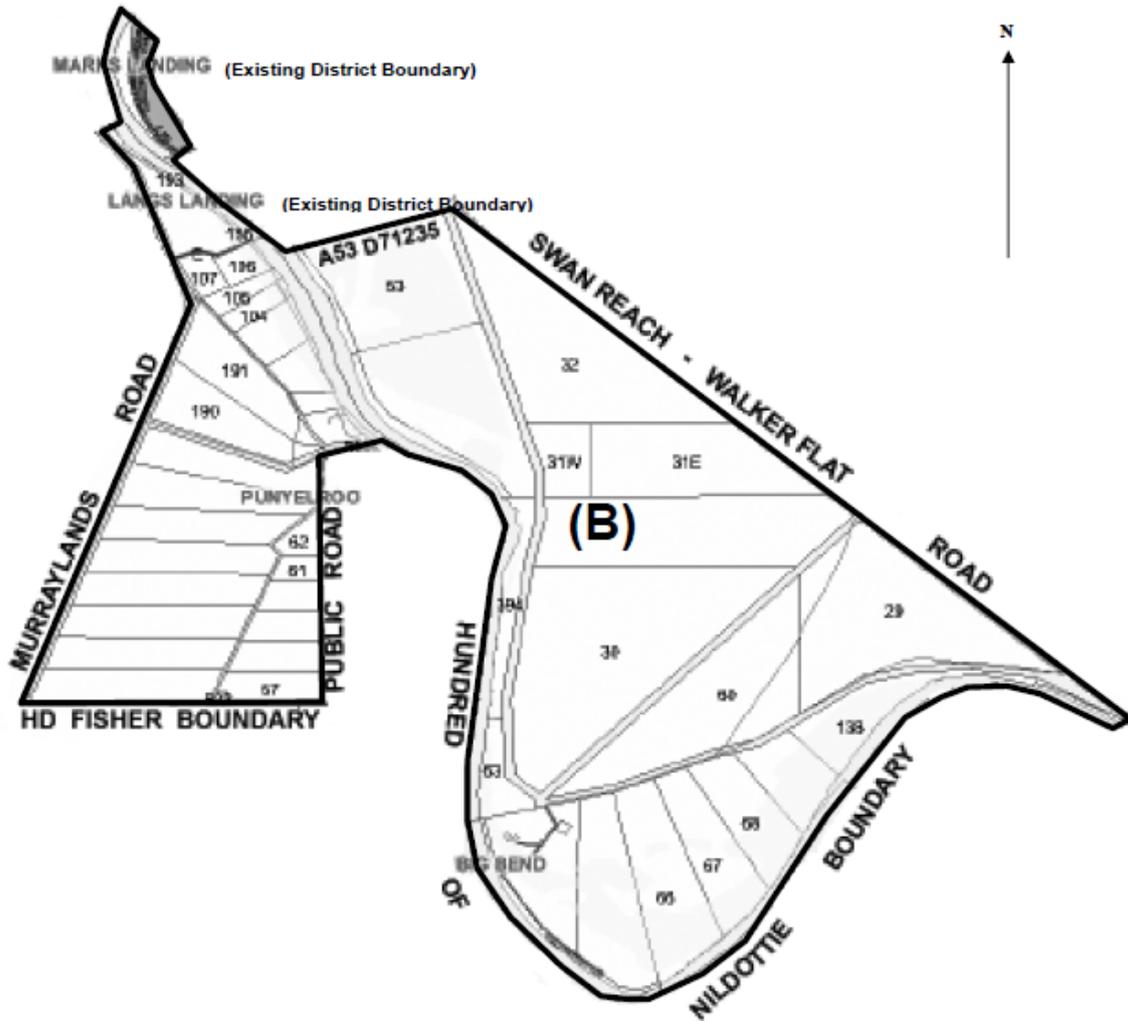
THE FIRST SCHEDULE

Sturt Ward and Reedy Creek Ward: Alter and adjust the boundaries of the Sturt Ward and Reedy Creek Ward of the Mid Murray Council by severing from the said Reedy Creek Ward that portion of the Hundred of Jutland, more particularly delineated on the plan published herewith and marked (A) and annexing the same to the said Sturt Ward.



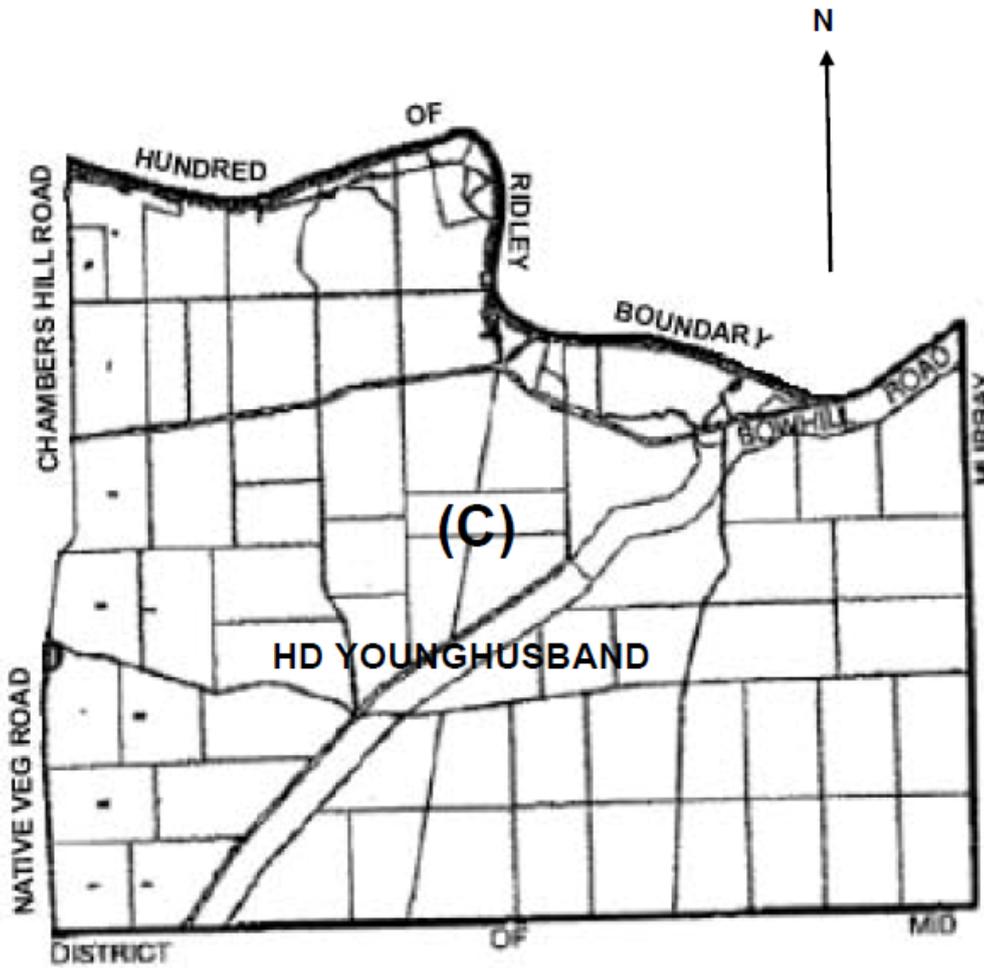
THE SECOND SCHEDULE

River North Ward and River South Ward: Alter and adjust the boundaries of the River North Ward and River South Ward of the Mid Murray Council by severing from the said River North Ward that portion of the Hundred of Nildottie and Hundred of Fisher, more particularly delineated on the plan published herewith and marked (B) and annexing the same to the said River South Ward.



THE THIRD SCHEDULE

Randell Ward and River South Ward: Alter and adjust the boundaries of the Randell Ward and River South Ward of the Mid Murray Council by severing from the said Randell Ward that portion of the Hundred of Younghusband, more particularly delineated on the plan published herewith and marked (C) and annexing the same to the said River South Ward.



D. GOLLAN, Chief Executive Officer

DISTRICT COUNCIL OF MOUNT REMARKABLE

*Periodical Review of Elector Representation—  
Final Recommendation*

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

*Certification*

Pursuant to section 12 (13) (a) of the said Act, the Electoral Commissioner has certified that the review undertaken by Council satisfies the requirements of section 12 and may therefore now be put into effect as from the day of the first general election held after the publication of this notice.

The revised representation arrangements are as follows:

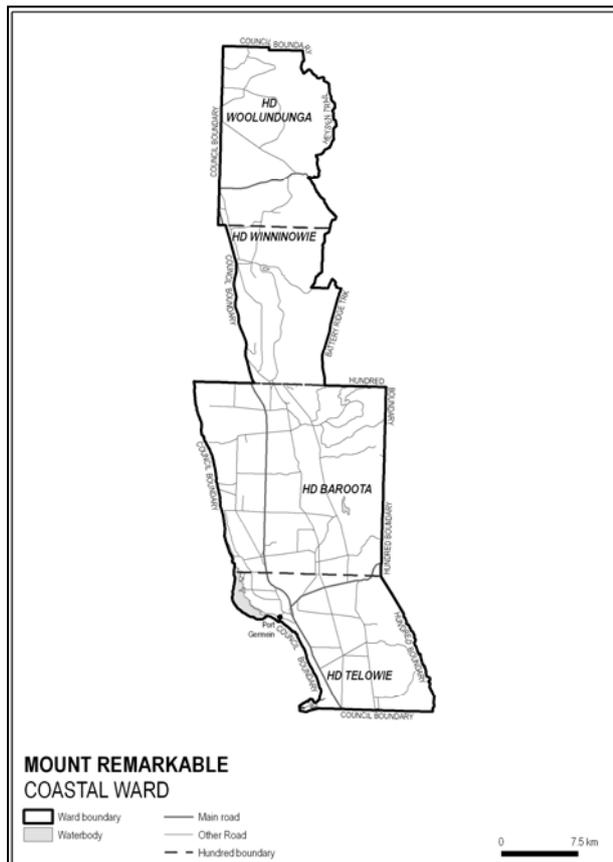
The District Council of Mount Remarkable will comprise of Chairperson (titled Mayor) and 7 ward Councillors elected from four wards.

The existing ward structure, which divides the Council area into 4 wards, is to be retained with boundary adjustments. The wards will continue to be entitled as follows and the ward elected composition will be:

Councillors—Coastal, Ranges and Plains ward represented by two Councillors and Forest Ward represented by 1 Councillor.

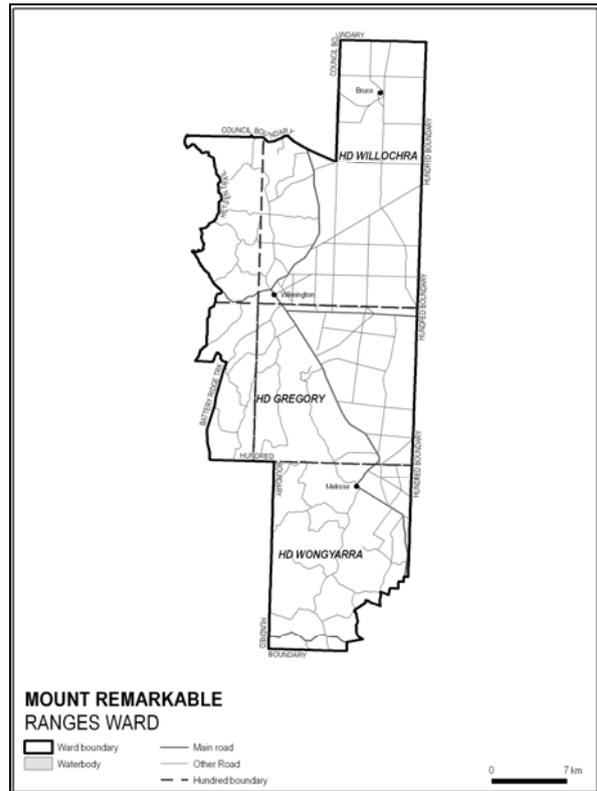
FIRST SCHEDULE

Coastal Ward: Comprising the Hundreds of Baroota and Telowie and portions of the Hundreds of Woolundunga and Winninowie and more particularly delineated in the plan published herewith.



SECOND SCHEDULE

Ranges Ward: Comprising the Hundreds of Willochra and Gregory and portions of the Hundreds of Woolundunga, Winninowie and Wongyarra and more particularly delineated in the plan published herewith.



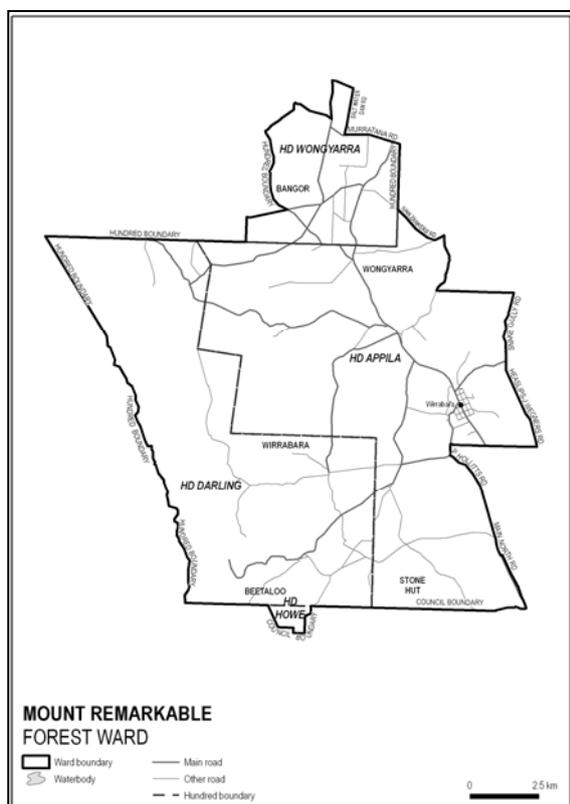
THIRD SCHEDULE

Plains Ward: Comprising the Hundreds of Mookra, Coonatto, Pinda, Willowie and Booleroo and portions of the Hundreds of Appila and Wongyarra and more particularly delineated in the plan published herewith.



## FOURTH SCHEDULE

Forest Ward: Comprising the Hundreds of Howe, and Darling and portions of the Hundreds of Appila and Wongyarra and more particularly delineated in the plan published herewith.



S. R. CHERITON, Chief Executive Officer

## DISTRICT COUNCIL OF ORROROO CARRIETON

*Review of Elector Representation*

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

*Certification*

Pursuant to section 12 (13) (a) of the said Act, the Electoral Commissioner has certified that the review undertaken by Council satisfies the requirements of section 12 and may therefore now be put into effect as from the day of the first general election held after the publication of this notice.

The revised representation arrangements are as follows:

The elected Council will comprise the Chairperson and seven area councillors who represent the Council area as a whole.

I. WILSON, Chief Executive Officer

## DISTRICT COUNCIL OF STREAKY BAY

*Review of Elector Representation*

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

Pursuant to section 12 (13) (a) of the Act, the Electoral Commissioner has certified that the review undertaken by Council satisfies the requirements of section 12 of the Act. As such, the following structure will be put into effect as from the day of the first general election held after the publication of this notice.

- The principal member of Council continue to be a Chairperson, chosen by the elected members of Council from amongst their own number, and the office continue to bear the title of 'Mayor'.

- The elected Council continue to comprise eight ward councillors, including the 'Mayor'.
- The council area continue to be divided into two wards, as per the current ward structure, with each ward being represented by four ward councillors.
- The wards continue to be identified as Flinders (Ward 1) and Eyre (Ward 2).

D. JENNINGS, Chief Executive Officer

## DISTRICT COUNCIL OF TUMBY BAY

*Temporary Road Closure—Tumbay Bay Township*

NOTICE is hereby given that Council has declared that the activities associated with the Annual Christmas Celebrations is an event to which section 33 of the Road Traffic Act 1961 applies and hereby makes an order declaring:

That portion of West Terrace commencing from South Terrace in a northerly direction until it meets North Terrace, the full length of North Terrace, Spencer Street commencing from North Terrace in a southerly direction until it meets Mortlock Street, Mortlock Street between Spencer Street and Tumbay Terrace, Tumbay Terrace commencing from Mortlock Street in a northerly direction until it meets North Terrace, Esplanade commencing from North Terrace in a northerly direction until it meets Wibberley Street, Wibberley Street commencing from Esplanade in a westerly direction until it meets West Terrace, West Terrace commencing from Wibberley Street in a southerly direction until it meets Lipson Road, Lipson Road commencing from West Terrace in a south-easterly direction until it meets North Terrace, Tumbay Bay, are roads on which the event is to be held and that the roads will be closed to traffic on Thursday, 24 December 2009, for the holding of the Street Parade and Celebrations between 6 p.m. to 10 p.m.

E. A. ROBERTS, District Clerk

## DISTRICT COUNCIL OF TUMBY BAY

## ROADS (OPENING AND CLOSING) ACT 1991

*Road Opening—Harvey Drive, Tumbay Bay*

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the District Council of Tumbay Bay proposes to make a Road Process Order to open as road portion of Allotment 2006 in Deposited Plan 66876, more particularly delineated and numbered '1' on Preliminary Plan No. 09/0058, forming an extension of Harvey Drive.

A copy of the plan and a statement of persons affected are available for public inspection at the office of the Council at Mortlock Street, Tumbay Bay and the Adelaide Office of the Surveyor-General, 101 Grenfell Street, Adelaide, during normal office hours.

Any objection or application for an easement must set out the full name and address of the person making the objection or application and must be fully supported by reasons.

The application for easement or objection must be made in writing to the Council, P.O. Box 61, Tumbay Bay, S.A. 5605 within 28 days of this notice and a copy must be forwarded to the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001. Where a submission is made, the Council will give notification of a meeting at which the matter will be considered.

Dated 2 November 2009.

E. A. ROBERTS, District Clerk

## WAKEFIELD REGIONAL COUNCIL

*Periodical Review of Elector Representation*

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

Pursuant to section 12 (13) (a) of the said Act, the Electoral Commissioner has certified that the review undertaken by council satisfies the requirements of section 12 and may therefore now be put into effect as from the day of the first general election held after the publication of this notice.

The revised representation arrangements are as follows:

- The Council of Wakefield Regional Council will comprise of Mayor as the principle member and 10 ward Councillors.



## DISTRICT COUNCIL OF YANKALILLA

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

*By-Law No. 1 of 2009—Penalties*

A by-law to create a permit system for Council by-laws, to fix maximum and continuing penalties for offences, and for the construction of Council by-laws.

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Permits and Penalties By-law 2009 and is By-law No. 1 of the District Council of Yankalilla.

2. *Authorising Law*

This by-law is made under section 246 of the Act and sections 667 (1) 3.LIV and 9.XVI of the Local Government Act 1934.

3. *Purpose*

The objects of this by-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:

- 3.1 creating a permit system for Council by-laws;
- 3.2 providing for the enforcement of breaches of Council by-laws and fixing penalties; and
- 3.3 clarifying the construction of Council by-laws.

4. *Commencement, Revocation and Expiry*

- 4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation<sup>1</sup>:

4.1.1 By-law No. 1 of 2002—Permits and Penalties.<sup>2</sup>

- 4.2 This by-law will expire on 1 January 2017.<sup>3</sup>

## Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is *gazetted*: section 249 (5) of the Act.

<sup>2</sup> Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

<sup>3</sup> Pursuant to section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

5. *Application*

- 5.1 This by-law applies throughout the Council area.

6. *Interpretation*

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *Council* means District Council of Yankalilla;
- 6.3 *person* includes a body corporate.

## Note:

Section 14 of the Interpretation Act 1915, provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Act.

7. *Construction of By-laws Generally*

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

- 7.2 In any by-law of the Council, unless the contrary intention appears permission means permission of the Council, granted in writing prior to the act, event or activity to which it relates.

## PART 2—PERMITS AND PENALTIES

8. *Permits*

- 8.1 Where a by-law requires that permission be obtained any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
- 8.2 The Council may attach such conditions as it thinks fit to a grant of permission, and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
- 8.3 A person granted permission must comply with every such condition.

- 8.4 The Council may suspend or revoke a grant of permission at any time by notice in writing to the person granted permission.

9. *Offences and Penalties*

- 9.1 A person who commits a breach of any by-law of the Council is guilty of an offence and is liable to a maximum penalty being the maximum penalty referred to in the Act that may be fixed by a by-law for any breach of a by-law.
- 9.2 A person who commits a breach of a by-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a by-law for a breach of a by-law of a continuing nature.

## Note:

The maximum penalty for a breach of a by-law is currently \$750 and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50—see section 246 (3) (g) of the Act.

This by-law was duly made and passed at a meeting of the District Council of Yankalilla held on 17 September 2009, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

R. D. SWEETMAN, Chief Executive

## DISTRICT COUNCIL OF YANKALILLA

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

*By-Law No. 2 of 2009—Local Government Land*

A by-law to regulate the access to and use of Local Government Land (other than roads), and certain public places.

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Local Government Land By-law 2009 and is By-law No. 2 of the District Council of Yankalilla.

2. *Authorising Law*

This by-law is made under sections 238 and 246 of the Act and sections 667 (1) 4.1 and 9.XVI of the Local Government Act 1934.

3. *Purpose*

The objects of this by-law are to regulate the access to and use of Local Government Land (other than roads), and certain public places:

- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government Land;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council area; and
- 3.5 for the good rule and government of the area.

4. *Commencement, Revocation and Expiry*

- 4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation<sup>1</sup>:

4.1.1 By-law No. 4 of 2002—Local Government Land.<sup>2</sup>

- 4.2 This by-law will expire on 1 January 2017.<sup>3</sup>

## Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is *gazetted*: section 249 (5) of the Act.

<sup>2</sup> Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

<sup>3</sup> Pursuant to section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

### 5. Application

- 5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2009.
- 5.2 Subject to Clauses 5.3 and 5.4, this by-law applies throughout the Council area.
- 5.3 Clauses 9.3, 9.9.1, 9.24.3, 10.4 and 10.10.3 of this by-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246 (3) (e) of the Act.
- 5.4 Clause 9.9.2 of this by-law only applies throughout the Council area except in such part or parts of the Council area as the Council may by resolution direct in accordance with section 246 (3) (e) of the Act.

### 6. Interpretation

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *animal or animals* includes birds and insects but does not include a dog;
- 6.3 *boat* includes a raft, pontoon or personal watercraft or other similar device;
- 6.4 *camp* includes setting up a camp, or causing a tent, caravan or motor home to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 6.5 *children's playground* means an enclosed area in which there is equipment or other devices installed for the purpose of children's play (or within 3 m of such devices if there is no enclosed area);
- 6.6 *Controlled area* means the area of the foreshore at Normanville Beach commencing at a point 100 m south of the jetty and extending to a point 100 m north of the Yankalilla River;
- 6.7 *Council* means District Council of Yankalilla;
- 6.8 *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;
- 6.9 *effective control* means a person exercising effective control of an animal either:
- 6.9.1 by means of a physical restraint; or
- 6.9.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.10 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999;
- 6.11 *funeral ceremony* means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.12 *liquor* has the same meaning as in the Liquor Licensing Act 1997;
- 6.13 *Local Government Land* means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.14 *low water mark* means the lowest meteorological tide;
- 6.15 *offensive* includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.16 *open container* means a container which:
- (a) after the contents of the container have been sealed at the time of manufacture:
- (i) being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
- (ii) being a can, it has been opened or punctured;
- (iii) being a cask, it has had its tap placed in a position to allow it to be used;
- (iv) being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
- (v) is a flask, glass, mug or other container able to contain liquid;
- 6.17 *tobacco product* has the same meaning as in the Tobacco Products Regulation Act 1997;
- 6.18 *vehicle* has the same meaning as in the Road Traffic Act 1961;
- 6.19 *waters* includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council.

#### Note:

Section 14 of the Interpretation Act 1915, provides that an expression used in a by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-law was made.

#### PART 2—ACCESS TO LOCAL GOVERNMENT LAND

### 7. Access

#### Note:

Pursuant to section 238 (7) of the Act, if a Council makes a by-law about access to or use of a particular piece of Local Government Land (under section 238), the Council must erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the by-law applies.

The Council may:

- 7.1 close, or regulate or restrict access to, any part of Local Government Land to the public for specified times and days; and
- 7.2 fix charges or fees payable for entry onto any part of Local Government Land.

### 8. Closed Lands

A person must not without permission, enter or remain on any Local Government Land:

- 8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with Clause 7.1;
- 8.2 where entry fees or charges are payable, without paying those fees or charges; or
- 8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked.

#### PART 3—USE OF LOCAL GOVERNMENT LAND

### 9. Activities Requiring Permission

#### Note:

Pursuant to section 238 (7) of the Act, if a Council makes a by-law about access to or use of a particular piece of Local Government Land (under section 238), the Council must erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the by-law applies.

A person must not without the permission of the Council, do any of the following on Local Government Land.

#### 9.1 Advertising

Subject to Clause 14.2, display, paint or erect any sign or hoarding for the purpose of commercial advertising or any other purpose.

#### 9.2 Aircraft

Subject to the Civil Aviation Act 1988, land any aircraft on, or take off any aircraft from the land.

#### 9.3 Alcohol

Consume, carry or be in possession or in charge of any liquor on Local Government Land comprising parks or reserves to which the Council has determined this paragraph applies.

#### 9.4 Amplification

Use an amplifier or other mechanical or electrical device for the purpose of broadcasting sound, or magnifying sound, to an audience.

9.5 *Animals*

9.5.1 On Local Government Land other than the foreshore:

- (a) cause or allow an animal to stray onto, move over, graze or be left unattended on Local Government Land;
- (b) cause or allow an animal to enter, swim, bathe or remain in any waters located on Local Government Land; or
- (c) lead, herd or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided that the animal or animals are under effective control.

9.5.2 On Local Government Land comprising the foreshore:

- (a) cause or allow a sheep, cow, goat or horse to enter, swim, bathe or remain in any waters; or
- (b) lead, herd or exercise a sheep, cow or goat.

9.6 *Annoyance*

Do anything likely to offend or unreasonably interfere with any other person:

- (a) using that land; or
- (b) occupying nearby premises, by making a noise or creating a disturbance.

9.7 *Attachments*

Subject to Clause 14.2, attach anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government Land.

9.8 *Bees*

Place a hive of bees on such land, or allow it to remain thereon.

9.9 *Boats*

Subject to the provisions of the Harbors and Navigation Act 1993:

- 9.9.1 launch or retrieve a boat to or from any waters where the Council has determined that this subclause applies;
- 9.9.2 launch or retrieve a boat other than from a boat ramp constructed for that purpose;
- 9.9.3 propel, float or otherwise use a boat on or in any waters;
- 9.9.4 hire out a boat or otherwise use a boat for commercial purposes; or
- 9.9.5 moor a boat on any waters or to a pontoon attached to Local Government Land.

9.10 *Bridge Jumping*

Jump or dive from a bridge on Local Government Land.

9.11 *Buildings*

Use a building, or structure on Local Government Land for a purpose other than its intended purpose.

9.12 *Burials and Memorials*

- 9.12.1 Bury, inter or spread the ashes of any human or animal remains.
- 9.12.2 Erect any memorial.

9.13 *Camping and Tents*

- 9.13.1 Erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation.
- 9.13.2 Camp or sleep overnight except where a person is in a caravan park on Local Government Land, the proprietor of which has been given permission to operate the caravan park on that land.

9.14 *Canvassing*

Convey any advertising, religious or other message to any by-stander, passer-by or other.

9.15 *Defacing Property*

Deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council.

9.16 *Distribution*

Subject to Clause 14.2, place on a vehicle (without the consent of the owner of the vehicle), or give out or distribute any hand bill, book, notice, leaflet, or other printed matter to any by-stander, passer-by or other person.

9.17 *Donations*

Ask for or receive or indicate that he or she desires a donation of money or any other thing.

9.18 *Entertainment and Busking*

9.18.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.

9.18.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

9.19 *Equipment*

Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.

9.20 *Fires*

Subject to the Fire and Emergency Services Act 2005, light a fire except:

9.20.1 in a place provided by the Council for that purpose; or

9.20.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least 4 m.

9.21 *Fireworks*

Ignite or discharge any fireworks.

9.22 *Flora and Fauna*

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

9.22.1 damage, pick, disturb, interfere with or remove any plant or flower thereon;

9.22.2 cause or allow an animal to stand or walk on any flower bed or garden plot;

9.22.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;

9.22.4 take, interfere with, tease, harm or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;

9.22.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;

9.22.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;

9.22.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature; or

9.22.8 burn any timber or dead wood.

9.23 *Foreshore*

On Local Government Land comprising the foreshore:

9.23.1 drive or propel a vehicle onto or from the foreshore except to launch or retrieve a boat so long as the vehicle accesses the foreshore by a ramp or thoroughfare constructed or set aside by the Council for that purpose;

- 9.23.2 drive or propel a vehicle on the foreshore except to launch or retrieve a boat so long as the vehicle is driven or propelled on an area or road that is constructed or set aside by the Council for that purpose;
- 9.23.3 launch or retrieve a boat from the foreshore without using a boat ramp or thoroughfare constructed or set aside by the Council for that purpose;
- 9.23.4 allow a vehicle to remain stationary on a boat ramp longer than is necessary to launch or retrieve a boat; or
- 9.23.5 hire out a boat on or from the foreshore.
- 9.24 *Games*
- 9.24.1 Participate in, promote or organise any organised competition or sport, as distinct from organised social play.
- 9.24.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object on Local Government Land which may cause or be likely to cause injury or discomfort to a 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.
- 9.24.3 Play or practise the game of golf on Local Government Land to which the Council has resolved this subclause applies.
- 9.25 *Litter*
- 9.25.1 Throw, cast, place, deposit or leave any rubbish, dirt or refuse of any kind whatsoever except in a garbage container provided for that purpose.
- 9.25.2 Deposit any soil, clay, stone, gravel, green waste or other putrescible waste or any other matter.
- 9.26 *Marine Life*
- Introduce any marine life to any waters located on Local Government Land.
- 9.27 *Model Aircraft, Boats and Cars*
- Fly or operate a model aircraft, boat or model or remote control vehicle in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land.
- 9.28 *Overhanging Articles or Displaying Personal Items*
- Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government Land where it might present a nuisance or danger to a person using the land or be of an unsightly nature.
- 9.29 *Playing Area*
- Use or occupy a playing area:
- 9.29.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
- 9.29.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.29.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.
- 9.30 *Pontoons*
- Install or maintain a pontoon or jetty in any waters.
- 9.31 *Posting of Bills*
- Subject to Clause 14.2, post or allow or cause to be posted any bills, advertisements or other papers or items on a building or structure on Local Government Land or in a public place.
- 9.32 *Preaching*
- Preach, harangue or solicit for religious purposes.
- 9.33 *Ropes*
- Place a buoy, cable, chain, hawser, rope or net in or across any waters.
- 9.34 *Swimming*
- Subject to the provisions of the Harbors and Navigation Act 1993, swim in, bathe or enter any waters except:
- 9.34.1 in an area which the Council has determined may be used for such purposes; and
- 9.34.2 in accordance with any conditions that the Council may have determined by resolution apply to such use.
- 9.35 *Toilets*
- In any public convenience on Local Government Land:
- 9.35.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 9.35.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
- 9.35.3 use it for a purpose for which it was not designed or constructed;
- 9.35.4 enter a toilet that is set aside for use of the opposite sex except:
- (a) where a child under the age of eight years is accompanied by an adult parent or guardian of that sex; or
- (b) to provide assistance to a disabled person; or
- (c) in the case of a genuine emergency.
- 9.36 *Trading*
- Sell, buy, offer or display anything for sale.
- 9.37 *Vehicles*
- 9.37.1 Drive or propel a vehicle except on an area or road constructed and identified by the Council for that purpose, by means of signs, devices or fencing and the like.
- 9.37.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.
- 9.37.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.38 *Weddings, Functions and Special Events*
- 9.38.1 Hold, conduct or participate in a marriage ceremony, funeral or special event.
- 9.38.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event.
- 9.38.3 Hold or conduct any filming where the filming is for a commercial purpose.
10. *Prohibited Activities*
- A person must not do any of the following on Local Government Land.
- 10.1 *Animals*
- 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
- 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
- 10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.
- 10.1.4 Except for in a 'controlled area', ride, lead or exercise a horse on Local Government Land comprising the foreshore.

- 10.1.5 Cause or allow any horse to be let loose or left unattended within a controlled area.
- 10.2 *Coastal Areas*  
Subject to the Coastal Protection Act 1972 and the Native Vegetation Act 1991:
- 10.2.1 destabilise sand on a sand dune;
- 10.2.2 ride a sand board or any other object on a sand dune;
- 10.2.3 destroy, remove or interfere with dead or live vegetation within a sand dune, coastal slope or cliff;
- 10.2.4 introduce flora or fauna or dump any material on a sand dune;
- 10.2.5 carry out any activity that may damage or threaten the integrity of a sand dune, coastal slope or cliff.
- 10.3 *Equipment*  
Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.
- 10.4 *Fishing*
- 10.4.1 Fish in any waters to which the Council has determined this subclause applies.
- 10.4.2 Fish from a bridge or other structure to which the Council has determined this subclause applies.
- 10.5 *Glass*  
Willfully break any glass, china or other brittle material.
- 10.6 *Interference with Land*  
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 10.6.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 10.6.2 erecting or installing a structure in, on, across, under or over the land;
- 10.6.3 changing or interfering with the construction, arrangement or materials of the land;
- 10.6.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 10.6.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 10.7 *Interference with Permitted Use*  
Interrupt, disrupt or interfere with any other person's use of Local Government Land which is permitted or for which permission has been granted.
- 10.8 *Nuisance*  
Behave in such a manner as to cause discomfort, inconvenience, annoyance or offence to any other person.
- 10.9 *Playing Games*  
Play or practise a game:
- 10.9.1 which is likely to cause damage to the land or anything on it;
- 10.9.2 in any area where a sign indicates that the game is prohibited.
- 10.10 *Smoking*  
Smoke, hold or otherwise have control over an ignited tobacco product:
- 10.10.1 in any building;
- 10.10.2 in any children's playground; or
- 10.10.3 on any land to which the Council has determined this subclause applies.
- 10.11 *Throwing Objects*  
Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.
- 10.12 *Solicitation*  
Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.
- 10.13 *Waste*
- 10.13.1 Deposit or leave thereon:
- (a) anything obnoxious or offensive;
- (b) any offal, dead animal, dung or filth; or
- (c) any mineral, mineral waste, industrial waste or by-products.
- 10.13.2 Foul or pollute any waters situated thereon.
- 10.13.3 Deposit any rubbish other than in receptacles provided by the Council for that purpose.
- 10.13.4 Deposit in a receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

## PART 4—ENFORCEMENT

11. *Directions*

- 11.1 A person on Local Government Land must comply with a reasonable direction from an authorised person relating to:
- 11.1.1 that person's use of the land;
- 11.1.2 that person's conduct and behaviour on the land;
- 11.1.3 that person's safety on the land; or
- 11.1.4 the safety and enjoyment of other persons on the land.
- 11.2 A person who, in the opinion of an authorised person, is likely to commit or has committed, a breach of this by-law must immediately comply with a direction of an authorised person to leave that part of Local Government Land.

12. *Orders*

If a person fails to comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this by-law, the Council may recover its costs of any action taken under section 262 (3) of the Act from the person to whom the order was directed.

## Note:

Section 262 (1) of the Act states:

- (1) If a person (the offender) engages in conduct that is a contravention of this Act or a by-law under this Act, an authorised person may order the offender:
- (a) if the conduct is still continuing—to stop the conduct; and
- (b) whether or not the conduct is still continuing—to take specified action to remedy the contravention.

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease smoking on Local Government Land;
- remove an object or structure encroaching on Local Government Land;
- dismantle and remove a structure erected on Local Government Land without permission.

13. *Removal of Animals and Objects*

An authorised person may remove an animal or object that is on Local Government Land in breach of a by-law if no person is in charge of, or apparently in charge of, the animal or object.

## PART 5—MISCELLANEOUS

## 14. Exemptions

- 14.1 The restrictions in this by-law do not apply to a Police Officer, emergency worker, 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.
- 14.2 The restrictions in Clauses 9.1, 9.7, 9.16 and 9.31 of this by-law do not apply to electoral matter authorised by a candidate and which is:
- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
- 14.2.2 related to an election under the Act or the Local Government (Elections) Act 1999 and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.

This by-law was duly made and passed at a meeting of the District Council of Yankalilla held on 17 September 2009, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

R. D. SWEETMAN, Chief Executive

## DISTRICT COUNCIL OF YANKALILLA

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

## By-Law No. 3 of 2009—Roads

A by-law to regulate certain activities on roads in the Council area.

## PART 1—PRELIMINARY

## 1. Title

This by-law may be cited as the Roads By-law 2009 and is By-law No. 3 of the District Council of Yankalilla.

## 2. Authorising Law

This by-law is made under sections 239 and 246 of the Act, Regulation 13 (1) (c) of the Local Government (Implementation) Regulations 1999 and sections 667 (1), 4.1, 5.VII, 7.II and 9.XVI of the Local Government Act 1934.

## 3. Purpose

The objects of this by-law are to manage and regulate the prescribed uses of roads in the Council area:

- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council area.

## 4. Commencement, Revocation and Expiry

- 4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation<sup>1</sup>:
- 4.1.1 By-law No. 3—Roads.<sup>2</sup>
- 4.2 This by-law will expire on 1 January 2017.<sup>3</sup>

Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is gazetted: section 249 (5) of the Act.

<sup>2</sup> Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

<sup>3</sup> Pursuant to section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the gazettal of the by-law.

## 5. Application

- 5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2009.
- 5.2 This by-law applies throughout the Council area.

## 6. Interpretation

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *animal* includes birds, insects and poultry but does not include a dog or a cat;
- 6.3 *camp* includes setting up a camp, or causing a tent, caravan or motor home to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 6.4 *Council* means District Council of Yankalilla;
- 6.5 *effective control* means a person exercising effective control of an animal either:
- 6.5.1 by means of a physical restraint;
- 6.5.2 by command, the animal being in close proximity to the person, and the person being able to see the animal at all times;
- 6.6 *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 a person within its immediate vicinity;
- 6.7 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999;
- 6.8 *vehicle* has the same meaning as in the Road Traffic Act 1961.

Note:

Section 14 of the Interpretation Act 1915, provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-law was made.

## PART 2—USE OF ROADS

## 7. Activities Requiring Permission

A person must not do any of the following activities on a road without the permission of the Council:

## 7.1 Amplification

Use an amplifier or other device whether mechanical or electrical for the purpose of broadcasting announcements or advertisements.

## 7.2 Animals

7.2.1 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided the animal or animals are under effective control.

7.2.2 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.

## 7.3 Camping and Tents

7.3.1 Erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation.

7.3.2 Camp or sleep overnight.

## 7.4 Donations

Ask for or receive or indicate a desire for a donation of money or any other thing, or otherwise solicit for religious or charitable purposes.

## 7.5 Obstructions

Erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road or footway, water-channel, or watercourse in a road.

## 7.6 Posting of Bills

Subject to Clause 11.2, post or allow or cause to be posted any bills, advertisements, or other papers or items on a building or structure on a road.

**7.7 Preaching**

Preach, harangue or solicit for religious purposes.

**7.8 Public Exhibitions and Displays**

7.8.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.

7.8.2 Conduct or hold a concert, festival, show, circus, performance or a similar activity.

7.8.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.

7.8.4 Cause any public exhibitions or displays.

**7.9 Vehicles**

Repair, wash, paint, panel beat or perform other work of a similar nature to a vehicle, except for running repairs in the case of a vehicle breakdown.

Note:

Moveable signs on roads are regulated by sections 226 and 227 of the Act and the Council's Moveable Signs By-law (if any).

**PART 3—ENFORCEMENT****8. Directions**

A person who, in the opinion of an authorised person is committing or has committed a breach of this by-law, must immediately comply with a direction of an authorised person to leave that part of the road.

**9. Orders**

If a person does not comply with an order of an authorised person made pursuant to section 262 of the Act in respect of a breach of this by-law, the Council may recover its costs of any action taken under section 262 (3) of the Act from the person to whom the order was directed.

Note:

Section 262 (1) of the Act states:

(1) If a person (the offender) engages in conduct that is a contravention of this Act or a by-law under this Act, an authorised person may order the offender:

(a) if the conduct is still continuing—to stop the conduct; and

(b) whether or not the conduct is still continuing—to take specified action to remedy the contravention.

Subsections (2) and (3) of section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath;
- remove bills posted on a structure on a road;
- dismantle and remove a tent from a road.

**10. Removal of Animals and Objects**

An authorised person may remove an animal or object that is on a road in breach of a by-law if no person is in charge, or apparently in charge, of the animal or object.

**PART 4—MISCELLANEOUS****11. Exemptions**

11.1 The restrictions in this by-law do not apply to a Police Officer, emergency worker, 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.

11.2 The restrictions in Clause 7.5 of this by-law do not apply to electoral matter authorised by a candidate and which is:

11.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;

11.2.2 related to an election under the Act or the Local Government (Elections) Act 1999 and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or

11.2.3 related to, and occurs during the course of and for the purpose of a referendum.

This by-law was duly made and passed at a meeting of the District Council of Yankalilla held on 17 September 2009, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

R. D. SWEETMAN, Chief Executive

**DISTRICT COUNCIL OF YANKALILLA****BY-LAW MADE UNDER THE LOCAL GOVERNMENT ACT 1999****By-law No. 4 of 2009—Moveable Signs**

A by-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs.

**PART 1—PRELIMINARY****1. Title**

This by-law may be cited as the Moveable Signs By-law 2009 and is By-law No. 4 of the District Council of Yankalilla.

**2. Authorising Law**

This by-law is made under sections 239 and 246 of the Act and sections 667 (1), 4.1 and 9.XVI of the Local Government Act 1934.

**3. Purpose**

The object of this by-law is to set standards for moveable signs on roads:

- 3.1 to protect the comfort and safety of road users and members of the public;
- 3.2 to enhance the amenity of roads and surrounding parts of the Council area;
- 3.3 to prevent nuisances occurring on roads;
- 3.4 to prevent unreasonable interference with the use of a road; and
- 3.5 for the good rule and government of the Council area.

**4. Commencement, Revocation and Expiry**

4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation<sup>1</sup>:

4.1.1 By-law No. 2 of 2002—Moveable Signs.<sup>2</sup>

4.2 This by-law will expire on 1 January 2017.<sup>3</sup>

Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is gazetted: section 249 (5) of the Act.

<sup>2</sup> Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

<sup>3</sup> Pursuant to section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the gazetted of the by-law.

**5. Application**

5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2009.

5.2 This by-law applies throughout the Council area.

**6. Interpretation**

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *business premises* means premises from which a business is being conducted;
- 6.3 *Council* means District Council of Yankalilla;

6.4 *footpath area* means:

- 6.4.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
- 6.4.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;

6.5 *vehicle* has the same meaning as in the Road Traffic Act 1961.

## Note:

Section 14 of the Interpretation Act 1915, provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-law was made.

## PART 2—MOVEABLE SIGNS

7. *Construction and Design*

A moveable sign placed on a footpath area must:

- 7.1 be of kind known as an 'A' Frame or Sandwich Board sign, an inverted 'T' sign, or a flat sign or, with the permission of the Council, a sign of some other kind;
- 7.2 be designed, constructed and maintained in good quality and condition;
- 7.3 be of strong construction and sufficiently stable or securely fixed so as to keep its position in adverse weather conditions;
- 7.4 have no sharp or jagged edges or corners;
- 7.5 not be unsightly or offensive in appearance or content;
- 7.6 be constructed of timber, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.7 not exceed 1 200 mm in height, 800 mm in width and 800 mm in depth;
- 7.8 in the case of an 'A' Frame or Sandwich Board sign:
- 7.8.1 be hinged or joined at the top;
- 7.8.2 be of such construction that its sides are securely fixed or locked in position when erected; and
- 7.8.3 not have a base area in excess of 0.6 m<sup>2</sup>;
- 7.9 in the case of an inverted 'T' sign, not contain struts or members that run between the display area and the base of the sign.

8. *Placement*

A moveable sign must not be:

- 8.1 placed on any part of a road apart from the footpath area;
- 8.2 placed on a footpath that is less than 2.5 m wide;
- 8.3 placed closer than 2 m from another structure, fixed object, tree, bush or plant;
- 8.4 placed within 1 m of an entrance to any business premises;
- 8.5 placed on the sealed part of a footpath, if there is an unsealed part on which the sign can be placed in accordance with this by-law;
- 8.6 placed so as to interfere with the reasonable movement of persons or vehicles using the footpath or road in the vicinity of where the moveable sign is placed;
- 8.7 placed closer than 400 mm to the kerb (or, if there is no kerb, to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater);
- 8.8 placed on a landscaped area, other than landscaping that comprises only lawn;
- 8.9 placed within 2 m of an intersection of two or more roads;
- 8.10 placed on a designated parking area or within 1 m of an entrance to premises;
- 8.11 tied, fixed or attached to, or placed closer than 2 m to any other structure, object or thing (including another moveable sign);
- 8.12 displayed during the hours of darkness unless it is clearly lit; or
- 8.13 placed in such a position or in such circumstances that the safety of a user of the footpath area or road is at risk.

9. *Appearance*

A moveable sign placed on the footpath area of a road must, in the opinion of an authorised person:

- 9.1 be painted or otherwise detailed in a competent and professional manner;
- 9.2 be attractive, legible and simply worded to convey a precise message;
- 9.3 be of such design and contain such colours which are compatible with the architectural design of the premises adjacent to the sign, and which relate well to the town scope and overall amenity of the locality in which it is situated;
- 9.4 contain combinations of colour and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated;
- 9.5 not have balloons, flags, streamers or other things attached to it; and
- 9.6 not rotate or contain flashing parts.

10. *Banners*

A person must not erect or display a banner on a building or structure on a road without the Council's permission.

## Note:

A person must not erect or display a banner on a public road for a business purpose without a permit from the Council issued under section 222 of the Local Government Act 1999.

11. *Restrictions*

- 11.1 The owner or operator of a business must not cause or allow more than one moveable sign for each business premises to be displayed on the footpath area of a road at any time.
- 11.2 A person must not without the Council's permission on Local Government Land (including roads) display a moveable sign on or attached to or leaning against a vehicle that is parked primarily for the purpose for advertising (including for sale) a product or business to which the sign relates.
- 11.3 A person must not cause or allow a moveable sign to be placed on a footpath area unless:
- 11.3.1 it only displays material which advertises a business being conducted on premises adjacent to the moveable sign or the goods and services available from that business; and
- 11.3.2 the business premises to which it relates is open to the public.
- 11.4 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed the Council may prohibit or restrict the display of a moveable sign on such conditions as the Council thinks fit.

12. *Exemptions*

- 12.1 Except for Clauses 7.3, 7.4, 8.1, 8.6 and 8.13, the requirements of this by-law do not apply to a moveable sign which:
- 12.1.1 advertises a garage sale taking place from residential premises;
- 12.1.2 is a directional sign to an event run by a community organisation or charitable body.
- 12.2 Except for Clauses 7.3, 7.4, 8.1 and 8.13, the requirements of this by-law do not apply to a flat sign which only contains a newspaper headline and the name of a newspaper or magazine.
- 12.3 A requirement of this by-law will not apply where the Council has granted permission for the moveable sign to be displayed contrary to that requirement.

## Note:

This by-law does not apply to moveable signs placed and maintained on a road in accordance with section 226 (3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;

- 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 day;
- related to an election held under this Act or the Local Government (Elections) Act 1999 and is displayed during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- the sign is of a prescribed class.

## PART 3—ENFORCEMENT

13. *Removal of Moveable Signs*

- 13.1 A person must immediately comply with the order of an authorised person to remove a moveable sign made pursuant to section 227 (1) of the Act.
- 13.2 The owner of or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227 (2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
- 13.3 The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 13.3.1 if, in the opinion of an authorised person, and not withstanding 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; or
- 13.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.

This by-law was duly made and passed at a meeting of the District Council of Yankalilla held on 17 September 2009, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

R. D. SWEETMAN, Chief Executive

## DISTRICT COUNCIL OF YANKALILLA

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

*By-law No. 5 of 2009—Dogs*

A by-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council area.

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Dog By-law 2009 and is By-law No. 5 of the District Council of Yankalilla.

2. *Authorising Law*

This by-law is made under section 90 (5) of the Dog and Cat Management Act 1995, sections 238 and 246 of the Act and sections 667 (1), 9.XVI of the Local Government Act 1934.

3. *Purpose*

The objects of this by-law are to control and manage dogs in the Council area:

- 3.1 to reduce the incidence of environmental nuisance caused by dogs;
- 3.2 to promote responsible dog ownership;
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council area.

4. *Commencement, Revocation and Expiry*

- 4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation<sup>1</sup>:

- 4.1.1 By-law No. 5 of 2002—Dogs and Cats.<sup>2</sup>

- 4.2 This by-law will expire on 1 January 2017.<sup>3</sup>

## Note:

- <sup>1</sup> Generally a by-law comes into operation four months after the day on which it is *gazetted*: section 249 (5) of the Act.
- <sup>2</sup> Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.
- <sup>3</sup> Pursuant to section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

5. *Application*

- 5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2009.
- 5.2 Subject to Clause 5.3, this by-law applies throughout the Council area.
- 5.3 Clauses 9.1.1 and 10.1.2 of this by-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246 (3) (e) of the Act.

6. *Interpretation*

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *approved kennel establishment* means a building, structure or area approved by a relevant authority, pursuant to the Development Act 1993, for the keeping of dogs on a temporary or permanent basis;
- 6.3 *children's playground* means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 m of such devices if there is no enclosed area);
- 6.4 *Council* means District Council of Yankalilla;
- 6.5 *detached dwelling*, *row dwelling* and *semi-detached dwelling* have the same meanings as in the Development Act 1993;
- 6.6 *dog* (except in Clause 7.1) has the same meaning as in the Dog and Cat Management Act 1995;
- 6.7 *effective control* means a person exercising effective control of a dog either:
- 6.7.1 by means of a physical restraint; or
- 6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times.
- 6.8 *keep* includes the provision of food or shelter;
- 6.9 *premises* includes land, whether used or occupied for domestic or non-domestic purposes, except an approved kennel establishment.
- 6.10 *small dwelling* means a self-contained residence that is:
- 6.10.1 a residential flat building;
- 6.10.2 contained in a separate strata unit;
- 6.10.3 on an allotment less than 350 m<sup>2</sup> in area; or
- 6.10.4 without a secure yard of at least 100 m<sup>2</sup> in area.
- 6.11 *working dog* means a dog used principally for droving or tending livestock.

## Note:

Section 14 of the Interpretation Act 1915, provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-laws was made.

## PART 2—LIMITS ON DOG NUMBERS

7. *Limits on Dog Numbers in Private Premises*

- 7.1 Subject to Clauses 7.2 and 7.4, a person must not, without the Council's permission keep:
- 7.1.1 in a township, more than one dog in a small dwelling;
- 7.1.2 in a township, more than two dogs in premises other than a small dwelling;
- 7.1.3 outside of a township, more than three dogs (other than working dogs).

- 7.2 For the purposes of Clause 7.1, 'dog' means a dog that is three months of age or, a dog that has lost its juvenile teeth.
- 7.3 Clause 7.1 does not apply to:
- 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
- 7.3.2 any business involving dogs providing that the business is registered in accordance with the Dog and Cat Management Act 1995.
- 7.4 The Council may require that premises which are the subject of an application for permission to keep additional dogs, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for keeping the dogs.
- 7.5 No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

## PART 3—DOG CONTROLS

8. *Dog Exercise Areas*

- 8.1 Subject to Clauses 9 and 10 of this by-law, a person may enter a park in the Council area for the purpose of exercising a dog under his or her effective control.
- 8.2 A person on Local Government Land or in a public place must ensure that any dog under that person's control, charge or authority is under effective control at all times.

9. *Dog on Leash Areas*

- 9.1 A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an accredited guide dog, hearing dog or disability dog) to be or remain:
- 9.1.1 on Local Government Land or public place to which the Council has determined that this subclause applies; and
- 9.1.2 on any park or reserve during times when organised sport is being played,
- unless the dog is secured by a strong leash not exceeding 2 m in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

10. *Dog Prohibited Areas*

- 10.1 A person must not allow a dog under that person's control, charge or authority (except an accredited guide dog, hearing dog or disability dog) to enter or remain:
- 10.1.1 on any children's playground on Local Government Land;
- 10.1.2 on any other Local Government Land or public place to which the Council has determined that this subclause applies.

11. *Dog Faeces*

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government Land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under section 45A (6) of the Dog and Cat Management Act 1995).

## PART 4—ENFORCEMENT

12. *Orders*

- 12.1 If a person engages in conduct that is in contravention of this by-law, an authorised person or dog management officer may order that person:
- 12.1.1 if the conduct is still continuing—to stop the conduct; and
- 12.1.2 whether or not the conduct is still continuing—to take specified action to remedy the contravention.

- 12.2 A person must comply with an order under this clause.
- 12.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out and, the Council may recover its costs of any action so taken from the person to whom the order was directed.
- 12.4 However, an authorised person may not use force against a person under this section.

Note:

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

This by-law was duly made and passed at a meeting of the District Council of Yankalilla held on 19 November 2009, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

R. D. SWEETMAN, Chief Executive

## DISTRICT COUNCIL OF YANKALILLA

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

*By-law No. 6 of 2009—Nuisances Caused by Building Sites*

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

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Nuisances Caused by Building Sites By-law 2009 and is By-law No. 6 of the District Council of Yankalilla.

2. *Authorising Law*

This by-law is made under section 667 (1) 4.1 of the Local Government Act 1934.

3. *Purpose*

The objects of this by-law are to:

- 3.1 prevent and suppress nuisances;
- 3.2 protect the convenience, comfort and safety of members of the public;
- 3.3 enhance the amenity of the Council area.

4. *Expiration*

- 4.1 This by-law will expire on 1 January 2017.<sup>1</sup>

Note:

<sup>1</sup> Pursuant to section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* by-law.

5. *Application*

- 5.1 This by-law applies throughout the Council area.

6. *Interpretation*

In this by-law, unless the contrary intention appears:

- 6.1 *authorised person* has the same meaning as in the Local Government Act 1999;
- 6.2 *building work* has the same meaning as in the Development Act 1993.

Note:

Section 14 of the Interpretation Act 1915, provides that an expression used in a by-law has, unless the contrary intention appears, the same meaning as in the Act.

## PART 2—PREVENTION AND REMOVAL OF DISCHARGE

7. *No Unauthorised Discharge*

- 7.1 The person in charge of building work on land must ensure that all paper, plastic or other building materials (not including soil, sand or stones) on the land associated with the building work do not blow from the land in a wind.

7.2 Section 7.1 does not extend to the prevention of materials blowing from land in a wind of such velocity and nature that similar materials from other properties in the area generally are blown from those properties, provided that reasonable steps have been taken to secure the materials on the land.

8. *Removal of Discharge*

8.1 If paper, plastic or other building materials (not including soil, sand or stones) blows from the land, the person in charge of the building work must remove all such materials from any nearby land at the request in writing of an authorised person.

8.2 If the person in charge of building work on land fails to comply with section 8.1 then the Council may undertake the work itself and recover the cost of doing so from that person.

This by-law was duly made and passed at a meeting of the District Council of Yankalilla held on 17 September 2009, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

R. D. SWEETMAN, Chief Executive Officer

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

*Cubak, Eva*, late of 37 Arthur Street, Plympton Park, home duties, who died on 12 September 2009.

*Galvin, Stephen James*, late of 13 Fitzroy Terrace, Fitzroy, retired farm hand, who died on 18 September 2009.

*Horne, Mary Agnes*, late of 58 Chief Street, Brompton, home duties, who died on 26 September 2009.

*Jellett, Jean Jessie Dorothy*, late of 29 Chasewater Street, Lower Mitcham, retired secretary, who died on 29 August 2009.

*Johns, Alison Joyce*, late of 342 Marion Road, North Plympton, home duties, who died on 13 October 2009.

*McLean, Norman James*, late of 59 Grand Junction Road, Rosewater, retired general hand, who died on 23 July 2009.

*Palmer, Aileen May*, late of 30 Sussex Terrace, Westbourne Park, of no occupation, who died on 19 April 2009.

*Pritchard, Leslie Garfield*, late of 51 Eighth Avenue, St Peters, retired labourer, who died on 28 July 2009.

*Reynolds, Thelma May*, late of 98 Military Road, Semaphore South, of no occupation, who died on 25 October 2009.

*Richardson, Leslie*, late of 36 Sunshine Avenue, Warradale, retired industrial inspector, who died on 11 February 2009.

*Riekstins, Teodors Voldemars*, late of 580 Brighton Road, South Brighton, retired television technician, who died on 17 October 2009.

*Stacey, Margaret Therese*, late of 2A Talbot Street, Hilton, retired demonstrator, who died on 29 August 2009.

Notice is hereby given pursuant to the Trustee Act 1936, as amended, the Inheritance (Family Provision) Act 1972, and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the Public Trustee, 25 Franklin Street, Adelaide, S.A. 5000, full particulars and proof of such claims, on or before 15 January 2010, 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 10 December 2009.

M. I. BODYCOAT, Public Trustee

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# ATTENTION

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