



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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ADELAIDE, THURSDAY, 23 JULY 2009

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GOVERNMENT GAZETTE NOTICES

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

Department of the Premier and Cabinet
Adelaide, 23 July 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. 34 of 2009—Equal Opportunity (Miscellaneous) Amendment Act 2009. An Act to amend the Equal Opportunity Act 1984.

No. 35 of 2009—Petroleum (Miscellaneous) Amendment Act 2009. An Act to amend the Petroleum Act 2000 and to make related amendments to the Development Act 1993 and the Mining Act 1971.

No. 36 of 2009—Appropriation Act 2009. An Act for the appropriation of money from the Consolidated Account for the year ending on 30 June 2010 and for other purposes.

No. 37 of 2009—Public Sector Act 2009. An Act to make provision for employment, management and governance matters relating to the public sector of the State; to repeal the Public Sector Management Act 1995 and for other purposes.

No. 38 of 2009—Public Sector Management (Consequential) Amendment Act 2009. An act to amend the Public Sector Management Act 1995.

No. 39 of 2009—Statutes Amendment and Repeal (Fair Trading) Act 2009. An Act to amend the Building Work Contractors Act 1995, the Civil Liability Act 1936, the Conveyancers Act 1994, the Fair Trading Act 1987, the Land Agents Act 1994, the Plumbers, Gas Fitters and Electricians Act 1995, the Second-hand Vehicle Dealers Act 1995, the Security and Investigation Agents Act 1995 and the Travel Agents Act 1986; and to repeal the Consumer Transactions Act 1972 and the Recreational Services (Limitation of Liability) Act 2002.

By command,

MICHAEL O'BRIEN, for Premier

DPC06/0875

Department of the Premier and Cabinet
Adelaide, 23 July 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Chiropractic and Osteopathy Board of South Australia, pursuant to the provisions of the Chiropractic and Osteopathy Practice Act 2005:

Member: (from 27 July 2009 until 26 July 2012)
Kendall Ward Leembruggen
Charles Fred Williamson
Geoffrey Stephen McCann
Luke Daniel Rickards
Kathryn Lucy Quigley
Debra Ruth Lane

By command,

MICHAEL O'BRIEN, for Premier

HEAC-2009-00011

Department of the Premier and Cabinet
Adelaide, 23 July 2009

HIS Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Equal Opportunity Tribunal, pursuant to the provisions of the Equal Opportunity Act 1984:

Deputy Presiding Officer: (from 23 July 2009 until 22 July 2012)
Malcolm Robertson
Geoffrey Louis Muecke
Christine Louise Trenorden
Dean Clayton
Peter Anthony Herriman

By command,

MICHAEL O'BRIEN, for Premier

AGO0266/02CS

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. Resume the land defined in The First Schedule.
2. Dedicate the Crown Land defined in The Second Schedule as a Reserve for Depot Purposes and declare that such land shall be under the care, control and management of the Wattle Range Council.
3. Dedicate the Crown Land defined in The Third Schedule as a Reserve for South Eastern Water Conservation and Drainage Board Purposes and declare that such land shall be under the care, control and management of the South Eastern Water Conservation and Drainage Board.

The First Schedule

1. Reserve for the purpose of the South-Eastern Drainage Board, Section 490, Hundred of Mount Muirhead, County of Grey, the proclamation of which was published in the *Government Gazette* of 10 September 1970 at page 1103, The Third Schedule, being the whole of the land comprised in Crown Record Volume 5706 Folio 267.
2. Depot Purposes Reserve, Allotment 2 in Deposited Plan 62873, Hundred of Mount Muirhead, County of Grey, the notice of which was published in the *Government Gazette* of 15 January 2004 at page 171, The Third Schedule, being the whole of the land comprised in Crown Record Volume 5913 Folio 784.

The Second Schedule

Allotment 11 in Deposited Plan 81082, Hundred of Mount Muirhead, County of Grey, exclusive of all necessary roads, subject to an existing free and unrestricted right of way over the land marked A on Deposited Plan 81082 (RTD 9657631).

The Third Schedule

Allotment 12 in Deposited Plan 81082, Hundred of Mount Muirhead, County of Grey, exclusive of all necessary roads.

Dated 23 July 2009.

JAY WEATHERILL, Minister for Environment
and Conservation

DEH 09/3186

DEVELOPMENT ACT 1993: SECTION 48

Variation of Decision by the Governor

Preamble

1. The decision to grant a development authorisation under section 48 of the Development Act 1993, in respect of the Myponga/Sellicks Hill Wind Farm located on the Sellicks Hill Range near Myponga ('the authorisation') was published in the *Government Gazette* on 20 November 2003 at page 4112.

2. Various amendments to the authorisation from time to time have been notified in the *Government Gazette* as follows:

- 18 November 2004, page 4333;
- 5 May 2005, page 1104;
- 4 August 2005, page 2952;
- 6 July 2006, page 2179.

3. I have most recently decided pursuant to section 48 (7) (b) (ii) to:

- Change condition 8 to reflect the landscaping plans provided by TrustPower Holdings Australia Pty Ltd dated 23 June 2008.
- Extend the date mentioned in condition 17 as the final date by which substantial work is to have commenced on site to 26 September 2010.

4. For ease of reference, a consolidated version of the conditions of the authorisation as amended to date is republished hereunder.

Decision

PURSUANT to section 48 of the Development Act 1993, and with the advice and consent of Executive Council, I vary:

- Condition 8 of the authorisation by deleting the text and replacing it with text as follows: Screen planting shall be established in accordance with the plans contained in correspondence from TrustPower Holdings Australia Pty Ltd dated 23 June 2008. This will be undertaken to the satisfaction of the Department for Transport, Energy and Infrastructure with costs borne by the proponent.
- Condition 17 of the authorisation by deleting the date therein specified and substituting for it the date of 26 September 2010.

Given under my hand at Adelaide, 23 July 2009.

KEVIN SCARCE, Governor

CONSOLIDATED VERSION OF CONDITIONS
OF AUTHORISATION

1. The Myponga/Sellicks Hill Wind Farm shall be developed in accordance with:

- The Site Layout Plan;
- The Access Route Plan; and
- The Electrical Layout & Connection Routes Plan;

as provided for Appendix D of the Response Document and Amendment to the Proposal dated 14 July 2003.

- The proposed locations for new 50 m Anemometer Towers Plan;
- The proposed anemometer location on St Vincent Property Plan;
- The proposed anemometer location on Koraleigh Property Plan;

as provided with the request for minor variation letter dated 6 October 2004, except as varied by the application for variation to development authorisation by TrustPower Australia Holdings Pty Ltd dated 28 June 2005 and further request for extension by TrustPower Australia Holdings Pty Ltd dated 21 March 2006.

2. Construction must not be commenced until:

- (a) an Environmental Management and Monitoring Plan (EMMP) has been developed to the satisfaction of the Environment Protection Authority. The EMMP must include those additional matters set out in section 7 of the Assessment Report.
- (b) a private certifier or the District Council of Yankalilla has certified to the Development Assessment Commission that all work that constitutes building work under the Development Act 1993, complies with the Building Rules.

3. Clearance of remnant native vegetation on the site or adjacent public roads for access during construction shall be minimised and be in accordance with the Native Vegetation Council requirements.

4. A compliance officer whose sole responsibility is verification of compliance shall be on-site at all times during construction to ensure all environmental management and monitoring is being conducted in accordance with the approved Environmental Management and Monitoring Plan and provide reports on any issue or variance with the prescribed requirements, to the Environment Protection Authority.

5. Compliance checking of noise levels shall be carried out by a specialist noise consultant in accordance with the EPA Wind Farms Guidelines in force at the time of testing to confirm the data within the Bassett Acoustics report AA0651 dated 24 June 2005 and to confirm noise levels associated with the substation installation is free of low frequency tones or excessive noise.

6. Analysis of any variations to the assessed turbine layout, or turbine model, that occurs during the detailed design or construction phase of the project shall be carried out by a specialist noise consultant and shall be confirmed as being in accordance with the EPA Wind Farms Environmental Noise Guidelines prior to any construction of the affected turbines taking place. Any variations require further approval.

7. A public viewing platform with associated car parking and landscaping shall be established on Reservoir Road in accordance with the plan shown in the Public Environmental Report dated 10 March 2003, Appendix I, subject to the approval of the District Council of Yankalilla and Transport SA as land owners, with all costs borne by the proponent.

8. Screen planting shall be established in accordance with the plans contained in correspondence from TrustPower Holdings Australia Pty Ltd dated 23 June 2008. This will be undertaken to the satisfaction of the Department for Transport, Energy and Infrastructure with costs borne by the proponent.

9. Any costs associated with changes to the overtaking lane on Main South Road (heading south) that may be required by Transport SA, following its proposed review of the operation of the overtaking lane, shall be borne by the proponent.

10. Any additional measures required by Transport SA to minimise the potential for driver distraction shall be implemented to the satisfaction of the District Council of Yankalilla and Transport SA with all costs being borne by the proponent.

11. Signs directing traffic to the proposed viewing platform shall be erected on Main South Road and Reservoir Road in consultation with Transport SA with all installation and on-going maintenance costs being borne by the proponent. All signs shall be in accordance with Australian Standards for Tourist Signing and the South Australian Tourist Sign Posting Policy.

12. All access points used during construction and maintenance shall be designed and constructed to Transport SA standards, with all costs being borne by the proponent.

13. The wind turbines shall be painted matt off-white/grey to minimise the visual impact and any potential for glare or reflection and shall not display any signs, logos or other advertising displays.

14. The wind turbines and associated infrastructure and site shall be kept clean and tidy and serviced regularly with any graffiti being removed and with all repairs to rectify breakdown or damage being effected as soon as is practicable.

15. Any new stobie poles for transmission lines shall be colour treated to reduce their visual impact and, where possible, new lines shall use a flat line configuration.

16. Upon decommissioning of the wind farm, the site shall be returned, as far as is possible, to its condition prior to the commencement of the development, with the turbines and all above ground electrical infrastructure no longer required for electricity transmission being removed.

17. If development is not commenced by substantial work on the site by 26 September 2010 the Governor may cancel the authorisation by written notice.

18. A landscaping and revegetation plan will be required for the construction and operational stages. Pest plant and animal control aspects will need to be addressed. The plan should be prepared in consultation with the Department for Environment and Heritage and the Native Vegetation Council, and shall be incorporated into the Environmental Management and Monitoring Plan.

19. The two temporary 50 m anemometer (wind monitoring) towers shall be removed within two years of their erection.

20. The two temporary 50 m anemometer (wind monitoring) towers and supporting guys shall be contained entirely within the site and shall not encroach over any public road reserve.

21. The wind farm operator shall undertake wind speed monitoring at the permanent tower with the greatest wind speed exposure at 10 minute intervals simultaneously at both hub height and at a height of 10 m above ground level. The data shall be recorded in a format to enable desktop analysis.

22. The wind farm operator shall maintain sufficient data indicating the relationship between the wind speeds at 10 minute intervals between the temporary wind towers and the permanent towers. The data shall be recorded in a format to enable desktop analysis.

NOTES

- The applicant is reminded of its general environmental duty, as required by section 25 of the Environment Protection Act 1993, to take all reasonable and practical measures to ensure that its activities on the whole site, including during construction, do not pollute the environment in a way which

causes or which may cause environmental harm. In particular, an appropriate soil erosion and drainage management plan, prepared in accordance with the Environment Protection Authority Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry, will be required to be submitted and approved before construction commences (as part of the Environmental Management and Monitoring Plan).

- The applicant shall liaise with Transport SA's Murray Bridge Office Customer Liaison and Safety Officer (presently Ms Alison Allen, (08) 8532 8122) prior to any works being undertaken on or adjacent to Main South Road and Reservoir Road.
- The Environmental Management and Monitoring Plan requires further work before it will receive approval, by the addition of those matters outlined in Section 7 of the Assessment Report dated November 2003.
- The development shall proceed in accordance with all relevant State and Commonwealth law (as amended from time to time).
- If, during construction or operation of the development, the proponent discovers evidence of an aboriginal site or any aboriginal objects or remains, the proponent is required, pursuant to the Aboriginal Heritage Act 1988, to report particulars to of such discovery to the Minister for Aboriginal Affairs and Reconciliation and thereafter comply with any directions given by the Minister for Aboriginal Affairs and Reconciliation.
- The proponent shall negotiate with the District Council of Yankalilla and the City of Onkaparinga on any matters arising from the development where the Councils have responsibilities under the Local Government Act 1999, and Roads (Opening and Closing) Act 1991.
- The requirement for an Environmental Management and Monitoring Plan (EMMP) prior to the commencement of construction does not include the two temporary anemometer towers hereby approved.
- For the purposes of conditions 5 and 6 a specialist noise consultant is taken to be one eligible for membership of both the Institution of Engineers Australia and the Australian Acoustical Society.

DEVELOPMENT ACT 1993, SECTION 25 (17): NORTHERN AREAS COUNCIL—JAMESTOWN INDUSTRIAL/COMMERCIAL DEVELOPMENT PLAN AMENDMENT

Preamble

1. The Development Plan Amendment entitled 'Northern Areas Council—Jamestown Industrial/Commercial 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 23 July 2009.

PAUL HOLLOWAY, Minister for Urban
Development and Planning

DEVELOPMENT ACT 1993, SECTION 29 (2) (b) (i): AMENDMENT TO THE VICTOR HARBOR (CITY) DEVELOPMENT PLAN

Preamble

It is necessary to amend the Victor Harbor (City) Development Plan dated 28 May 2009.

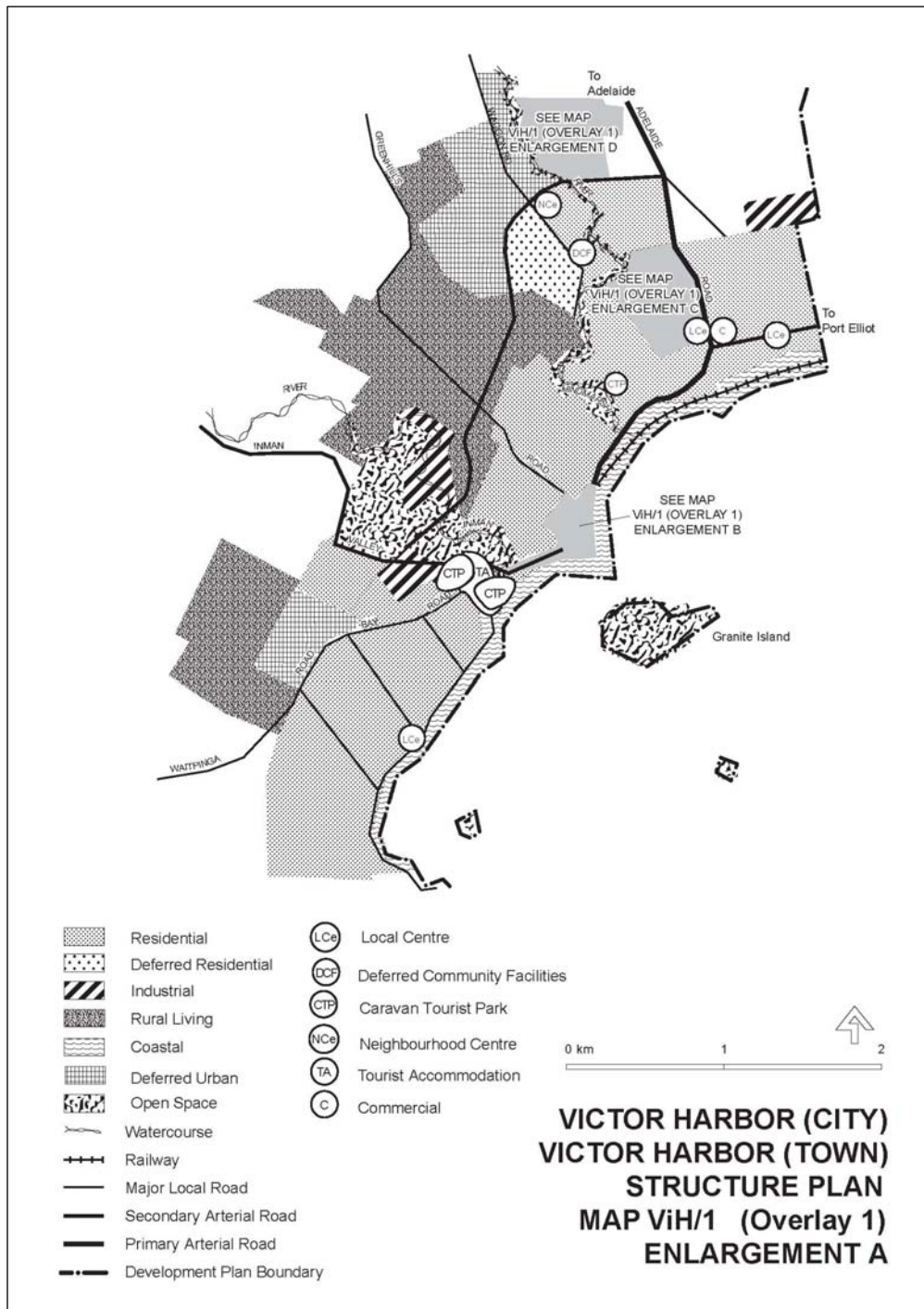
NOTICE

PURSUANT to section 29 (2) (b) (i) of the Development Act 1993, I, Paul Holloway, being the Minister administering the Act, amend the Victor Harbor (City) Development Plan dated 28 May 2009 as follows, by:

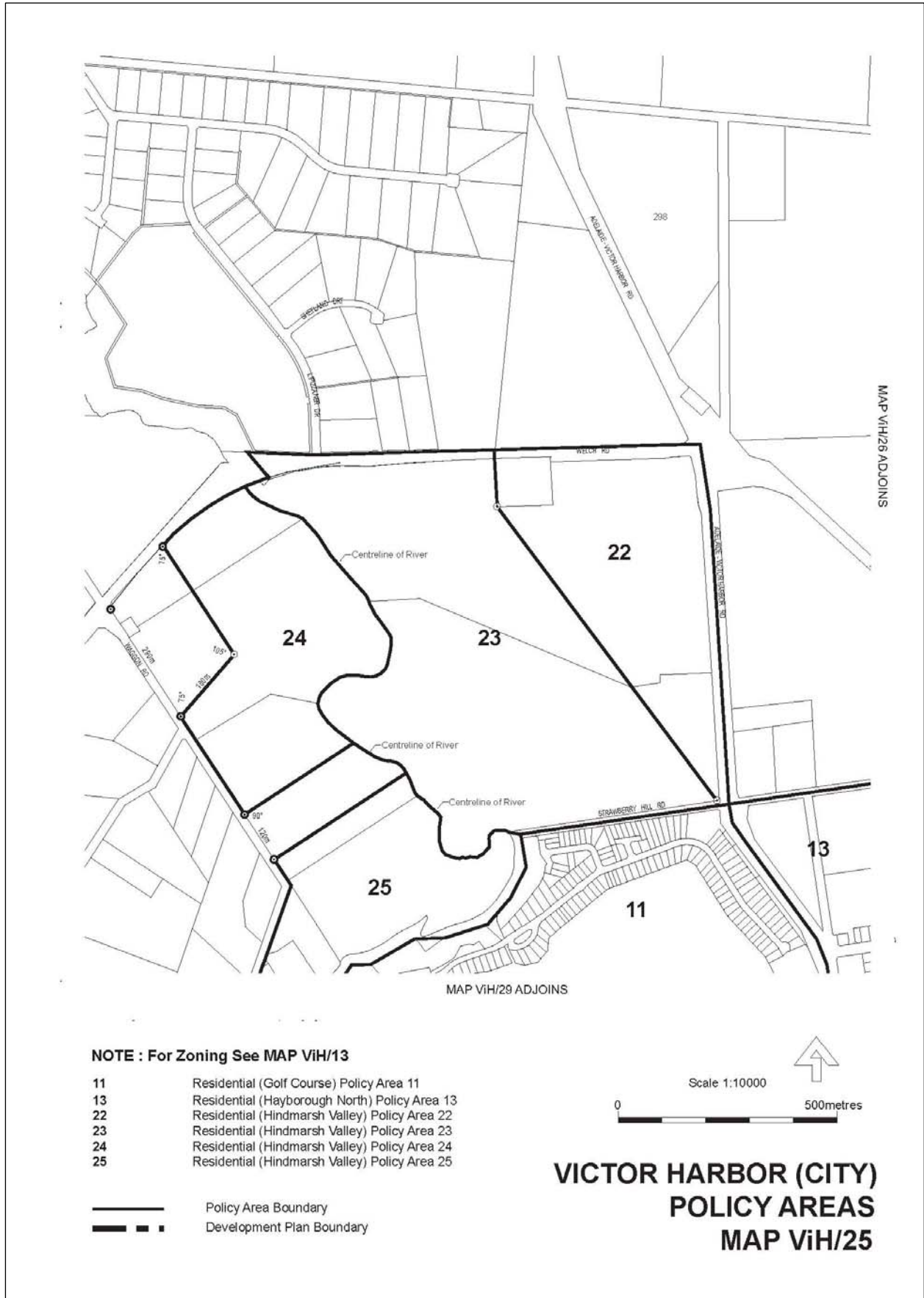
- (a) deleting Map ViH/1(Overlay 1) Enlargement A as *Gazetted* pursuant to section 27 (5) (a) of the Development Act 1993, on 23 July 2009 and replace it with the contents of Attachment A;
- (b) deleting Policy Area Map Vi/H/25 and replace it with the contents of Attachment B;
- (c) deleting Policy Area Map ViH/29 as *Gazetted* pursuant to section 27 (5) (a) of the Development Act 1993, on 23 July 2009 and replace it with the contents of Attachment C.

[Note: These amendments are to follow on from today's *Gazetted* section 27 (5) (a) notice that has amended the Victor Harbor (City) Development Plan.]

ATTACHMENT A



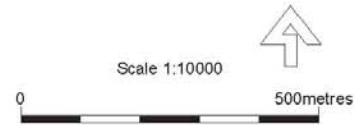
ATTACHMENT B



NOTE : For Zoning See MAP ViH/13

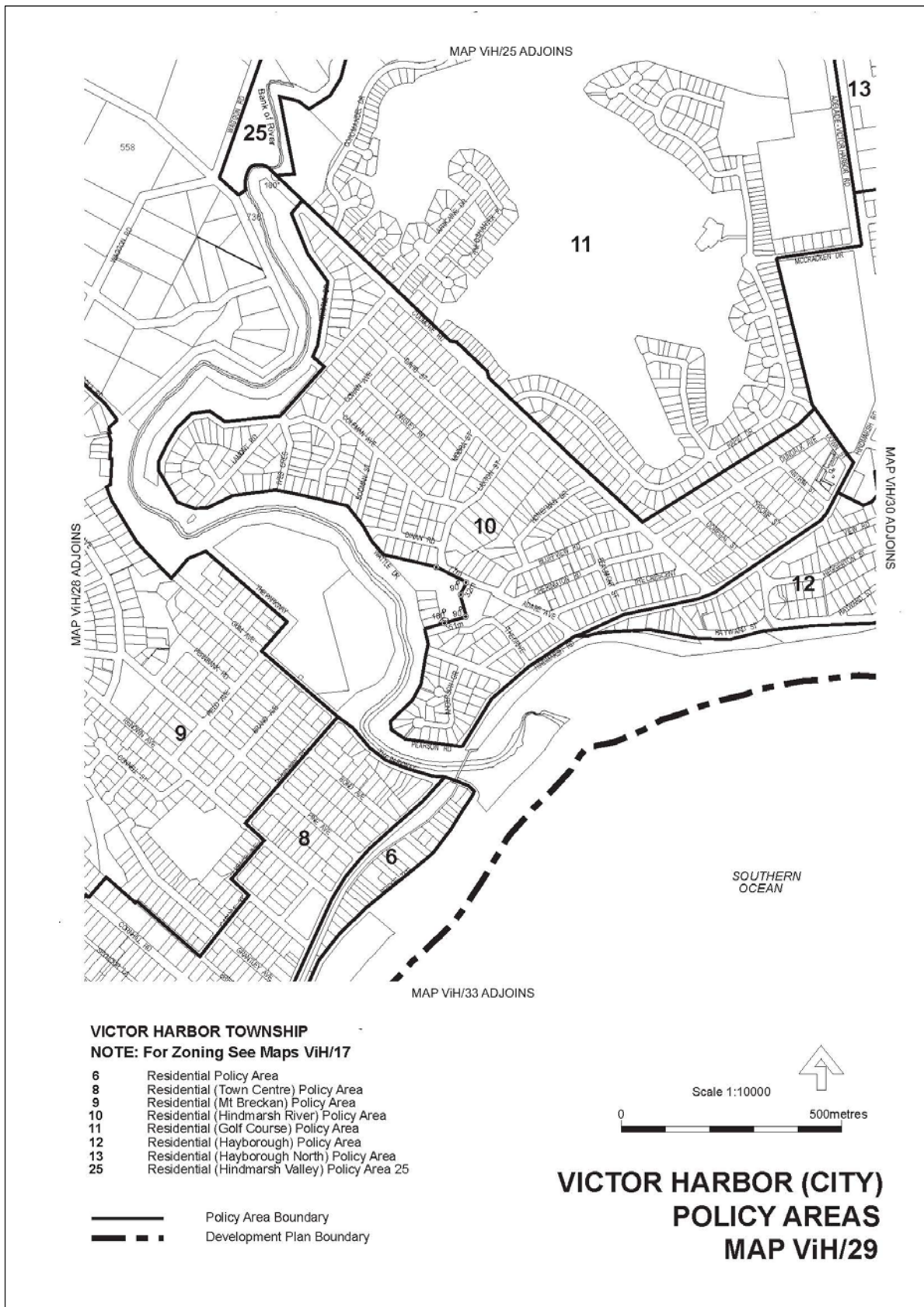
- 11 Residential (Golf Course) Policy Area 11
- 13 Residential (Hayborough North) Policy Area 13
- 22 Residential (Hindmarsh Valley) Policy Area 22
- 23 Residential (Hindmarsh Valley) Policy Area 23
- 24 Residential (Hindmarsh Valley) Policy Area 24
- 25 Residential (Hindmarsh Valley) Policy Area 25

 Policy Area Boundary
 Development Plan Boundary



**VICTOR HARBOR (CITY)
POLICY AREAS
MAP ViH/25**

ATTACHMENT C



Dated 13 July 2009.

PAUL HOLLOWAY, Minister for Urban Development and Planning

DEVELOPMENT ACT 1993, SECTION 27 (5) (a): CITY OF VICTOR HARBOR OUTER RETAIL CENTRES
DEVELOPMENT PLAN AMENDMENT*Preamble*

Pursuant to section 27 (3) (b) of the Development Act 1993, the Environment, Resources and Development Committee of Parliament has suggested an amendment to the Victor Harbor Development Plan, as recently amended by the Outer Retail Centres Development Plan Amendment.

Following this suggestion, pursuant to section 27 (5) (a), I, Paul Holloway, being the Minister administering the Act, am proceeding to make such an amendment to amend the City of Victor Harbor Development Plan dated 28 May 2009.

NOTICE

PURSUANT to section 27 (5) (a) of the Development Act 1993, I, Paul Holloway, being the Minister administering the Act, amend the City of Victor Harbor Development Plan dated 28 May 2009 as follows:

1. Immediately after Local Centre (Hayborough) Zone insert the contents of Attachment A.
2. Delete existing Map ViH/1 (Overlay 1) Enlargement A and replace with the contents of Attachment B.
3. Delete existing Map ViH/17 and replace with the contents of Attachment C.
4. Delete existing Map ViH/18 and replace with the contents of Attachment D.
5. Delete existing Map ViH/29 and replace with the contents of Attachment E.
6. Delete existing Map ViH/30 and replace with the contents of Attachment F.

Dated 13 July 2009.

PAUL HOLLOWAY, Minister for Urban Development and Planning

ATTACHMENT A

Commercial Zone

The Objectives and Principles of Development Control that follow apply in the Commercial Zone on Maps ViH/17 and ViH/18. They are additional to those expressed for the whole of the Victor Harbor council area.

OBJECTIVES

- Objective 1: A zone accommodating a range of commercial, office, warehousing activities, including wholesaling, storage, distribution and service activities.
- Objective 2: A zone accommodating indoor/outdoor recreational facilities.
- Objective 3: A high standard of development in this gateway location, which promotes buildings which are low in scale and incorporate high quality streetscape design to enhance the appearance of the locality along the Adelaide to Victor Harbor Road and Port Elliot Road.
- Objective 4: A zone that is developed in a manner which minimises any adverse impacts on the adjoining Residential Zone in terms of appearance, noise, lighting and traffic generation.
- Objective 5: Development that contributes to the Desired Character of the zone.

Desired Character

The role of the zone is to cater for a variety of commercial uses such as offices, limited small scale bulky goods, warehouses and small-scale service trade premises. The expansion of centre type facilities such as shops is not desired, although limited retail associated with the uses envisaged in the zone is appropriate.

Development along the Adelaide to Victor Harbor Road and Port Elliot Road will be distinctive and of a high architectural and landscape quality to reflect the gateway significance of the location and improve the amenity of the local area. All aspects of building design and site planning will ensure high quality development faces each road. Buildings generally should be low in scale and height and complemented by high quality landscaping.

Changes in the use of land and buildings should generally be of a low traffic generating nature. Where possible, the sharing of parking areas between land uses is encouraged.

Development on sites with an unsatisfactory layout will be designed to improve or rectify these conditions, particularly where it relates to parking and traffic movement, integration of allotments and the orientation of buildings.

Development will have regard to the adjoining residential development and is planned to protect the residential amenity of the adjacent area and avoid potential future conflicts.

PRINCIPLES OF DEVELOPMENT CONTROL

Land Use

1 The following forms of development are envisaged in the Commercial Zone:

- Bulky goods retailing up to 500 m²;
- Motor vehicle related business other than wrecking yard;
- Office;
- Petrol filling station;
- Recreational facility (indoor and/or outdoor);
- Service trade premises;
- Shop with a gross leasable area less than 250 m²;
- Store;
- Warehouse.

- 2 Retail development in the zone should not hinder the development or function of any Centre Zone and should comprise only retail components associated with:
- (a) petrol filling stations; and
 - (b) office, service trade premises or warehouse developments.

Form and Character

- 3 Development should contribute positively to streetscaping and road verge treatments, and enhance the appearance of the approach to the Town Centre.
- 4 Development on sites with an unsatisfactory or obsolete layout should be designed to improve or rectify those conditions, particularly where it relates to parking and traffic movement, integration of allotments, orientation of buildings and impacts to adjoining more sensitive development.
- 5 New development should provide buffers to reduce impacts to adjoining residential development.
- 6 Operating hours should be limited where there is potential for undesirable impacts on residential development.
- 7 Development should incorporate provision for safe vehicular access from adjoining roads, on-site car parking, and areas for the on-site manoeuvring, loading and unloading of service vehicles, to ensure the safe and free flow of traffic on adjoining public roads.

Land Division

- 8 Land division in the Commercial Zone is appropriate provided new allotments are of a size and configuration to ensure the objectives of the zone can be achieved.

Non-complying Development

- 9 The following kinds of development are non-complying in the Commercial Zone:

◆ *Form of Development*

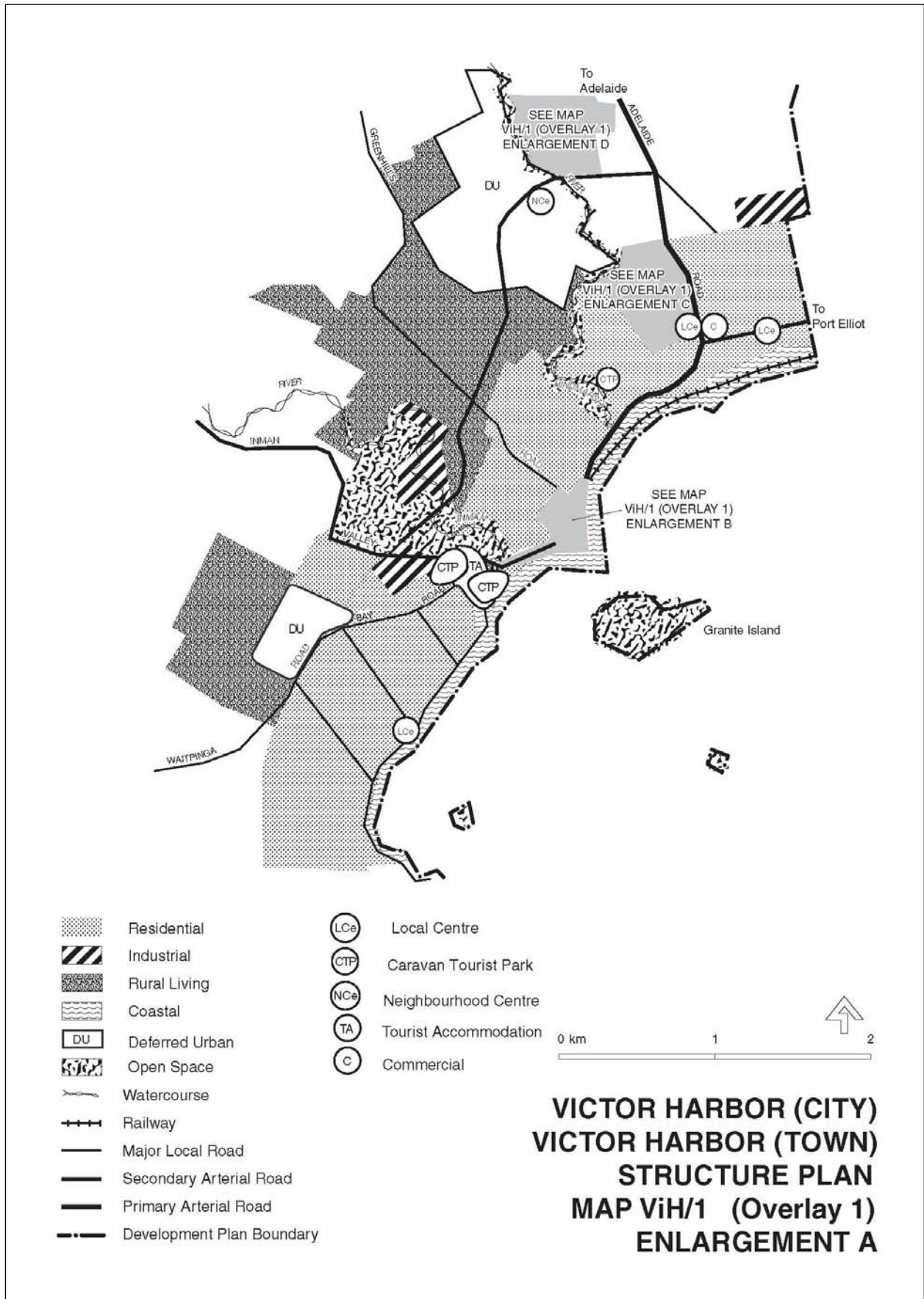
Exceptions

- ◆ Dwelling
- ◆ Fuel depot
- ◆ Industry
- ◆ Intensive animal keeping
- ◆ Road transport terminal
- ◆ Shop or group of shops

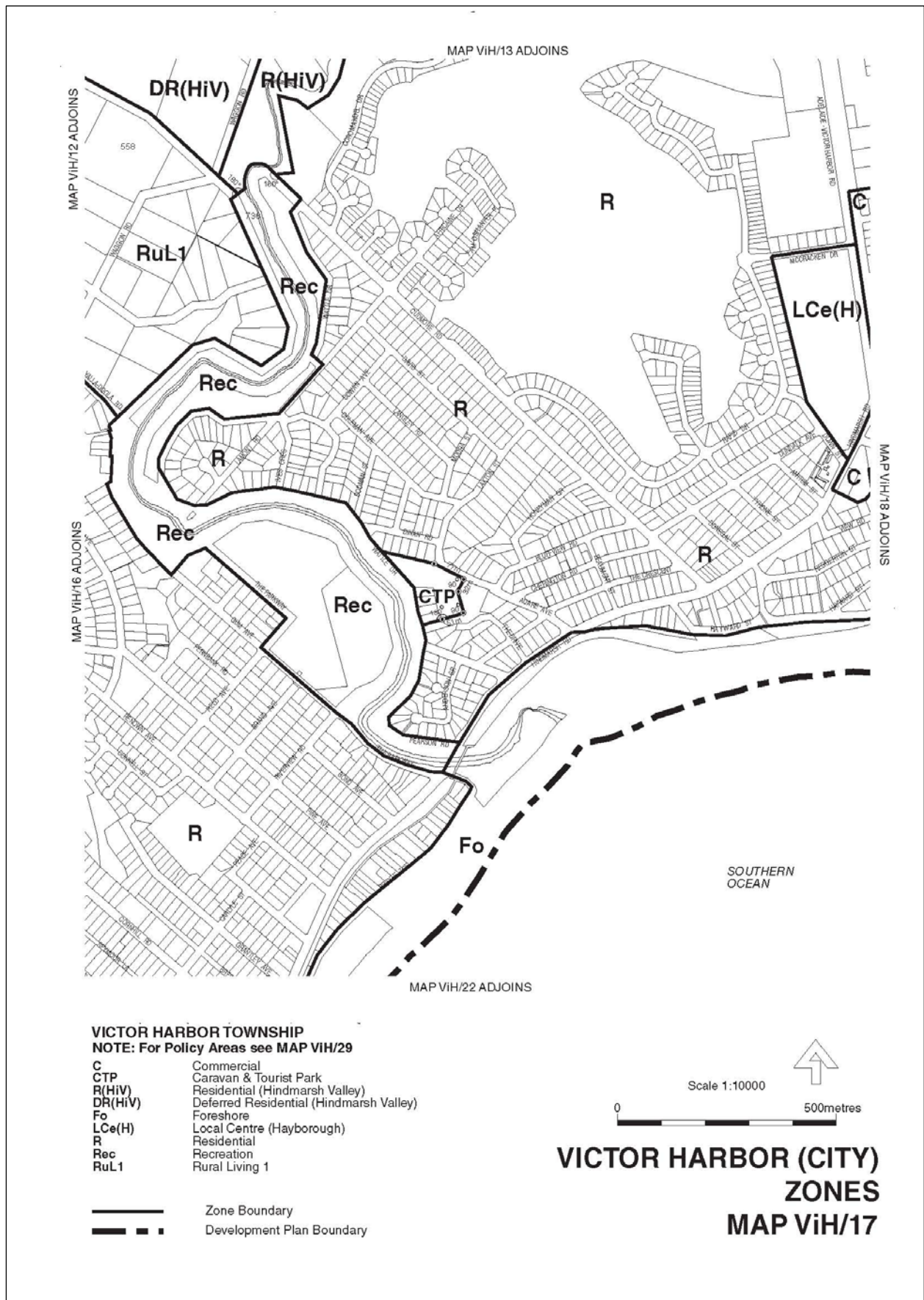
Except where:

- (a) the gross leasable area is less than 250 m².

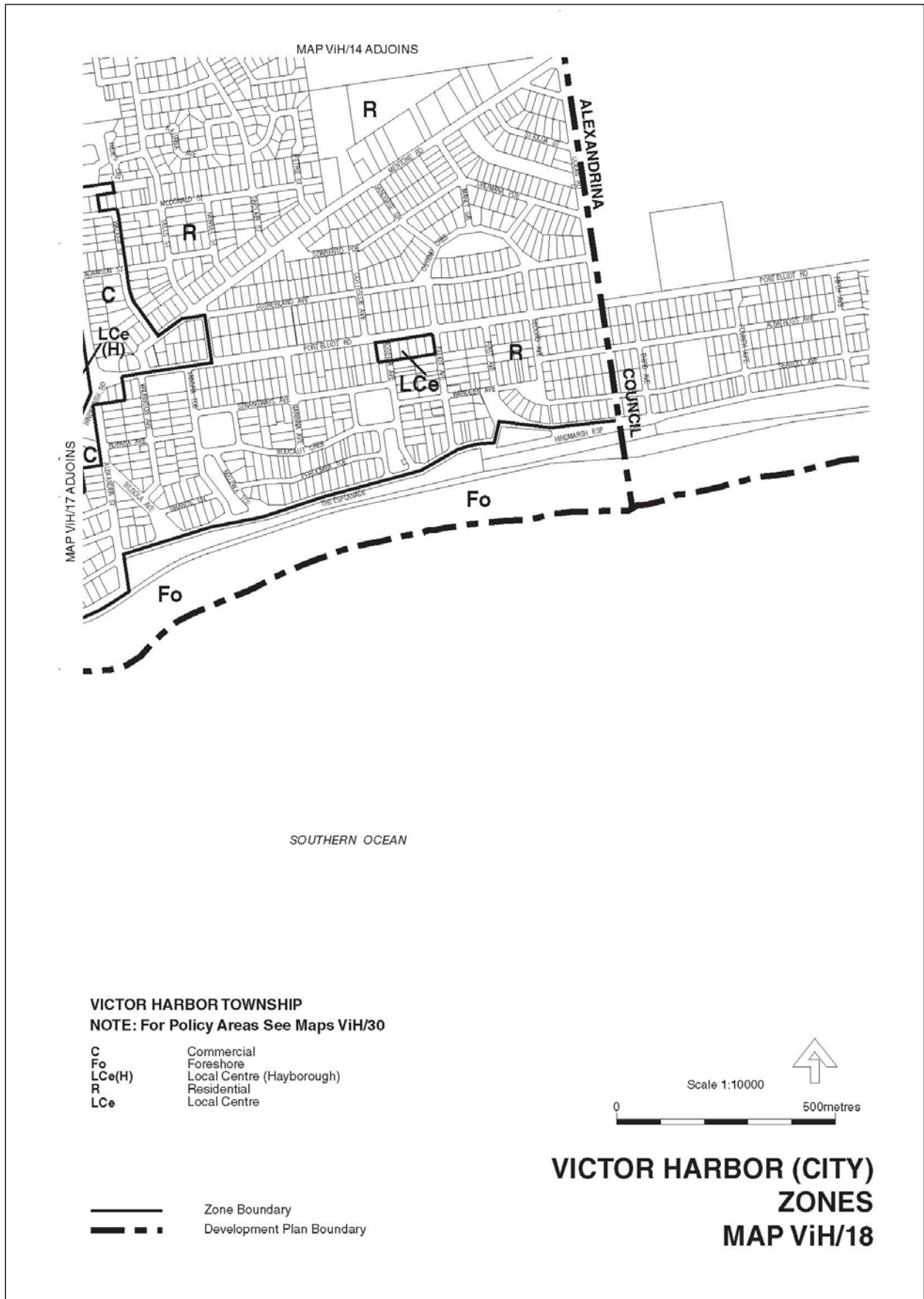
ATTACHMENT B



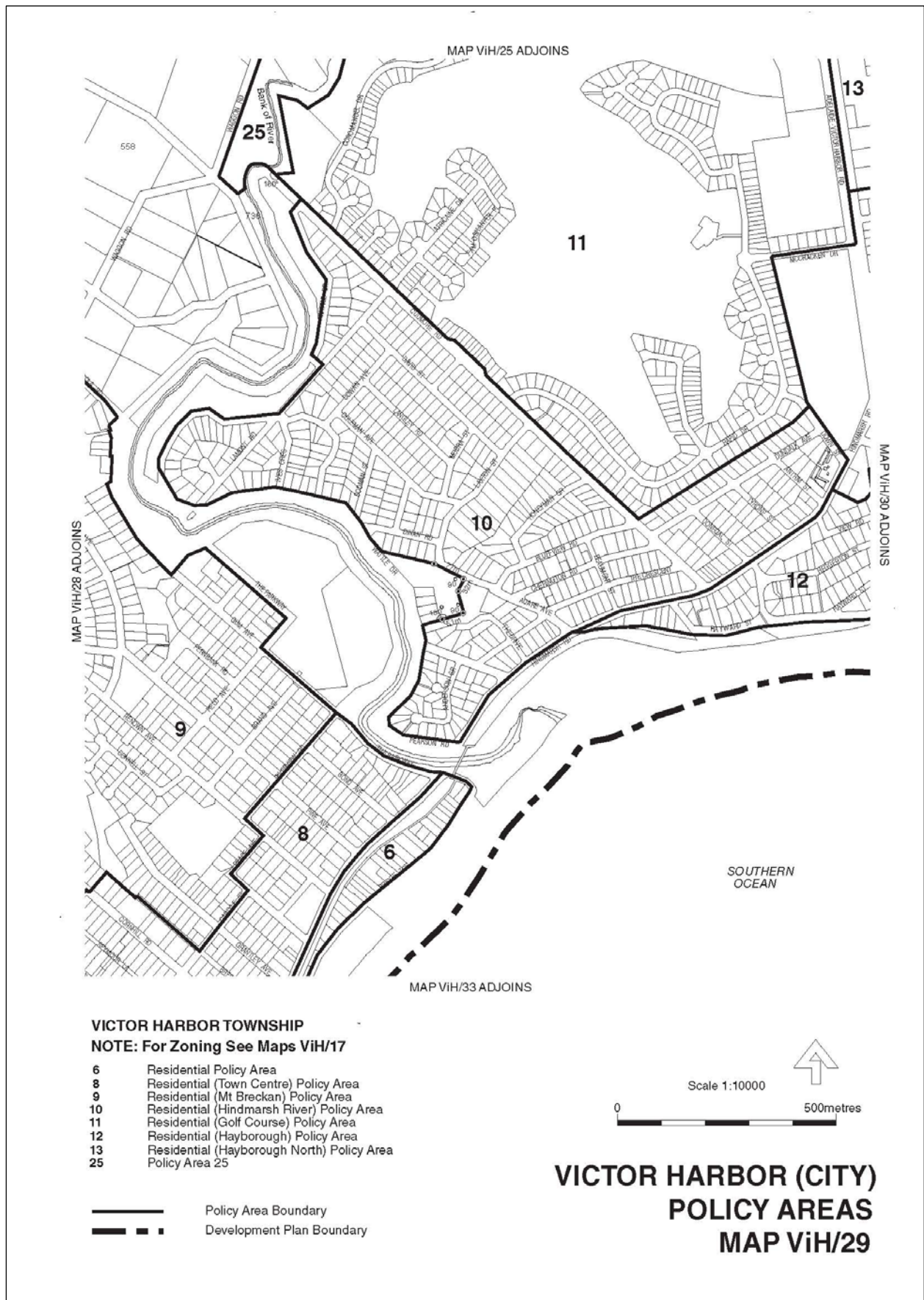
ATTACHMENT C



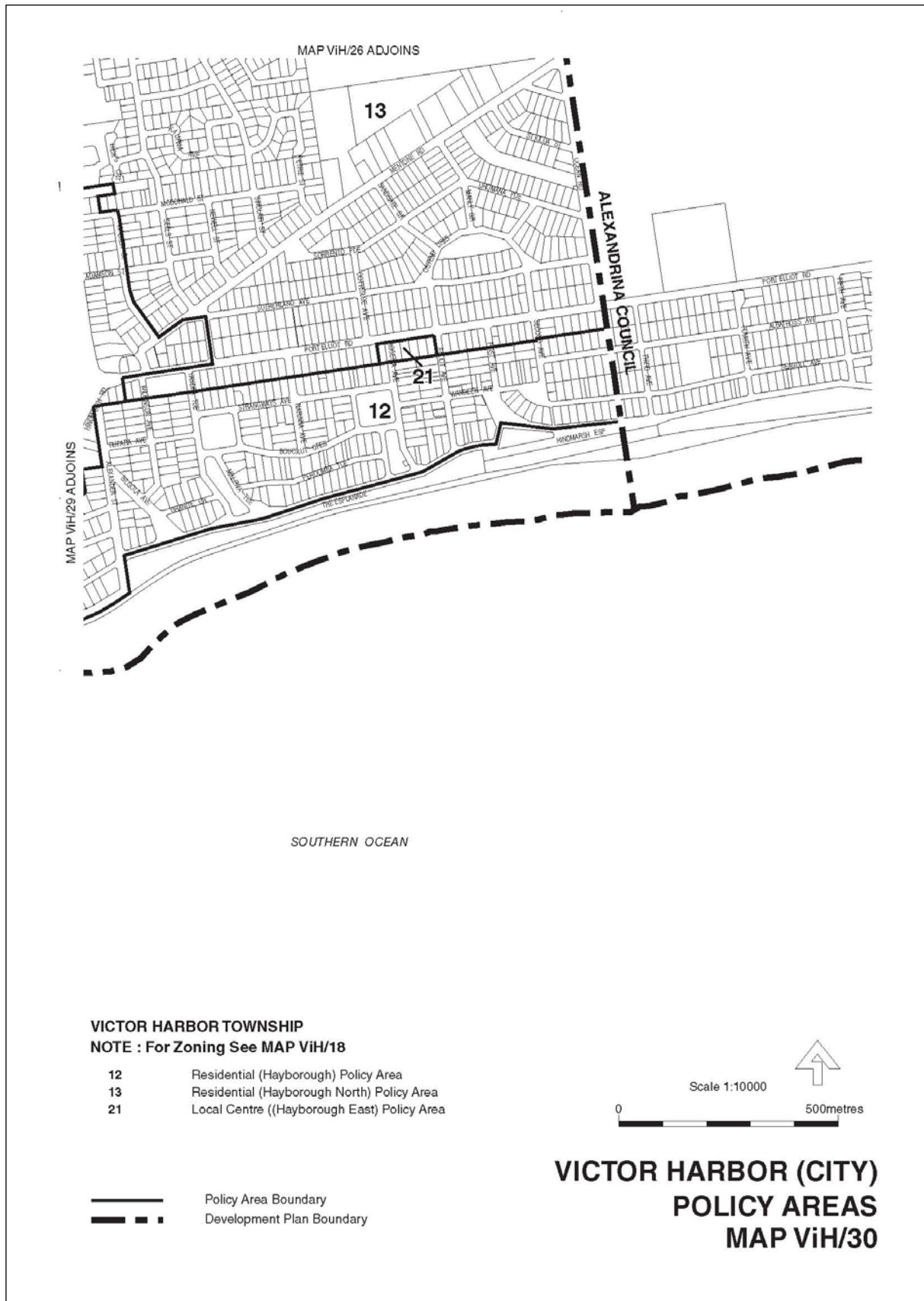
ATTACHMENT D



ATTACHMENT E



ATTACHMENT F



EXPIATION OF OFFENCES ACT 1996
NATIONAL PARKS AND WILDLIFE ACT 1972

Instrument of Authorisation

I, JAY WILSON WEATHERILL, Minister for Environment and Conservation, being the Minister responsible for the administration of the National Parks and Wildlife Act 1972, do hereby authorise, pursuant to section 6 (3) (b) (i) of the Expiation of Offences Act 1996, those persons appointed as Wardens, pursuant to section 20 of the National Parks and Wildlife Act 1972, and listed below, to issue expiation notices for expiable offences under the National Parks and Wildlife Act 1972, or Regulations made under the National Parks and Wildlife Act 1972:

Warden No.	Name of Warden
473	Jones, Sarah-Jane
474	Walsh, Patrick
475	Schriever, Barry
476	Calliss, Shayne
477	Iwao, Seiji
478	Bravington, Elijah
479	Brougham, Neil
480	Francis, Dennis
481	Ahlin, Sarah

Dated 6 July 2009.

JAY WEATHERILL, Minister for Environment and Conservation

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to section 115 of the Fisheries Management Act 2007, Robert McCormack of Australian Aquatic Biological Pty Ltd, P.O. Box 3, Karuah, N.S.W. 2324 (the 'exemption holder'), or a person acting as his agent, are exempt from the provisions of Clauses 43, 44, 45, 46 and 47 of Schedule 6 of the Fisheries Management (General) Regulations 2007, but only insofar as the exemption holder may collect aquatic organisms from South Australian inland waters, using the gear specified in Schedule 1 (the 'exempted activity'), subject to the conditions set out in Schedule 2, from 17 July 2009 until 30 June 2010, unless varied or revoked earlier.

SCHEDULE 1

- 12 yabby pot;
- 12 shrimp traps;
- 1 dip net per person.

SCHEDULE 2

1. The specimens collected by the exemption holders are for scientific and research purposes only and must not be sold.

2. All protected species must be immediately returned to the water. All non-native fish must be destroyed and disposed of appropriately.

3. A maximum of six specimens of each species may be retained by the exemption holder pursuant to this notice.

4. All crayfish of any species carrying external eggs must be immediately returned to the water.

5. Voucher specimens collect pursuant to this notice must be lodged with the Carnegie Museum, The Australian Museum or the South Australian Museum.

6. The exempted activity may be conducted on the exemption holder's behalf by Dr Jason Coughran.

7. Before conducting the exempted activity, the exemption holder must contact the PIRSA Fisheries Compliance Unit on 1800 065 522 and answer a series of questions about the exempted activity. You will need to have a copy of your exemption with you at the time of making the call, and be able to provide information about the area and time of the exempted activity, the vehicles and/or boats involved, the number of agents undertaking the exempted activity and other related issues. Exemption No. 9902247.

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

- the date and time of collection;
- the description of all species collected; and
- the number of each species collected.

9. While engaged in the exempted activity, the exemption holders and his agents must be in possession of a copy of this notice. Such notice must be produced to a PIRSA Fisheries Officer if requested.

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

Dated 17 July 2009.

M. SMALLRIDGE, Director of Fisheries

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to section 115 of the Fisheries Management Act 2007, licence holders in the Marine Scalefish Fishery endorsed with a condition fixing a sardine quota on the licence (the 'exemption holders') are exempt from Regulation 4 (1) of the Fisheries Management (Vessel Monitoring Scheme) Regulations 2007, but only insofar as the exemption holders are permitted to undertake fishing activities using a registered boat pursuant to the licence without a VMS unit installed (the 'exempted activity'), subject to conditions specified in Schedule 1, from 17 July 2009 until 30 June 2010, unless varied or revoked earlier.

SCHEDULE 1

1. The registered boat used pursuant to the exempted activity must be 7.5 m or less in length.

2. While engaged in the exempted activity, the registered boat may not be used for the taking of sardines using a sardine net or the holding or transport of any sardines.

3. While a registered boat is engaged in the exempted activity, other registered boats on the licence are prohibited from undertaking any sardine fishing activities pursuant to that licence.

4. The exemption holder must notify PIRSA Fisheries on 1800 065 522 at least two hours prior to conducting the exempted activity and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of the exemption notice at the time of making the call, and be able to provide information about the area and time of the exempted activity, the vehicles and boats involved, the number of agents undertaking the exempted activity and other related questions. Exemption No. 9902257.

5. While engaged in the exempted activity, the exemption holder must have in their possession a copy of this notice and produce that notice to a PIRSA Fisheries Compliance Officer upon request.

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

Dated 17 July 2009.

M. SMALLRIDGE, Director of Fisheries

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to section 115 of the Fisheries Management Act 2007, Kate Mason of the South Australian Murray-Darling Basin Natural Resources Management Board, P.O. Box 2343, Murray Bridge, S.A. 5253 (the 'exemption holder'), or a person acting as her agent, is exempt from the provisions of section 70 of the Fisheries Management Act 2007 and Regulation 7 (a) of the Fisheries Management (General) Regulations 2007, but only insofar as she may engage in the collection of fish (the 'exempted activity') from the waters described in Schedule 1, using the gear specified in Schedule 2, subject to the conditions set out in Schedule 3, from 17 July 2009 until 30 June 2010, unless varied or revoked earlier.

SCHEDULE 1

The tributaries, backwaters and wetlands of the River Murray between Lock 1 and the Coorong.

SCHEDULE 2

- 8 fine mesh (9 mm mesh size) fyke nets;
- 20 shrimp traps;
- 2 seine nets;
- 2 dip nets.

SCHEDULE 3

1. The specimens collected by the exemption holders are for scientific and research purposes only and must not be sold.

2. A maximum of five fish of any species per location may be taken for the purpose of species identification.

3. All other native fish taken pursuant to the exempted activity must be immediately returned to the water unless retained for the purpose of species identification.

4. Before conducting the exempted activity, the exemption holder or a person acting as her agent must contact the PIRSA Fisheries Compliance Unit on 1800 065 522 and answer a series of questions about the exempted activity. You will need to have a copy of your exemption with you at the time of making the call, and be able to provide information about the area and time of the exempted activity, the vehicles and/or boats involved, the number of agents undertaking the exempted activity and other related issues. Exemption No. 9902261.

5. The exemption holder must provide a report in writing detailing the outcomes of the research and the collection of organisms pursuant to this notice to the Director of Fisheries (G.P.O. Box 1625, Adelaide, S.A. 5001) within 14 days of the expiry of this notice, giving the following details:

- the date, time and location of collection;
- the description of all species collected; and
- the number of each species collected.

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

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

Dated 17 July 2009.

M. SMALLRIDGE, Director of Fisheries

FISHERIES MANAGEMENT ACT 2007: SECTION 79

TAKE note that the notice made under section 79 of the Fisheries Management Act 2007, published in the *South Australian Government Gazette*, dated 5 March 2009, referring to the West Coast Prawn Fishery, is hereby varied such that it will not be unlawful for a person fishing pursuant to a West Coast Prawn Fishery Licence to use prawn trawl nets in the waters specified in Schedule 1, under the conditions specified in Schedule 2, during the period specified in Schedule 3.

SCHEDULE 1

The waters of the west coast prawn fishery adjacent to Venus Bay.

SCHEDULE 2

1. Each licence holder must ensure that a representative sample of the catch (a 'bucket count') is taken for each trawl shot carried out during the fishing activity.

2. Each 'bucket count' sample must be accurately weighed to 7 kg where possible and the total number of prawns contained in the bucket must be recorded on the attached data sheet, marked 'West Coast Prawn Fishery Bucket Count Data Sheet'.

3. The information recorded on the 'WCPF Bucket Count Data Sheet' must be returned to SARDI Aquatic Sciences within 15 days of the fishing activity being completed.

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

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

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

6. No fishing activity may be undertaken between 0700 hours and 1830 hours on any day during the period of this notice.

SCHEDULE 3

From 1830 hours on 15 July 2009 to 0700 hours on 29 July 2009.

Dated 15 July 2009.

S. SLOAN, Program Leader, Fisheries Management

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to section 115 of the Fisheries Management Act 2007, Graeme Noll of Natural Resources Services Pty Ltd trading as COOE, Unit 14, Level 1, North Terrace House, 19 North Terrace, Hackney, S.A. 5069 (the 'exemption holder') is exempt from section 70 of the Fisheries Management Act 2007, but only insofar as he may engage in the collection of marine organisms from the waters described in Schedule 1, using the gear specified in Schedule 2 (the 'exempted activity'), subject to the conditions set out in Schedule 3, from 19 July 2009 until 15 August 2009, unless varied or revoked earlier.

SCHEDULE 1

The waters of Spencer Gulf near Point Lowly, excluding the area closed for the taking of cephalopods.

SCHEDULE 2

A Paironet sampler consisting of two 300 µm mesh nets, 1.5 m in length and a 25 cm mouth opening.

SCHEDULE 3

1. The specimens collected by the exemption holder are for scientific and research purposes only and must not be sold. Any unwanted specimens must be returned to the water immediately.

2. Any specimens not returned to the water must be lodged with the South Australian Museum as voucher specimens.

3. Before collecting any specimens pursuant to this notice, the exemption holder must contact the PIRSA Fisheries Compliance Unit on 1800 065 522 and answer a series of questions about the exempted activity. The exemption holder will need to have a copy of the exemption at the time of making the call and be able to provide information about the area and time of the exempted activity, the vehicles and/or boats involved, the number of agents undertaking the exempted activity and other related questions. Exemption No. 9902264.

4. The exemption holder must provide a report in writing summarising the collection of organisms pursuant to this notice to the Director of Fisheries (G.P.O. Box 1625, Adelaide, S.A. 5001) within 14 days of lodging voucher specimens with the South Australian Museum, giving the following details:

- the date, time and location of collection;
- the description of all species collected; and
- the number of each species collected.

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

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

Dated 17 July 2009.

M. SMALLRIDGE, Director of Fisheries

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Chambers Creek on 25 January 2009:

- 4 yabbie pots
- 6 drop nets
- 1 fish trap

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

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

The above items may be viewed at the Mount Gambier office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 14 July 2009.

M. LEWIS, General Manager, Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Birkenhead on 17 June 2009:

- 1 40 m monofilament fish net, white 10 mm head line rope, orange cylinder floats (small) inserted onto the headline, white rope along the base of net with crimped pieces of lead attached, mesh size is approximately 50 mm.

The above items were suspected to have been used or intended to be used, in contravention of the Fisheries Management Act 2007, and were taken into possession at Tidal Gates in Barker Inlet, Port Adelaide, S.A. 5015.

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

The above items may be viewed at the Birkenhead office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 14 July 2009.

M. LEWIS, General Manager, Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Birkenhead on 2 June 2009:

- 1 rock lobster pot
- Approximately 35 m of brown rope
- 1 red 2 L float and 1 white 1 L float
- 1 40 cm cylinder bait securing device attached with yellow and green wire
- 1 06/07 recreational registration tag

The above items were suspected to have been used or intended to be used, in contravention of the Fisheries Management Act 2007, and were taken into possession at Encounter Bay between Rosetta Head Wharf and Wright Island, Victor Harbor.

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

The above items may be viewed at the Birkenhead office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 14 July 2009.

M. LEWIS, General Manager, Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Southend on 8 December 2008:

- 2 rock lobster pots with rope and buoys

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

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

The above items may be viewed at the Kingston office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 14 July 2009.

M. LEWIS, General Manager, Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Arno Bay Creek on 28 June 2009:

- 1 mesh net approximately 50 m long

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

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

The above items may be viewed at the Whyalla office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 14 July 2009.

M. LEWIS, General Manager, Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Cape Jaffa on 27 March 2009:

- 1 rock lobster pot with red neck
- 1 red 4 L buoy
- 1 white length of rope

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

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

The above items may be viewed at the Birkenhead office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Birkenhead on 12 July 2008:

25 m monofilament gill net

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

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

The above items may be viewed at the Birkenhead office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Hutt Bay on 14 February 2009:

1 rock lobster pot with black neck
1 orange length length of rope
1 white 4 L buoy

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

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

The above items may be viewed at the Mount Gambier office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Cape Douglas on 20 November 2008:

1 rock lobster pot with red neck
1 metal bait basket
1 red 4 L float

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

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

The above items may be viewed at the Mount Gambier office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Gerloff Bay on 26 November 2008:

1 rock lobster pot with cane neck
1 pink 4 L float
1 white 4 L float
1 black bait basket

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

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

The above items may be viewed at the Mount Gambier office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Racecourse Bay on 20 November 2008:

1 rock lobster pot with red neck and cane surround
2 black bait baskets
1 white 4 L float

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

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

The above items may be viewed at the Mount Gambier office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Beachport on 19 November 2008:

1 drop net, blue mesh, orange rope, 2 white floats
1 drop net, blue mesh, orange rope, 2 white 4 L buoys
1 drop net, orange and black mesh, pink and blue rope, 2 red plastic floats (small), 1 white 4 L buoy
1 drop net, black and orange mesh, yellow rope, 1 white 4 L buoy
1 drop net, orange and black mesh, orange rope, 1 white 4 L buoy, 2 small plastic floats

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

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

The above items may be viewed at the Kingston office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Cooper Creek on 20 October 2008:

- 11 Opera House nets, orange and white ropes
- 11 bait holders (round screw tops)

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

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

The above items may be viewed at the Birkenhead office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Cooper Creek on 20 October 2008:

- 1 wire yabbie trap with thick white rope and round screw top bait cylinder.

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

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

The above items may be viewed at the Birkenhead office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Cooper Creek on 20 October 2008:

- 2 Opera House nets, yellow ropes
- 1 wire trap (orange mesh)

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

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

The above items may be viewed at the Birkenhead office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Onkaparinga River on 4 October 2008:

- 1 mesh net with white rope/green ropes and blue foam floats

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

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

The above items may be viewed at the Birkenhead office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Birkenhead on 29 July 2008:

- 1 300 m monofilament fishing net, green pieces of rubber used as floats lashed at intervals along the top of the net, fishing line along the base of net with crimped pieces of lead attached to the line.

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

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

The above items may be viewed at the Birkenhead office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Birkenhead on 29 July 2008:

1 150 m monofilament fishing net, yellow pieces of rubber used as floats lashed at intervals along the top of the net, fishing line along the base of net with crimped pieces of lead attached to the line.

1 100 m monofilament fishing net, black pieces of rubber used as floats lashed at intervals along the top of the net, fishing line along the base of net with crimped pieces of lead attached to the line.

2 white fertiliser bags used to store the nets.

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

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

The above items may be viewed at the Birkenhead office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Birkenhead on 29 July 2008:

1 20 m monofilament fishing net, white 10 mm head line rope, brown floats (small) lashed to the headline, green cord along the base of net with crimped pieces of lead attached to the cord, mesh size is approximately 120 mm.

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

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

The above items may be viewed at the Birkenhead office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Kingston S.E. on 31 March 2009:

1 rock lobster port—stainless steel mesh, black plastic neck, orange rope, 1 L orange float.

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

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

The above items may be viewed at the Kingston S.E. office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Kingston S.E. on 24 March 2009:

1 drop net, black mesh, white float, white rope

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

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

The above items may be viewed at the Kingston S.E. office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Douglas Point on 14 February 2009:

1 rock lobster pot, red neck, yellow rope
1 4 L red buoy
1 rock lobster pot, red neck, yellow rope, blue mesh
1 4 L red buoy

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

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

The above items may be viewed at the Mount Gambier office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Cape Jaffa on 17 January 2009:

1 rock lobster pot, stainless steel mesh, red plastic neck, 2 black plastic bait baskets, 1 red plastic bait basket, 1 PVC bait basket, white rope, 1 red float.

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

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

The above items may be viewed at the Kingston S.E. office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Guichen Bay, Robe on 18 January 2009:

- 1 rock lobster pot, stainless steel mesh, red plastic neck, 1 black plastic bait basket, 1 red float, 1 yellow float, orange rope.

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

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

The above items may be viewed at the Kingston S.E. office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Guichen Bay, Robe on 18 January 2009:

- 1 rock lobster pot—stainless steel mesh, red plastic neck, white rope, 1 faded red float, 1 green float, 1 black plastic bait basket.

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

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

The above items may be viewed at the Kingston SE office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Boatswains Point near Robe on 18 January 2009:

- 1 rock lobster pot—stainless steel mesh, red plastic neck, pink and green rope, 1 black plastic bait basket, 1 red float.

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

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

The above items may be viewed at the Kingston SE office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Wrights Bay near Robe on 18 January 2009:

- 1 rock lobster pot—stainless steel mesh, red plastic neck, orange rope, 1 red float, 1 smaller white float.

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

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

The above items may be viewed at the Kingston SE office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Wrights Bay near Robe on 18 January 2009:

- 1 rock lobster pot—stainless steel mesh, red plastic neck, orange rope, 1 white float.

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

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

The above items may be viewed at the Kingston SE office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Kadina on 30 November 2008:

- 1 double ringed crab net with metal mesh bottom and black netting sides approximately 700 mm in diameter with green cord attached.
- 1 double ringed crab net with metal mesh bottom and black netting sides approximately 600 mm in diameter with white and black cord attached.

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

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

The above items may be viewed at the Kadina office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Murninnie Beach on Saturday, 18 October 2008:

- 1 nylon mesh net 77 m long, 1.8 m in depth, orange floats

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

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

The above items may be viewed at the Whyalla office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Margaret Brock Reef, Cape Jaffa on 28 January 2009:

- 1 recreational rock lobster pot with rope and buoys

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

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

The above items may be viewed at the Kingston S.E. office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Beachport on 22 February 2009:

- 1 recreational rock lobster pot plus buoys and rope

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

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

The above items may be viewed at the Kingston S.E. office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Port Lincoln on 12 November 2008:

- 1 rock lobster pot with 1 red float and 1 white float and no registration tag attached.

The above items were suspected to have been used or intended to be used, in contravention of the Fisheries Management Act 2007, and were taken into possession at Donnington Island near Port Lincoln.

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

The above items may be viewed at the Port Lincoln office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Kingston S.E. on 14 February 2009:

- 1 rock lobster pot, red neck, 8 L red and white float
- 1 rock lobster pot, red and black neck, 2 L white float
- 1 rock lobster pot, red neck, 2 4 L white floats and 1 pinky float.

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

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

The above items may be viewed at the Kingston S.E. office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Cooper Creek on 20 October 2008:

4 drop nets with 2 tags in poor condition

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

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

The above items may be viewed at the Birkenhead office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Golden Island on 21 January 2009:

1 rock lobster pot with a black plastic neck and a single red buoy.

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

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

The above items may be viewed at the Port Lincoln office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Wedge Island on 3 January 2009:

1 rock lobster pot with a red plastic neck and white float with painted orange band.

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

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

The above items may be viewed at the Port Lincoln office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Gaalen Island on 5 January 2009:

1 rock lobster pot with a black plastic neck and 2 yellow floats.

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

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

The above items may be viewed at the Port Lincoln office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Gaalen Island on 5 January 2009:

1 rock lobster pot with a red plastic neck and 1 white float

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

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

The above items may be viewed at the Port Lincoln office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Port Clinton on 22 September 2008:

4 single drop nets, rope attached
1 single drop net, rope attached

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

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

The above items may be viewed at the Kadina office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

DEPARTMENT OF PRIMARY INDUSTRIES AND
RESOURCES SA—FISHERIES DIVISION

NOTICE is hereby given pursuant to section 90 (2) of the Fisheries Management Act 2007, that the following items have been seized by officers of the Department of Primary Industries and Resources SA, Fisheries Division at Bauld Hill Beach on 22 September 2008:

1 white container (fish tub), rope attached

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

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

The above items may be viewed at the Kadina office of the Department of Primary Industries and Resources SA, Fisheries Division.

Dated 5 May 2009.

M. SMALLRIDGE, General Manager,
Fisheries Services

LEGAL PRACTITIONERS ACT 1981

Instrument of Reappointment

I, MICHAEL JOHN ATKINSON, Attorney-General for the State of South Australia, hereby reappoint John Michael Boag as a lay observer pursuant to section 90 (1) of the Legal Practitioners Act 1981, for a term of one year at a remuneration of \$11 286 per annum, together with an amount of \$2 257.20 per annum travelling and incidental expenses, and subject also to these conditions:

- provision of limited office accommodation facilities and supplies and typing assistance from time to time; and
- access to legal advice and assistance.

This appointment is effective from 18 July 2009.

Dated 16 July 2009.

MICHAEL ATKINSON, Attorney-General

LIQUOR LICENSING ACT 1997 AND GAMING MACHINES
ACT 1992

Notice of Application

NOTICE is hereby given, pursuant to section 52 of the Liquor Licensing Act 1997 and section 29 of the Gaming Machines Act 1992, that Staxdon Pty Ltd as trustee for S. & E. Ey Trust has applied to the Licensing Authority for the transfer of a Hotel and Gaming Machine Licence in respect of premises situated at Main North Road, Auburn, S.A. 5451 and known as Rising Sun Hotel.

The applications have been set down for hearing on 20 August 2009 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 13 August 2009).

The applicant's address for service is c/o Donaldson Walsh Lawyers, G.P.O. Box 2873, Adelaide, S.A. 5001 (Attention: Jarrod Ryan).

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 16 July 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 Crancker Investments Pty Ltd has applied to the Licensing Authority for a variation to Conditions in respect of premises situated at 196 Grenfell Street, Adelaide, S.A. 5000 and known as Crown and Anchor Hotel.

The application has been set down for callover on 14 August 2009 at 9 a.m.

Conditions

The following licence conditions are sought:

- Variation to the licence conditions:

From:

10. 'No Live Entertainment shall be provided in Areas 5, 6 and 9 and entertainment in these areas shall be restricted to music provided through the licensees in-house system or by way of a juke box, in which case only the licensee or its employees are permitted to alter or change any CDs/music played on the premises in these areas'.

To:

10. 'Live entertainment may be provided in Areas 5, 6 and 9. All music in Areas 5, 6 and 9 will be restricted to being provided through the licensees in-house system or by way of a juke box in which case only the licensee, its employees or authorised Crown and Sub-contractors are permitted to change any CDs/Music on the premises in these areas'.

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 callover date (viz: 7 August 2009).

The applicant's address for service is c/o John Machin, 196 Grenfell Street, Adelaide, S.A. 5000.

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

Dated 14 July 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 Alrow Nominees Pty Ltd as trustee for Alan Rowett Family Trust has applied to the Licensing Authority for the transfer of a Special Circumstances Licence in respect of premises situated at 325 Sturt Road, Bedford Park, S.A. 5042 and known as Roselands Tennis World.

The application has been set down for hearing on 19 August 2009 at 10 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: 12 August 2009).

The applicant's address for service is c/o Jeff Stevens & Associates, Level 1, 86 Pirie Street, Adelaide, S.A. 5000.

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

Dated 14 July 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 CHMJ Pty Ltd as trustee for CH Family Trust and MJ Trust and Steve Rosso Pty Ltd as trustee for Russo Family Trust have applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at T20 Seaford Shopping Centre, Commercial Road, Seaford, S.A. 5169 and known as Caffe Acqua Seaford.

The application has been set down for hearing on 20 August 2009 at 11 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: 13 August 2009).

The applicants' address for service is c/o Pace Lawyers, 192 Gilbert Street, Adelaide, S.A. 5000 (Attention: Serina Pace).

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

Dated 17 July 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 Linda Caruso has applied to the Licensing Authority for a Redefinition, variation to Conditions, variation to an Extended Trading Authorisation and variation to Entertainment Consent in respect of premises situated at 12 Diment Road, Salisbury North, S.A. 5108 and known as Salisbury Country Golf Links.

The application has been set down for callover on 21 August 2009 at 9 a.m.

Conditions

The following licence conditions are sought:

- Redefinition to include the whole of the Golf Course as per plans lodged with this office.
- Variation to an Extended Trading Authorisation to include the above redefined area.
- Variation to Entertainment Consent to include the above redefined area.
- Variation to Conditions to change the following trading hours:

From:

Tuesday: 7 a.m. to 8.30 p.m.

To:

Tuesday: 7 a.m. to midnight.

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 callover date (viz: 14 August 2009).

The applicant's address for service is c/o Linda Caruso, Lot 12, Diment Road, Salisbury North, S.A. 5108.

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 14 July 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 Walkers Arms Pty Ltd as trustee for Walkers Arms Class Trust has applied to the Licensing Authority for Alterations, Redefinition, variation to an Extended Trading Authorisation and variation to Entertainment Consent in respect of premises situated at 36 North East Road, Walkerville, S.A. 5081 and known as Walker's Arms Hotel.

The application has been set down for callover on 21 August 2009 at 9 a.m.

Conditions

The following licence conditions are sought:

- Alterations and Redefinition for reconstruction of the whole licensed premises as per plans lodged with this office.
- Alterations and Redefinition to include proposed Outdoor Area as per plans lodged with this office.
- Extended Trading Authorisation and Entertainment Consent are to remain as currently approved and are to apply to the proposed Outdoor Area 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 seven days before the callover date (viz: 14 August 2009).

The applicant's address for service is c/o Peter Johnson, 1/26 North East Road, Walkerville, S.A. 5081.

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 15 July 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 International Management Holdings Pty Ltd has applied to the Licensing Authority for a Direct Sales Licence in respect of the business to be known as Club Wine Direct.

The application has been set down for callover on 21 August 2009 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the callover date (viz: 14 August 2009).

The applicant's address for service is c/o Sharnee Bennett, P.O. Box 298, Stepney, S.A. 5069.

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 16 July 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 Sean Michael Masterson and Susan Oliver as trustee for the Courthouse Cafe Trust have applied to the Licensing Authority for a Restaurant Licence and Entertainment Consent in respect of premises situated at 52 Main Street, Normanville, S.A. 5204 and to be known as Courthouse Cafe.

The application has been set down for callover on 21 August 2009 at 9 a.m.

Conditions

The following licence conditions are sought:

- Entertainment Consent:

On any day: 10 a.m. to 11.30 p.m.

New Year's Day: 10 a.m. to midnight.

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 callover date (viz: 14 August 2009).

The applicants' address for service is c/o Sean Masterson, P.O. Box 34, Normanville, S.A. 5204.

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

Dated 17 July 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 the Maltese Senior Citizens Association has applied to the Licensing Authority for a Limited Club Licence in respect of premises situated at 29 Le Hunte Street, Kilburn, S.A. 5084 and to be known as the Maltese Senior Citizens Association of South Australia Incorporated.

The application has been set down for callover on 21 August 2009 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the callover date (viz: 14 August 2009).

The applicant's address for service is c/o Frank Grima, P.O. Box 174, Kilburn, S.A. 5084.

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 14 July 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 Tricia Pauline Westley has applied to the Licensing Authority for a Producer's Licence in respect of premises situated at 2 Adelaide Road, Victor Harbor, S.A. 5211 and to be known as the 19th Hole Cellar Door Wine Sales.

The application has been set down for callover on 21 August 2009 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the callover date (viz: 14 August 2009).

The applicant's address for service is c/o Westley Digiorgio Solicitors, P.O. Box 1265, Naracoorte, S.A. 5271 (Attention: Peter Westley).

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 16 July 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 Sennco Pty Ltd as trustee for Najar Family Trust has applied to the Licensing Authority for a Special Circumstances Licence in respect of premises situated at 349 Magill Road, St Morris, S.A. 5068 and to be known as Viva Sustainable Food.

The application has been set down for callover on 21 August 2009 at 9 a.m.

Conditions

The following licence conditions are sought:

- The primary use of the premises is a retail outlet, with a function space to be used for casual eating and functions on a semi-regular basis.
- To sell sustainably produced, certified organic, bio-dynamic, low preservative, chemical free and speciality small production liquor comprising beer, wine and spirits.
- For consumption on the premises in the designated function room, on any day between 7 a.m. to 11 p.m. except Christmas Day and Good Friday.
- For consumption off the premises on any day between 7 a.m. and 9 p.m. except Christmas Day and Good Friday.
- Food will be available at all times when liquor is consumed on the premises.
- Functions include sit down dinners and stand up drinks/nibbles functions.
- Maximum capacity in the function room is 100 persons.
- All functions are for invited patrons only and are not open to the general public.
- No rubbish will be moved outside or made available for collection between the hours of 11 p.m. and 7 a.m. of the following morning.
- Noise from the premises shall be kept to a minimum.

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 callover date (viz: 14 August 2009).

The applicant's address for service is c/o Caralyn Lammas, 349 Magill Road, St Morris, S.A. 5068.

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 16 July 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 Hesketh Wine Company Pty Ltd as trustee for the JFDI Nominees Trust has applied to the Licensing Authority for a Wholesale Liquor Merchant's Licence in respect of premises situated at 6 Blairgowrie Road, St Georges, S.A. 5064 and to be known as Hesketh Wine Company.

The application has been set down for callover on 21 August 2009 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the callover date (viz: 14 August 2009).

The applicant's address for service is c/o David Watts and Associates, 1 Cator Street, Glenside, S.A. 5065.

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

Dated 17 July 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 Truevision Enterprises Pty Ltd as trustee for Wellington Hatch Trust has applied to the Licensing Authority for the transfer of a Hotel Licence in respect of premises situated at 1 Hallett Street, Tarlee, S.A. 5411 and known as Sir James Fergusson Hotel.

The application has been set down for hearing on 24 August 2009 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: 17 August 2009).

The applicant's address for service is c/o Clelands Solicitors, 208 Carrington Street, Adelaide, S.A. 5000 (Attention: Rinaldo D'Aloia).

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 15 July 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 Cyprus Community of SA Inc. has applied to the Licensing Authority for the transfer of a Special Circumstances Licence in respect of premises situated at 8 Barpowell Road, Welland, S.A. 5007, known as Riverbanks Function Centre and to be known as Cyprus Community.

The application has been set down for hearing on 24 August 2009 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: 17 August 2009).

The applicant's address for service is c/o Chris Ioannou, 25 Cross Street, Queenstown, S.A. 5014.

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 15 July 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 Bronte Elizabeth Symonds and Jake Bryan Symonds have applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at the corner of Edith and Blanche Street, Edithburgh, S.A. 5583 and known as The Location at the Burgh.

The application has been set down for hearing on 24 August 2009 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicants at the applicants' address, at least seven days before the hearing date (viz: 17 August 2009).

The applicants' address for service is c/o Jeff Stevens and Associates, Level 1/86 Pirie Street, Adelaide, S.A. 5000.

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

Dated 15 July 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 Hind Pty Ltd as trustee for the Hind Unit Trust has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 24 Saltfleet Street, Port Noarlunga, S.A. 5167, known as Spice Bar and to be known as Harvest of India.

The application has been set down for hearing on 24 August 2009 at 10 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: 17 August 2009).

The applicant's address for service is c/o Richard Leuthra, 91 O'Connell Street, North Adelaide, S.A. 5006.

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 16 July 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 Distill Pty Ltd as trustee for the Distill Unit Trust, 5/4A Chief Street, Hindmarsh, S.A. 5007, has applied to the Licensing Authority for a Direct Sales Licence in respect of business to be known as Vinteloper Wines.

The application has been set down for callover on 28 August 2009 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the callover date (viz: 21 August 2009).

The applicant's address for service is c/o David Bowley, P.O. Box 2601, Kent Town, S.A. 5071.

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

Dated 20 July 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: Marmota Energy Limited

Location: Lake Frome area—Approximately 145 km north-north-west of Olary.

Pastoral Lease: Lakeside

Term: 1 year

Area in km²: 24

Ref.: 2009/00075

Plan and co-ordinates can be found on the PIRSA website: 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: Marmota Energy Limited

Location: Lake Frome area—Approximately 155 km east of Leigh Creek.

Pastoral Lease: Lakeside

Term: 1 year

Area in km²: 316

Ref.: 2009/00096

Plan and co-ordinates can be found on the PIRSA website: 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 35A (1) of the Mining Act 1971, that an application for mining leases over the undermentioned mineral claim has been received. Details of the proposal may be inspected at the Department of Primary Industries and Resources, Mineral Resources Group, Level 7, 101 Grenfell Street, Adelaide, S.A. 5000:

Applicant: Mark Hardy

Claim Number: 3811

Location: Allotment 3 in Deposited Plan 67579, Hundred of Menzies—Approximately 10 km north-west of Kingscote, Kangaroo Island.

Area: 13.2 hectares

Purpose: For the recovery of limestone

Reference: T02668

A copy of the proposal has been provided to the District Council of Kangaroo Island.

Written submissions in relation to the granting of mining leases are invited to be received at the Department of Primary Industries and Resources, Mineral Resources Group, Level 7, 101 Grenfell Street, Adelaide, S.A. 5000 or G.P.O. Box 1671, Adelaide, S.A. 5001 no later than 6 August 2009.

Copies of all submissions will be forwarded to the applicant and may be made available for public inspection unless confidentiality is requested.

J. MARTIN, Acting Mining Registrar

MINING ACT 1971

NOTICE is hereby given in accordance with section 35A (1) of the Mining Act 1971, that an application for a mining lease over the undermentioned mineral claim has been received. Details of the proposal may be inspected at the Department of Primary Industries and Resources, Mineral Resources Group, Level 7, 101 Grenfell Street, Adelaide, S.A. 5000:

Applicant: Ian Hoffman

Claim Number: 4130

Location: Section 117, Hundred of Minnipa—Approximately 5 km north of Minnipa.

Area: 1.98 hectares

Purpose: For the recovery of extractive minerals (granite)

Reference: T02754

A copy of the proposal has been provided to the Wudinna District Council.

Written submissions in relation to the granting of the mining lease are invited to be received at the Department of Primary Industries and Resources, Mineral Resources Group, Level 7, 101 Grenfell Street, Adelaide, S.A. 5000 or G.P.O. Box 1671, Adelaide, S.A. 5001 no later than 20 August 2009.

Copies of all submissions will be forwarded to the applicant and may be made available for public inspection unless confidentiality is requested.

J. MARTIN, Acting Mining Registrar

MINING ACT 1971

NOTICE is hereby given in accordance with section 35A (1) of the Mining Act 1971, that an application for a mining lease over the undermentioned mineral claim has been received. Details of the proposal may be inspected at the Department of Primary Industries and Resources, Mineral Resources Group, Level 7, 101 Grenfell Street, Adelaide, S.A. 5000:

Applicant: Richard Kym Parker and Jennifer May Parker

Claim Number: 3786

Location: Allotment 3 in Deposited Plan 22825, Hundred of Dixon—Approximately 34 km north-east of Tumby Bay.

Area: 246.75 hectares

Purpose: For the recovery of extractive minerals (quartzite/sandstone)

Reference: T02658

A copy of the proposal has been provided to the District Council of Tumby Bay.

Written submissions in relation to the granting of the mining lease are invited to be received at the Department of Primary Industries and Resources, Mineral Resources Group, Level 7, 101 Grenfell Street, Adelaide, S.A. 5000 or G.P.O. Box 1671, Adelaide, S.A. 5001 no later than 20 August 2009.

Copies of all submissions will be forwarded to the applicant and may be made available for public inspection unless confidentiality is requested.

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 *Total Factor Productivity for Distribution Network Regulation* Rule proposal has been extended to **1 October 2010**.

Under section 95, NEMMCO (now AEMO) requested the *Cost Recovery for other services directions* Rule proposal (Project Ref. ERC0090). The proposal seeks to amend the methodology for recovering costs for directions issued by the AEMO for services other than energy and market ancillary services. Submissions must be received by **24 August 2009**.

Submissions on this proposal can be lodged online via the AEMC's website at 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

23 July 2009.

PETROLEUM ACT 2000

Suspension of Petroleum Exploration Licence—PEL 101

PURSUANT to section 90 of the Petroleum Act 2000, notice is hereby given that PEL 101 has been suspended under the provisions of the Petroleum Act 2000, from and including 26 June 2009 until 26 December 2009, pursuant to delegated powers dated 28 March 2002, *Gazetted* 11 April 2002, page 1573.

The expiry date of PEL 101 is now determined to be 22 January 2010.

Dated 15 July 2009.

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

PETROLEUM ACT 2000

*Suspension of Geothermal Exploration Licences—
GELs 241 and 242*

PURSUANT to section 90 of the Petroleum Act 2000, notice is hereby given that GELs 241 and 242 have been suspended under the provisions of the Petroleum Act 2000, from and including 7 July 2009 until 6 January 2010, pursuant to delegated powers.

The expiry date of GELs 241 and 242 is now determined to be 24 February 2013.

Dated 15 July 2009.

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

PETROLEUM ACT 2000

Cessation of Suspension and Surrender Geothermal Exploration Licences—GEL 157 and GEL 179

PURSUANT to section 90 of the Petroleum Act 2000, notice is hereby given that the suspension dated 24 October 2008, of the abovementioned Exploration Licences has been ceased under the provisions of the Petroleum Act 2000, effective from 16 July 2009, pursuant to delegated powers dated 28 March 2002, *Gazetted* 11 April 2002, page 1573.

Notice is hereby given that pursuant to delegated powers I have also accepted surrender of the abovementioned Geothermal Exploration Licences, with effect from 16 July 2009.

No. of Licence	Licensee	Date of Surrender	Area in km ²	Reference
GEL 157	MNGI Pty Ltd	16 July 2009	496	27/02/262
GEL 179	MNGI Pty Ltd	16 July 2009	500	27/02/302

Description of Area—GEL 157

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

Commencing at a point being the intersection on latitude 29°36'00"S GDA94 and longitude 139°41'00"E GDA94, thence east to longitude 139°43'00"E GDA94, north to latitude 29°34'00"S GDA94, east to longitude 139°47'00"E GDA94, north to latitude 29°33'00"S GDA94, east to longitude 139°52'00"E GDA94, north to latitude 29°32'00"S GDA94, east to the western boundary of Strzelecki Regional Reserve, thence generally southerly along the boundary of the said Regional Reserve and the western boundary of Lake Callabonna Fossil Reserve (*G.G. 5.12.1901*) to latitude 29°42'00"S GDA94, west to longitude 139°42'00"E GDA94, north to latitude 29°41'00"S GDA94, west to longitude 139°41'00"E GDA94 and north to the point of commencement.

Area: 496 km² approximately.

Description of Area—GEL 179

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

Commencing at a point being the intersection of latitude 29°31'00"S GDA94 and longitude 139°52'00"E GDA94, thence east to longitude 140°10'00"E GDA94, south to latitude 29°35'00"S GDA94, east to longitude 140°18'00"E GDA94, south to latitude 29°40'00"S GDA94, west to longitude 140°16'00"E GDA94, south to latitude 29°41'00"S GDA94, west to longitude 140°12'00"E GDA94, south to latitude 29°42'00"S GDA94, west to the western boundary of Lake Callabonna Fossil Reserve, thence generally north-easterly along the boundary of the said Reserve to latitude 29°32'00"S GDA94, west to longitude 139°52'00"E GDA94 and north to point of commencement.

Area: 500 km² approximately.

Dated 16 July 2009.

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

PETROLEUM ACT 2000

Grant of Petroleum Exploration Licence—PEL 138

NOTICE is hereby given that the undermentioned Petroleum Exploration Licence has been granted under the provisions of the Petroleum Act 2000, pursuant to delegated powers.

No. of Licence	Licensees	Date of Expiry	Area in km ²	Reference
138	Dawnpark Holdings Pty Ltd Standard Oil Pty Ltd	15 July 2014	6 563	27/2/234

Description of Area—PEL 138

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

Commencing at a point being the intersection of latitude 26°54'34"S GDA94 and longitude 133°00'00"E GDA94, thence east to longitude 133°18'00"E GDA94, south to latitude 27°00'00"S GDA94, east to the eastern boundary of the Anangu Pitjantjatjara Lands, thence generally southerly and westerly along the boundary of the said Lands to longitude 133°00'00" AGD66, north to latitude 27°39'00"S AGD66, west to longitude 133°00'00"E GDA94 and north to the point of commencement.

Area: 6 563 km² approximately.

Dated 16 July 2009.

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

PETROLEUM ACT 2000

Application for a Pipeline Licence—PL 19

PURSUANT to section 65 (6) of the Petroleum Act 2000 (the Act) and Delegated powers, notice is hereby given that an application for the grant of a pipeline licence has been received from Adelaide Energy Limited.

General Description of Application

The Jacaranda Ridge #2 pipeline commences at the Jacaranda #2 well site and proceeds to the existing Redman #1 well site, where it connects into the existing flowline to transport gas to the Katnook Plant. The Jacaranda Ridge #2 pipeline is approximately 10 km long.

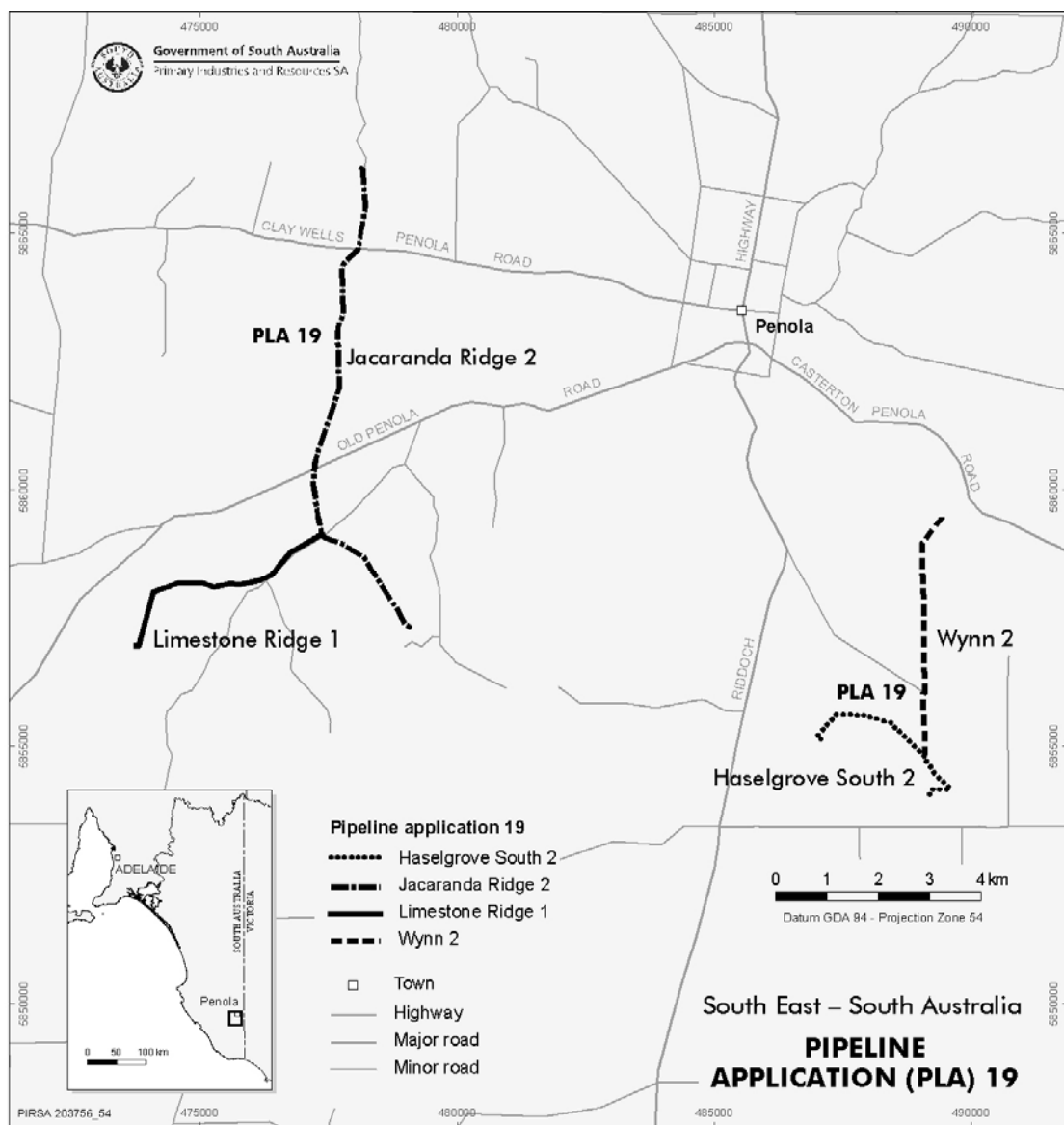
The Limestone Ridge #1 pipeline commences at the Limestone Ridge #1 well site and connects into the Jacaranda Ridge #2 pipeline to transport gas to the Katnook Plant. The Limestone Ridge #1 pipeline is approximately 4.8 km long.

The Haselgrove South #2 pipeline commences at the Haselgrove South #2 well site and concludes at the Haselgrove South #1 well site, where it connects into the existing flowline to transport gas to the Katnook Plant. The Haselgrove South #2 pipeline is approximately 4 km long.

The Wynn #2 pipeline commences at the Wynn #2 well site and travelling in a southward direction connects with the Haselgrove South #2 pipeline to transport gas to the Katnook Plant. The Wynn #2 pipeline is approximately 4.8 km long.

The total length of the proposed pipeline will cover a distance of approximately 23.6 km.

MAP OF PROPOSED PIPELINE ROUTE



Dated 20 July 2009.

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

PETROLEUM ACT 2000

Partial Surrender of Petroleum Production Licences

NOTICE is hereby given that pursuant to section 89 of the Petroleum Act 2000, I have accepted the partial surrender of the below-mentioned Petroleum Production Licence areas, pursuant to delegated powers dated 28 March 2002, *Gazetted* 11 April 2002, page 1573:

No of Licence	Licencees	Locality	Date of Surrender	Approx. Area surrendered in km ²	Reference
PPL 145	Delhi Petroleum Pty Ltd Origin Energy Resources Limited Vamgas Pty Ltd Santos (NARNL Cooper) Pty Ltd Bridge Oil Developments Pty Ltd Alliance Petroleum Aust Pty Ltd Basin Oil Pty Ltd Reef Oil Pty Ltd Santos Petroleum Pty Ltd Santos (BOL) Pty Ltd	Cooper Basin of South Australia	1.7.08	5.50	28/1/262
PPL 148			1.7.08	6.96	28/1/294
PPL 174			1.1.09	0.38	28/1/305
PPL 175			1.7.08	44.40	28/1/315
PPL 178			1.7.08	2.46	28/1/332
PPL 179			1.7.08	1.27	28/1/280
PPL 190			1.7.08	228.29	28/1/314
PPL 193			1.7.08	5.030	28/1/312
PPL 195			1.7.08	1.080	28/1/308
PPL 182			Santos Ltd Delhi Petroleum Pty Ltd Origin Energy Resources Ltd Vamgas Pty Ltd Santos (NARNL Cooper) Pty Ltd	Cooper Basin of South Australia	1.1.09
PPL 187	1.7.08	4.62			28/1/252
PPL 194	1.1.09	4.49			28/1/242

*Description of Licence Areas Remaining**PPL 145*

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

Commencing at a point being the intersection of latitude 28°25'00"S Clarke1858 and longitude 139°57'00"E AGD66, thence east to longitude 139°58'15"E AGD66, south to latitude 28°25'30"S GDA94, east to longitude 139°58'40"E GDA94, south to latitude 28°25'35"S GDA94, east to longitude 139°58'55"E GDA94, south to latitude 28°26'00"S GDA94, east to longitude 139°59'10"E GDA94, south to latitude 28°27'10"S GDA94, east to longitude 139°59'20"E GDA94, south to latitude 28°27'25"S AGD66, west to longitude 139°58'45"E AGD66, south to latitude 28°27'35"S AGD66, west to longitude 139°58'30"E AGD66, south to latitude 28°27'50"S AGD66, west to longitude 139°57'40"E GDA94, north to latitude 28°27'30"S GDA94, west to longitude 139°57'20"E AGD66, north to latitude 28°26'45"S AGD66, east to longitude 139°57'25"E AGD66, north to latitude 28°26'00"S AGD66, east to longitude 139°57'35"E AGD66, north to latitude 28°25'35"S AGD66, west to longitude 139°57'00"E AGD66 and north to point of commencement.

Area: 12.5 km² approximately.

PPL 148

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

Commencing at a point being the intersection of latitude 27°47'00"S GDA94 and longitude 139°46'45"E GDA94, thence east to longitude 139°46'50"E GDA94, south to latitude 27°47'05"S GDA94, east to longitude 139°46'55"E GDA94, south to latitude 27°47'13"S GDA94, east to longitude 139°47'00"E GDA94, south to latitude 27°47'40"S GDA94, west to longitude 139°46'55"E GDA94, south to latitude 27°47'48"S GDA94, west to longitude 139°46'50"E GDA94, south to latitude 27°47'50"S GDA94, west to longitude 139°46'30"E GDA94, south to latitude 27°47'52"S GDA94, west to longitude 139°46'25"E GDA94, south to latitude 27°47'55"S GDA94, west to longitude 139°46'20"E GDA94, north to latitude 27°47'52"S GDA94, west to longitude 139°46'15"E GDA94, north to latitude 27°47'47"S GDA94, west to longitude 139°46'10"E GDA94, north to latitude 27°47'28"S GDA94, east to longitude 139°46'20"E GDA94, north to latitude 27°47'25"S GDA94, east to longitude 139°46'25"E GDA94, north to latitude 27°47'20"S GDA94, east to longitude 139°46'30"E GDA94, north to latitude 27°47'17"S GDA94, east to longitude 139°46'35"E GDA94, north to latitude 27°47'10"S GDA94, east to longitude 139°46'40"E GDA94, north to latitude 27°47'05"S GDA94, east to longitude 139°46'45"E GDA94 and north to point of commencement.

Area: 1.44 km² approximately.

PPL 174

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

Commencing at a point being the intersection of latitude 27°39'30"S AGD66 and longitude 140°15'00"E AGD66, thence east to longitude 140°17'00"E AGD66, south to latitude 27°40'35"S GDA94, west to longitude 140°16'55"E GDA94, south to latitude 27°40'40"S GDA94, west to longitude 140°16'45"E GDA94, south to latitude 27°40'45"S GDA94, west to longitude 140°16'40"E GDA94, south to latitude 27°40'50"S GDA94, west to longitude 140°16'30"E GDA94, south to latitude 27°41'00"S AGD66, west to longitude 140°16'00"E Clarke1858, north to latitude 27°41'00"S Clarke1858, west to longitude 140°14'00"E Clarke1858, south to latitude 27°41'40"S AGD66, west to longitude 140°13'20"E AGD66, north to latitude 27°40'50"S AGD66, east to longitude 140°13'40"E AGD66, north to latitude 27°40'40"S AGD66, east to longitude 140°14'00"E AGD66, north to latitude 27°40'30"S AGD66, east to longitude 140°14'10"E AGD66, north to latitude 27°40'10"S AGD66, east to longitude 140°14'30"E AGD66, north to latitude 27°40'00"S AGD66, east to longitude 140°15'00"E AGD66 and north to point of commencement.

Area: 12.92 km² approximately.

PPL 175

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

Commencing at a point being the intersection of latitude 28°13'50"S AGD66 and longitude 139°55'05"E GDA94, thence east to longitude 139°55'40"E GDA94, south to latitude 28°14'30"S AGD66, west to longitude 139°54'40"E AGD66, north to latitude 28°14'05"S GDA94, east to longitude 139°54'55"E GDA94, north to latitude 28°13'55"S GDA94, east to longitude 139°55'00"E GDA94, north to latitude 28°13'50"S GDA94, east to longitude 139°55'05"E GDA94 and north to point of commencement.

Area: 1.6 km² approximately.

PPL 178

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

Commencing at a point being the intersection of latitude 27°52'40"S AGD66c and longitude 140°04'40"E AGD66, thence east to longitude 140°05'45"E GDA94, south to latitude 27°53'00"S GDA94, west to longitude 140°05'40"E GDA94, south to latitude 27°54'00"S Clarke1858, west to longitude 140°03'30"E AGD66, north to latitude 27°53'40"S AGD66, east to longitude 140°03'40"E AGD66, north to latitude 27°53'30"S AGD66, east to longitude 140°04'00"E AGD66, north to latitude 27°53'20"S AGD66, east to longitude 140°04'10"E AGD66, north to latitude 27°53'10"S AGD66, east to longitude 140°04'20"E AGD66, north to latitude 27°53'00"S AGD66, east to longitude 140°04'30"E AGD66, north to latitude 27°52'50"S AGD66, east to longitude 140°04'40"E AGD66 and north to point of commencement.

Area: 6.34 km² approximately.

PPL 179

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

Commencing at a point being the intersection of latitude 28°22'40"S AGD66 and longitude 140°05'00"E AGD66, thence east to longitude 140°05'35"E GDA94, south to latitude 28°22'50"S AGD66, east to longitude 140°06'00"E AGD66, south to latitude 28°23'10"S AGD66, west to longitude 140°05'55"E AGD66, south to latitude 28°23'15"S AGD66, west to longitude 140°05'50"E AGD66, south to latitude 28°23'25"S AGD66, west to longitude 140°05'45"E GDA94, south to latitude 28°23'35"S GDA94, east to longitude 140°05'50"E GDA94, south to latitude 28°23'50"S GDA94, west to longitude 140°05'45"E GDA94, south to latitude 28°24'20"S AGD66, west to longitude 140°05'35"E AGD66, south to latitude 28°24'25"S AGD66, west to longitude 140°05'30"E AGD66, south to latitude 28°24'25"S GDA94, west to longitude 140°05'05"E GDA94, north to latitude 28°24'15"S GDA94, west to longitude 140°05'00"E GDA94, north to latitude 28°24'00"S GDA94, west to longitude 140°04'50"E AGD66, north to latitude 28°23'50"S AGD66, west to longitude 140°04'40"E AGD66, north to latitude 28°23'25"S GDA94, east to longitude 140°04'50"E GDA94, north to latitude 28°23'20"S GDA94, east to longitude 140°04'55"E GDA94, north to latitude 28°23'05"S GDA94, east to longitude 140°05'00"E GDA94, north to latitude 28°23'00"S GDA94, east to longitude 140°05'00"E AGD66 and north to point of commencement.

Area: 4.83 km² approximately.

PPL 190

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

Commencing at a point being the intersection of latitude 28°19'00"S Clarke1858 and longitude 140°13'40"E GDA94, thence east to longitude 140°15'10"E GDA94, south to latitude 28°19'15"S GDA94, west to longitude 140°15'00"E GDA94, south to latitude 28°19'35"S GDA94, west to longitude 140°14'40"E GDA94, south to latitude 28°19'45"S GDA94, west to longitude 140°14'20"E GDA94, south to latitude 28°19'50"S GDA94, west to longitude 140°14'05"E GDA94, south to latitude 28°19'55"S GDA94, west to longitude 140°13'25"E GDA94, north to latitude 28°19'05"S GDA94, east to longitude 140°13'40"E GDA94 and north to point of commencement.

Area: 4.31 km² approximately.

PPL 193

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

Commencing at a point being the intersection of latitude 27°33'50"S AGD66 and longitude 140°04'30"E AGD66, thence east to longitude 140°06'00"E Clarke1858, south to latitude 27°34'20"S AGD66, west to longitude 140°05'40"E AGD66, south to latitude 27°34'30"S AGD66, west to longitude 140°05'20"E AGD66, south to latitude 27°34'40"S AGD66, west to longitude 140°04'50"E AGD66, south to latitude 27°34'50"S AGD66, west to longitude 140°04'20"E AGD66, south to latitude 27°35'00"S AGD66, west to longitude 140°04'10"E AGD66, south to latitude 27°35'10"S AGD66, west to longitude 140°03'55"E GDA94, north to latitude 27°34'50"S GDA94, west to longitude 140°03'50"E GDA94, north to latitude 27°34'30"S GDA94, east to longitude 140°03'55"E GDA94, north to latitude 27°34'10"S AGD66, east to longitude 140°04'20"E AGD66, north to latitude 27°34'00"S AGD66, east to longitude 140°04'30"E AGD66 and north to point of commencement.

Area: 5.17 km² approximately.

PPL 195

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

Commencing at a point being the intersection of latitude 27°32'40"S AGD66 and longitude 140°23'20"E AGD66, thence east to longitude 140°23'40"E AGD66, south to latitude 27°32'50"S AGD66, east to longitude 140°24'00"E GDA94, south to latitude 27°32'55"S GDA94, east to longitude 140°24'00"E AGD66, south to latitude 27°33'20"S AGD66, west to longitude 140°23'50"E AGD66, south to latitude 27°33'35"S AGD66, west to longitude 140°23'45"E AGD66, south to latitude 27°33'50"S AGD66, west to longitude 140°23'40"E AGD66, south to latitude 27°33'55"S AGD66, west to longitude 140°23'35"E AGD66, south to latitude 27°34'00"S AGD66, west to longitude 140°23'30"E AGD66, south to latitude 27°34'10"S AGD66, west to longitude 140°23'25"E AGD66, south to latitude 27°34'20"S AGD66, west to longitude 140°23'20"E AGD66, south to latitude 27°34'25"S AGD66, west to longitude 140°23'15"E AGD66, south to latitude 27°34'30"S AGD66, west to longitude 140°23'10"E AGD66, south to latitude 27°34'35"S AGD66, west to longitude 140°23'05"E AGD66, south to latitude 27°34'40"S AGD66, west to longitude 140°23'00"E AGD66, south to latitude 27°34'50"S AGD66, west to longitude 140°22'50"E AGD66, south to latitude 27°34'55"S AGD66, west to longitude 140°22'35"E AGD66, south to latitude 27°35'00"S AGD66, west to longitude 140°22'30"E AGD66, south to latitude 27°35'05"S AGD66, west to longitude 140°22'25"E AGD66, south to latitude 27°35'10"S AGD66, west to longitude 140°22'15"E AGD66, north to latitude 27°34'50"S AGD66, east to longitude 140°22'20"E AGD66, north to latitude 27°34'45"S AGD66, east to

longitude 140°22'25"E AGD66, north to latitude 27°34'40"S AGD66, east to longitude 140°22'30"E AGD66, north to latitude 27°33'35"S AGD66, east to longitude 140°22'40"E AGD66, north to latitude 27°33'20"S AGD66, east to longitude 140°22'50"E AGD66, north to latitude 27°33'05"S AGD66, east to longitude 140°23'00"E AGD66, north to latitude 27°32'55"S AGD66, east to longitude 140°23'10"E AGD66, north to latitude 27°32'45"S AGD66, east to longitude 140°23'20"E AGD66 and north to point of commencement.

Area: 6.52 km² approximately.

PPL 182

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

Commencing at a point being the intersection of latitude 26°48'26"S GDA94 and longitude 140°50'41"E GDA94, thence east to longitude 140°50'54"E GDA94, south to latitude 26°48'30"S AGD66, east to longitude 140°50'55"E AGD66, south to latitude 26°48'40"S AGD66, east to longitude 140°51'01"E GDA94, south to latitude 26°48'43"S GDA94, west to longitude 140°51'00"E GDA94, south to latitude 26°48'50"S GDA94, west to longitude 140°50'58"E GDA94, south to latitude 26°48'52"S GDA94, west to longitude 140°50'55"E GDA94, south to latitude 26°48'54"S GDA94, east to longitude 140°50'57"E GDA94, south to latitude 26°48'56"S GDA94, east to longitude 140°50'59"E GDA94, south to latitude 26°48'58"S GDA94, east to longitude 140°51'00"E GDA94, south to latitude 26°49'01"S GDA94, west to longitude 140°50'54"E GDA94, north to latitude 26°48'56"S GDA94, west to longitude 140°50'48"E GDA94, south to latitude 26°49'02"S GDA94, west to longitude 140°50'38"E GDA94, north to latitude 26°49'00"S GDA94, west to longitude 140°50'36"E GDA94, north to latitude 26°48'57"S GDA94, west to longitude 140°50'34"E GDA94, south to latitude 26°48'55"S GDA94, west to longitude 140°50'32"E GDA94, north to latitude 26°48'53"S GDA94, west to longitude 140°50'30"E GDA94, north to latitude 26°48'40"S GDA94, east to longitude 140°50'32"E GDA94, north to latitude 26°48'37"S GDA94, east to longitude 140°50'34"E GDA94, north to latitude 26°48'35"S GDA94, east to longitude 140°50'38"E GDA94, north to latitude 26°48'32"S GDA94, east to longitude 140°50'39"E GDA94, north to latitude 26°48'29"S GDA94, east to longitude 140°50'41"E GDA94 and north to the point of commencement.

Area: 0.75 km² approximately.

PPL 187

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

Commencing at a point being the intersection of latitude 27°20'00"S AGD66 and longitude 140°23'10"E AGD66, thence east to longitude 140°24'00"E GDA94, south to latitude 27°20'00"S GDA94, east to longitude 140°24'25"E GDA94, south to latitude 27°20'10"S GDA94, east to longitude 140°24'40"E GDA94, south to latitude 27°21'05"S GDA94, west to longitude 140°24'35"E GDA94, south to latitude 27°21'30"S GDA94, west to longitude 140°24'25"E GDA94, south to latitude 27°21'45"S GDA94, west to longitude 140°24'10"E GDA94, south to latitude 27°21'55"S GDA94, west to longitude 140°24'00"E GDA94, south to latitude 27°22'05"S GDA94, west to longitude 140°23'50"E GDA94, south to latitude 27°22'15"S GDA94, west to longitude 140°22'40"E GDA94, south to latitude 27°22'30"S AGD66, west to longitude 140°22'10"E AGD66, north to latitude 27°21'40"S GDA94, east to longitude 140°22'30"E GDA94, north to latitude 27°21'15"S GDA94, east to longitude 140°22'45"E GDA94, north to latitude 27°21'00"S GDA94, east to longitude 140°22'55"E GDA94, north to latitude 27°20'45"S GDA94, east to longitude 140°23'05"E GDA94, north to latitude 27°20'30"S GDA94, east to longitude 140°23'10"E AGD66 and north to point of commencement.

Area: 12.2 km² approximately.

PPL 194

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

Commencing at a point being the intersection of latitude 27°14'07"S GDA94 and longitude 140°57'13"E GDA94, thence east to longitude 140°57'23"E GDA94, south to latitude 27°14'10"S GDA94, east to longitude 140°57'31"E GDA94, south to latitude 27°14'13"S GDA94, east to longitude 140°57'40"E GDA94, south to latitude 27°14'26"S GDA94, east to longitude 140°57'43"E GDA94, south to latitude 27°14'36"S GDA94, west to longitude 140°57'37"E GDA94, north to latitude 27°14'30"S GDA94, west to longitude 140°57'20"E GDA94, south to latitude 27°14'35"S GDA94, west to longitude 140°57'05"E GDA94, south to latitude 27°14'40"S GDA94, west to longitude 140°57'00"E GDA94, south to latitude 27°14'43"S GDA94, west to longitude 140°56'40"E GDA94, south to latitude 27°14'45"S GDA94, west to longitude 140°56'10"E AGD66, north to latitude 27°14'30"S GDA94, east to longitude 140°56'23"E GDA94, north to latitude 27°14'23"S GDA94, east to longitude 140°56'25"E GDA94, north to latitude 27°14'20"S GDA94, east to longitude 140°56'28"E GDA94, north to latitude 27°14'17"S GDA94, east to longitude 140°56'44"E GDA94, south to latitude 27°14'35"S GDA94, east to longitude 140°56'53"E GDA94, north to latitude 27°14'22"S GDA94, east to longitude 140°56'56"E GDA94, north to latitude 27°14'12"S GDA94, east to longitude 140°57'10"E GDA94, north to latitude 27°14'10"S GDA94, east to longitude 140°57'13"E GDA94 and north to the point of commencement.

Area: 1.61 km² approximately.

Dated 21 July 2009.

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

ROADS (OPENING AND CLOSING) ACT 1991:
SECTION 24**NOTICE OF CONFIRMATION OF ROAD
PROCESS ORDER***Road Closure, Oakbank*

BY Road Process Order made on 5 June 2009, the Adelaide Hills Council ordered that:

1. The whole of the unnamed public road situate adjacent to Downers Road and dividing allotment 4 in Filed Plan 8823 from section 4091, Hundred of Onkaparinga, more particularly delineated and lettered 'A' in Preliminary Plan No. 08/0095 be closed.

2. The whole of the land subject to closure be transferred to Bendarra (Management) Pty Ltd in accordance with agreement for transfer dated 3 October 2008 entered into between the Adelaide Hills Council and Bendarra (Management) Pty Ltd.

On 15 July 2009 that order was confirmed by the Minister for Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 81364 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 23 July 2009.

P. M. KENTISH, Surveyor-General

ROADS (OPENING AND CLOSING) ACT 1991:
SECTION 24**NOTICE OF CONFIRMATION OF ROAD
PROCESS ORDER***Booleroo-Jamestown Road and Tarcowie Road
Appila*

BY Road Process Order made on 21 April 2009, The District Council of Mount Remarkable ordered that:

1. Portions of sections 178 and 179, Hundred of Appila, more particularly delineated and numbered '1' and '2' in the Preliminary Plan No. 08/0083 be opened as road, forming a widening of the intersection of Booleroo-Jamestown Road, Tarcowie Road and Appila-Laura Road.

2. The whole of the unnamed public road between Booleroo-Jamestown Road and Tarcowie Road adjoining the northern boundaries of sections 178 and 179, Hundred of Appila, more particularly lettered 'A' and 'B' in the Preliminary Plan No. 08/0083 be closed.

3. The whole of the land subject to closure be transferred to Kenneth John Burroughs and Joanne Burroughs in accordance with agreement for exchange dated 20 November 2008 entered into between The District Council of Mount Remarkable and K. J. and J. Burroughs

On 3 July 2009 that order was confirmed by the Minister for Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 80787 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 23 July 2009.

P. M. KENTISH, Surveyor-General

SUPPORTED RESIDENTIAL FACILITIES ACT 1992,
SECTION 4 (3) (b): EXEMPTION BY THE MINISTER*Preamble*

Section 4 (3) of the Supported Residential Facilities Act 1992, allows the Minister to whom the administration of that Act is committed to confer exemptions from that Act in relation to specified classes of facilities.

NOTICE

PURSUANT to section 4 (3) (b) of the Supported Residential Facilities Act 1992, I exempt from the Supported Residential Facilities Act 1992, Recovery Support Incorporated accommodation located at 19 Carroll Avenue, Kilburn, on the condition that the following requirements are complied with:

That Recovery Support Incorporated:

- (a) continues to manage the accommodation located at 19 Carroll Avenue, Kilburn;
- (b) has an executed Master Agreement with Disability SA;
- (c) provides services in accordance with the terms of that Master Agreement;
- (d) be an approved Disability SA, Disability Support Services Provider; and
- (e) provide accommodation for people with a Client Services Agreement with Disability SA.

I declare that this exemption will come into operation on the date of its *Gazetta*.

Dated 17 July 2009.

JENNIFER RANKINE, Minister for Families
and Communities

NOTICE TO MARINERS

NO. 37 OF 2009

*South Australia—Thevenard—Daphne Rock—Navigation
Structure Washed Away*

FOLLOWING recent adverse weather conditions, the structure mounted on top of Daphne Rock in position latitude 32°09.544'S, longitude 133°38.478'E, has broken and is washed away.

Weather permitting, a new structure will be installed in due course. Mariners are advised to exercise extreme caution when navigating in the area.

Charts affected: Aus 120.

Publication affected: Australia Pilot, Volume 1 (Seventh Edition 2008), page 346.

Adelaide, 17 July 2009.

PATRICK CONLON, Minister for Transport

DTEI 2009/00683

WATER MAINS AND SEWERS

Office of the South Australian Water Corporation
Adelaide, 23 July 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

CITY OF BURNSIDE

In and across Sturdee Street, Linden Park. p9
Warrego Crescent, Linden Park. p9
Austral Avenue, Linden Park. p9

CITY OF CHARLES STURT

Across Torrens Road, Pennington and Cheltenham. p1
In and across Stroud Street North, Cheltenham. p1
Gawler Avenue, West Hindmarsh. p10

CITY OF MARION

Pildappa Avenue, Park Holme. p6

CITY OF NORWOOD PAYNEHAM AND ST PETERS
Seventh Avenue, St Peters. p2

CITY OF ONKAPARINGA
Gulf Parade, Maslin Beach. p7

CITY OF PORT ADELAIDE ENFIELD
South Road, Angle Park. p3
In and across Grant Avenue, Gilles Plains. p4

CITY OF UNLEY
In and across Park Street, Hyde Park. p5
Clarence Street, Hyde Park. p5
Russell Street, Hyde Park. p5

ENCOUNTER BAY COUNTRY LANDS WATER DISTRICT

ALEXANDRINA COUNCIL
Airport Road, Middleton. p16

PORT GERMEIN WATER DISTRICT

DISTRICT COUNCIL OF MOUNT REMARKABLE
Seventh Street, Port Germein. p11

TANUNDA WATER DISTRICT

THE BAROSSA COUNCIL
Across Magnolia Street, Tanunda. p15
Easements in lot 25 in LTRO DP 64224, Magnolia Street, Tanunda. p15
Across Menge Road, Tanunda. p15

WILLIAMSTOWN WATER DISTRICT

THE BAROSSA COUNCIL
Grovermann Street, Williamstown. p8

WATER MAINS ABANDONED

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

ADELAIDE WATER DISTRICT

CITY OF BURNSIDE
In and across Sturdee Street, Linden Park. p9
Warrego Crescent, Linden Park. p9
Austral Avenue, Linden Park. p9

CITY OF CHARLES STURT
Across Torrens Road, Pennington and Cheltenham. p1
In and across Stroud Street North, Cheltenham. p1
Clare Street, Athol Park. p12
Easement in lot 500 in LTRO DP 78959, Clare Street, Athol Park. p12

CITY OF MARION
Pildappa Avenue, Park Holme. p6

CITY OF NORWOOD PAYNEHAM AND ST PETERS
Seventh Avenue, St Peters. p2

CITY OF PORT ADELAIDE ENFIELD
South Road, Angle Park. p3
In and across Grant Avenue, Gilles Plains. p4

CITY OF UNLEY
In and across Park Street, Hyde Park. p5
Clarence Street, Hyde Park. p5
Russell Street, Hyde Park. p5

ENCOUNTER BAY COUNTRY LANDS WATER DISTRICT

ALEXANDRINA COUNCIL
Airport Road, Middleton. p16

PORT GERMEIN WATER DISTRICT

DISTRICT COUNCIL OF MOUNT REMARKABLE
Seventh Street, Port Germein. p11

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.

TOD RIVER COUNTRY LANDS WATER DISTRICT

DISTRICT COUNCIL OF TUMBY BAY
Lincoln Highway, Tumby Bay. This main is available for 5 litres per minute connection by agreement only. p13
Bawdens Road, Tumby Bay. This main is available for 5 litres per minute connection by agreement only. p13

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 ONKAPARINGA
Lancewood Place, Huntfield Heights. FB 1184 p42-44
Across and in Yeltana Avenue, Huntfield Heights. FB 1184 p42-44
Easements in lot 215 in LTRO DP 77594, Yeltana Avenue and lot 221 in LTRO DP 77594, Goodenia Close, Huntfield Heights. FB 1184 p42-44
Easement in lot 301 in LTRO DP 77594, Yeltana Avenue, Huntfield Heights. FB 1184 p42-44
In and across Auldstone Place, Huntfield Heights. FB 1184 p42-44
In and across Goodenia Close, Huntfield Heights. FB 1184 p42, 43 and 45
Easement in lots 240 and 239 in LTRO DP 77594, Auldstone Place, Huntfield Heights. FB 1184 p42-44
Easements in lot 257 in LTRO DP 77594, Yeltana Avenue and lots 254-252 in LTRO DP 77594, Auldstone Place, Huntfield Heights. FB 1184 p42-44
Easement in lots 205 and 206 in LTRO DP 77594, Lancewood Place, Huntfield Heights. FB 1184 p42, 43 and 45
In and across Auldstone Place, Huntfield Heights. FB 1184 p46-48
Woodrose Court, Huntfield Heights. FB 1184 p46, 47 and 49
Easements in lots 234-231 in LTRO DP 77594, Auldstone Place, Huntfield Heights. FB 1184 p46, 47 and 49
Easement in lots 252-249 in LTRO DP 77594, Auldstone Place, Huntfield Heights. FB 1184 p46-48
Yeltana Avenue, Huntfield Heights. FB 1184 p46-48
Grey Box Avenue, Noarlunga Centre. FB 1184 p52, 53 and 55
Easements in lot 3 in LTRO DP 73499, Goldsmith Drive, Noarlunga Centre. FB 1184 p52-55

CITY OF PLAYFORD
Easement in lot 1004 in LTRO DP 76859, Petheron Road, Andrews Farm. FB 1184 p36, 37 and 39
In and across East Parkway, Andrews Farm. FB 1184 p36-39
Griffin Drive, Andrews Farm. FB 1184 p36-39

In and across Saint Lawrence Avenue, Andrews Farm. FB 1184 p36, 38 and 40

Easements in lot 1052 in LTRO DP 80758, Mendota Avenue, Andrews Farm. FB 1184 p36, 38 and 40

In and across Jindabyne Street, Andrews Farm. FB 1184 p36, 38 and 40

Saint Germain Avenue, Andrews Farm. FB 1184 p36, 38, 40 and 41

Meretta Lane, Andrews Farm. FB 1184 p36, 38 and 40

Kerang Street, Andrews Farm. FB 1184 p36, 38 and 40

Across Lakeland Road, Munno Para West. FB 1184 p50 and 51

Easements in lot 4 in LTRO DP 67541, Lakeland Road, Munno Para West. FB 1184 p50 and 51

CITY OF SALISBURY

Easements in reserves (lot 61 in LTRO DP 36381 and lot 202 in LTRO DP 76303), Saint Alfred Drive, and lot 1023 in LTRO DP

79214, Lake Street, Parafield Gardens. FB 1184 p56-58

Across and in Lake Street, Parafield Gardens. FB 1184 p56-58

Brooke Street, Parafield Gardens. FB 1184 p56-58

Wood Street, Parafield Gardens. FB 1184 p56, 57 and 59

ALDINGA DRAINAGE AREA

CITY OF ONKAPARINGA

Easement in lot 941 in LTRO DP 79384, Lacy Coral Avenue, Aldinga Beach. FB 1184 p30-32

Across and in Lacy Coral Avenue, Aldinga Beach. FB 1184 p30-32

Coast Lane, Aldinga Beach. FB 1184 p30-32

Coast Lane, Aldinga Beach. FB 1184 p33-35

Across and in Seagull Street, Aldinga Beach. FB 1184 p33-35

Lichen Walk, Aldinga Beach. FB 1184 p33-35

Across and in Dover Street, Aldinga Beach. FB 1184 p33-35

MOUNT GAMBIER COUNTRY DRAINAGE AREA

CITY OF MOUNT GAMBIER

Across and in John Powell Drive, Mount Gambier. FB 1163 p55 and 56

Cottage Grove Court, Mount Gambier. FB 1163 p55 and 56

Easement in lot 1020 in LTRO DP 78626, John Powell Drive, Mount Gambier. FB 1163 p55 and 56

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

CITY OF ONKAPARINGA

Across Goldsmith Drive, Noarlunga Centre. FB 1184 p52-54

Easements in lot 3 in LTRO DP 73499, Goldsmith Drive, Noarlunga Centre. FB 1184 p52-54

CORRECTION

Correction to notices in "*Government Gazette*" of 9 July 2009

"ADELAIDE DRAINAGE AREA"

"CITY OF WEST TORRENS"

"James Congdon Drive, Mile End. FB 1184 p1 and 2"

"VICTOR HARBOR COUNTRY DRAINAGE AREA"

"ALEXANDRIA COUNCIL"

"In and across Port Elliot Road, Hayborough. FB 1184 p5"

"Easements in lot 731 in LTRO FP 165980 and lot 730 in LTRO FP 165979, Fourth Avenue and lot 312 in LTRO DP 3207, Albatross Avenue, Hayborough. FB 1184 p5"

"CITY OF VICTOR HARBOR"

"Beaumont Street, McCracken. FB 1184 p3"

"Easement in lots 170 and 169 in LTRO DP 6092, Cakebread Road, Encounter Bay. FB 1184 p4"

For "FB 1184" read "FB 1185"

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

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
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South Australia

Southern State Superannuation Act (Commencement) Proclamation 2009

1—Short title

This proclamation may be cited as the *Southern State Superannuation Act (Commencement) Proclamation 2009*.

2—Commencement of Act

The *Southern State Superannuation Act 2009* (No 27 of 2009) will come into operation on 1 August 2009.

Made by the Governor

with the advice and consent of the Executive Council
on 23 July 2009

T&F07/027CS

South Australia

Administrative Arrangements (Administration of Southern State Superannuation Act) Proclamation 2009

under section 5 of the *Administrative Arrangements Act 1994*

1—Short title

This proclamation may be cited as the *Administrative Arrangements (Administration of Southern State Superannuation Act) Proclamation 2009*.

2—Commencement

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

3—Administration of Act committed to Treasurer

The administration of the *Southern State Superannuation Act 2009* is committed to the Treasurer.

Made by the Governor

with the advice and consent of the Executive Council
on 23 July 2009

T&F07/027CS

South Australia

Highways (Road Closure—Old Port Wakefield Road adjacent to CT 5439/680, Virginia) Proclamation 2009

under section 27AA of the *Highways Act 1926*

1—Short title

This proclamation may be cited as the *Highways (Road Closure—Old Port Wakefield Road adjacent to CT 5439/680, Virginia) Proclamation 2009*.

2—Commencement

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

3—Road closure

The portion of public road delineated as allotment 21 in approved Plan No FP 52193 lodged in the Lands Titles Registration Office is closed.

Made by the Governor

on the recommendation of the Commissioner of Highways and with the advice and consent of the Executive Council

on 23 July 2009

MTR09/062

South Australia

Highways (Road Closure—Old Port Wakefield Road adjacent to CT 5685/708, Virginia) Proclamation 2009

under section 27AA of the *Highways Act 1926*

1—Short title

This proclamation may be cited as the *Highways (Road Closure—Old Port Wakefield Road adjacent to CT 5685/708, Virginia) Proclamation 2009*.

2—Commencement

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

3—Road closure

The portion of public road delineated as allotment 20 in approved Plan No FP 52156 lodged in the Lands Titles Registration Office is closed.

Made by the Governor

on the recommendation of the Commissioner of Highways and with the advice and consent of the Executive Council

on 23 July 2009

MTR09/062

South Australia

Highways (Road Closure—Princes Highway, Stirling) Proclamation 2009

under section 27AA of the *Highways Act 1926*

1—Short title

This proclamation may be cited as the *Highways (Road Closure—Princes Highway, Stirling) Proclamation 2009*.

2—Commencement

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

3—Road closure

The portion of public road delineated as allotment 10 in approved Plan No FP 52629 lodged in the Lands Titles Registration Office is closed.

Made by the Governor

on the recommendation of the Commissioner of Highways and with the advice and consent of the Executive Council

on 23 July 2009

MTR09/061

South Australia

Marine Parks Variation Proclamation 2009

under section 10 of the *Marine Parks Act 2007*

Preamble

- 1 By proclamation made on 29 January 2009 (*Gazette 29.1.2009 p481*) certain marine parks were established and assigned names under the *Marine Parks Act 2007*.
 - 2 Following completion of a process under section 10(7) and (8) of the Act, it is now intended that that proclamation be varied so as to alter the boundaries of the following parks:
 - (a) Far West Coast Marine Park (area removed from park);
 - (b) Nuyts Archipelago Marine Park (areas added to and removed from park);
 - (c) Upper Spencer Gulf Marine Park (areas removed from park);
 - (d) Lower Yorke Peninsula Marine Park (areas removed from park);
 - (e) Upper Gulf St Vincent Marine Park (area removed from park);
 - (f) Upper South East Marine Park (areas added to and removed from park);
 - (g) Lower South East Marine Park (areas added to and removed from park).
-

Part 1—Preliminary

1—Short title

This proclamation may be cited as the *Marine Parks 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 *Marine Parks Proclamation 2009 (Gazette 29.1.2009 p481)*

4—Variation of Schedule 1—Marine parks

- (1) Schedule 1, table, item 1—delete "Rack Plan No 1913" and substitute:

Rack Plan No 936
- (2) Schedule 1, table, item 2—delete "Rack Plan No 1914" and substitute:

Rack Plan No 937

- (3) Schedule 1, table, item 10—delete "Rack Plan No 1922" and substitute:
Rack Plan No 938
- (4) Schedule 1, table, item 13—delete "Rack Plan No 1925" and substitute:
Rack Plan No 939
- (5) Schedule 1, table, item 14—delete "Rack Plan No 1926" and substitute:
Rack Plan No 940
- (6) Schedule 1, table, item 18—delete "Rack Plan No 1930" and substitute:
Rack Plan No 941
- (7) Schedule 1, table, item 19—delete "Rack Plan No 1931" and substitute:
Rack Plan No 942

Made by the Governor

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

on 23 July 2009

EHCS09/0018

South Australia

First Home Owner Grant Variation Regulations 2009

under the *First Home Owner Grant Act 2000*

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- 3 Variation provisions

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- 4 Insertion of regulation 7
 - 7 Disclosure of confidential information (section 41)
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *First Home Owner Grant 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 *First Home Owner Grant Regulations 2000*

4—Insertion of regulation 7

After regulation 6 insert:

7—Disclosure of confidential information (section 41)

Pursuant to section 41(3)(d) of the Act, protected information may be disclosed in connection with the administration or enforcement of the *First Home Saver Accounts Act 2008* of the Commonwealth.

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 23 July 2009

No 207 of 2009

T&F08/066CS

South Australia

Southern State Superannuation Regulations 2009

under the *Southern State Superannuation Act 2009*

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-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Southern State Superannuation Regulations 2009*.

2—Commencement

These regulations will come into operation on 1 August 2009.

3—Interpretation

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

Act means the *Southern State Superannuation Act 2009*;

approved form means a form approved by the Board;

basic invalidity/death insurance means invalidity/death insurance to which a member is entitled by virtue of his or her membership of the scheme;

basic invalidity/death insurance benefits means benefits payable in respect of basic invalidity/death insurance;

contributions means contributions made pursuant to section 20 of the Act;

deferred superannuation contributions surcharge in relation to a member means the amount that the member is liable to pay the Commissioner of Taxation under section 15(6) or (6AA) of the Superannuation Contributions Tax Act;

employee contribution account means the division of a member's contribution account to which employee contributions are being or have been credited pursuant to regulation 16(4);

employer contribution account means the division of a member's contribution account to which employer contributions are being or have been credited pursuant to regulation 16(2);

invalidity/death insurance benefits means basic or voluntary invalidity/death insurance benefits;

notional salary in relation to a member who is entitled to a disability pension means the salary that the member would be receiving if he or she had not become incapacitated and had continued in active employment in the same position and at the same grade as were applicable immediately before the commencement of his or her incapacity and, if the member was not then in full-time employment, the notional salary will be calculated on the basis of the member's average hours of employment (excluding overtime) over the period (not exceeding the last 3 years) of his or her employment;

preservation age has the same meaning as in Part 6 of the *Superannuation Industry (Supervision) Regulations 1994* of the Commonwealth under the SIS Act;

PSESS Scheme means the superannuation scheme known as the Public Sector Employees Superannuation Scheme established pursuant to a deed of arrangement dated 27 September 1989 between the Treasurer and the secretary of the United Trades and Labor Council;

retirement age means—

- (a) in the case of a member who is a police officer—the age of 50 years; and
- (b) in the case of any other member or a spouse member—the age of 55 years;

retrenchment in relation to a member means the termination of the member's employment by his or her employer for any reason except on account of—

- (a) invalidity in the circumstances referred to in regulation 58(11) or (12); or
- (b) the unsatisfactory performance by the member of his or her duties (including the member's failure to meet performance standards); or
- (c) the loss by the member of a qualification that is necessary for the proper performance of his or her duties; or
- (d) the member's bankruptcy or insolvency; or
- (e) the fact that the member has engaged in remunerative employment or an occupation or business outside the duties of his or her position; or
- (f) any other conduct that justifies termination of the member's employment;

SIS Act means the *Superannuation Industry (Supervision) Act 1993* of the Commonwealth;

special deposit account means a special deposit account established under section 8 of the *Public Finance and Audit Act 1987*;

Superannuation Contributions Tax Act means the *Superannuation Contributions Tax (Members of Constitutionally Protected Superannuation Funds) Assessment and Collection Act 1997* of the Commonwealth;

surcharge notice means a notice issued by the Commissioner of Taxation under section 15(7) of the *Superannuation Contributions Tax Act*;

visiting medical officer means a person appointed to a hospital incorporated under the *Health Care Act 2008* as a senior visiting medical specialist or a visiting medical specialist by the administrative unit of the public service that is primarily responsible for assisting a Minister in the administration of that Act;

voluntary invalidity/death insurance means invalidity/death insurance granted by the Board under Part 3 Division 2 Subdivision 2, Part 3 Division 3 or Part 3 Division 4;

voluntary invalidity/death insurance benefits means benefits payable in respect of voluntary invalidity/death insurance.

- (2) For the purposes of these regulations, an amount of money rolled over for payment into the Fund under the provisions of an Act that operate in conjunction with Part VIIIB of the *Family Law Act 1975* of the Commonwealth will, subject to these regulations, be taken to be money rolled over from a superannuation scheme to the Triple S scheme.

(3) If—

- (a) a person became a member of the scheme or made an election under a provision of the repealed Act (the *earlier provision*); and
- (b) a provision of these regulations corresponds to the earlier provision,

the person will be taken, for the purposes of these regulations, to be a member of the scheme by virtue of, or to have made an election under, (as the case may be) that corresponding provision.

Examples—

A person who became a member of the scheme under section 14(9) of the repealed Act will be taken to be a member of the scheme by virtue of regulation 9(5).

A person who made an election under section 15B(1) of the repealed Act will be taken to have made an election under regulation 12(1).

4—Police members

Pursuant to section 19(3)(b) of the Act, a *police member* of the scheme is a police officer or police cadet who is a member of the scheme other than by virtue of regulation 9(5) or (7).

5—Spouse members

Pursuant to section 19(3)(c) of the Act, a *spouse member* of the scheme is a person who becomes a spouse member of the scheme by virtue of regulation 24(1).

6—Matters relating to employment

- (1) A reference in these regulations to resignation from, or termination of, employment will be read subject to the qualification that resignation from a particular position so that the member can take up some other position in employment to which the Act applies, or so that he or she can take up employment in the same position but on a different basis, will be ignored unless there is an interval of more than 1 month between the time the resignation or termination of employment takes effect and the commencement of the new employment.
- (2) If a member is employed—
 - (a) pursuant to a contract for a fixed term; or
 - (b) pursuant to an arrangement of the kind referred to in subregulation (5); or
 - (c) on a temporary basis for a particular period or until the occurrence of a particular event,

and the employment is not renewed at the end of the term or period, the member's employment will be taken to have been terminated by retirement or resignation (depending on the member's age).

- (3) Despite subregulation (2), if—
 - (a) a member is employed pursuant to a contract for a fixed term; and
 - (b) the member is, within the period of 3 months after the end of the term of the contract, employed under a new contract for a fixed term in the same or similar employment,

the member will, for the purposes of the Act and these regulations, be taken to have remained in the relevant employment during the period between the end of the term of the first contract and the beginning of the term of the second contract.

- (4) Subject to subregulations (5) and (7), the following provisions apply for the purposes of these regulations to and in relation to a member who is employed on a casual basis pursuant to an arrangement under which he or she is to work for 9 or more hours each week or for periods that average, over a 3 month period, 9 or more hours each week:
- (a) subject to this subclause, the member will be taken to remain in employment for a period of 12 months after the last time that he or she performed work for the employer and accordingly—
 - (i) if the member is incapacitated during that 12 month period, he or she may be entitled to benefits under regulation 58 on account of invalidity if the Board is satisfied that the member's incapacity for all kinds of work is 60% or more of total incapacity and is likely to be permanent, and for that purpose—
 - (A) the member's employment will be taken to have been terminated on account of invalidity by the employer on the date of incapacity; and
 - (B) subregulations (11), (12) and (13) of regulation 58 will not apply; and
 - (C) the member must, within 2 years after the day on which he or she becomes incapacitated to the extent envisaged by this subparagraph, give written notice to the Board claiming that the member is entitled to benefits under regulation 58; and
 - (ii) if the member dies during that period his or her spouse or estate will be entitled to benefits under these regulations;
 - (b) at the expiration of that period of 12 months the member's employment will be taken to have been terminated (if not terminated by invalidity or death) by retirement or resignation (depending on the member's age).
- (5) Subregulation (4) does not apply where the member is employed pursuant to an arrangement under which the member is to work for 3 or more separate periods during a designated period or a period determined by the occurrence of a particular event.
- (6) The time limit of 2 years referred to in subregulation (4)(a)(i)(C) may not be extended under any circumstances.
- (7) A member may at any time reduce the period of 12 months referred to in subregulation (4) by notice in writing to the Board specifying the reduced period.

7—Employer contribution percentage

- (1) For the purposes of section 5(1) of the Act, the *employer contribution percentage* applicable in respect of a member (other than a member referred to in section 5(3) of the Act) is as follows:
- (a) in the case of a member whose conditions of employment are specified in a contract negotiated between the member and his or her employer and which includes an agreement between the member and the employer as to the value of the employer contribution percentage—the number representing that value;
 - (b) in the case of a person referred to in regulation 9(2) or (3)—the amount required to reduce the charge percentage under the Commonwealth Act in respect of the member to zero;

- (c) in the case of a visiting medical officer—a percentage determined by reference to and in accordance with the *Department of Health Visiting Medical Specialists Agreement 2006* (or its successor);
 - (d) in the case of a member referred to in regulation 9(8)—3%;
 - (e) in the case of a person who has elected to become a member under regulation 12(1) or 13(1), or is taken to have elected to become a member under regulation 13(1)—zero.
- (2) If a member and his or her employer enter into an agreement as to the value of the employer contribution percentage, the employing authority must give the Board written notice of the agreement.

Part 2—Membership, accounts and contributions

Division 1—Members

Subdivision 1—Membership

8—Purpose of Subdivision

Pursuant to section 19(3) of the Act, the purpose of this Subdivision is to make provision in relation to membership of the scheme.

9—Membership

- (1) Subject to subregulations (2), (3) and (8), the following persons are not members of the scheme:
- (a) a person employed pursuant to a fixed term contract that—
 - (i) requires the employer to provide for or contribute towards benefits for the employee in a scheme of superannuation other than the Triple S scheme; and
 - (ii) does not expressly state that the provision or contribution by the employer referred to in subparagraph (i) is in addition to the employee's membership of the Triple S scheme;
 - (b) a person employed by the Electoral Commissioner pursuant to section 12(2) of the *Electoral Act 1985* whose remuneration in respect of that employment does not exceed \$450 per month;
 - (c) a person who is a member of a Board or Committee that is an agency or instrumentality of the Crown and whose remuneration in respect of membership of the Board or Committee does not exceed \$450 per month;
 - (d) a person employed to do work of a non recurring nature or to do seasonal work and whose remuneration in respect of that employment does not exceed \$450 per month;
 - (e) a medical practitioner in respect of employment by a hospital incorporated under the *Health Care Act 2008* where the medical practitioner is paid on a "fee for service" basis.

- (2) A member of—
- (a) the State Scheme or of any other scheme established by or under an Act; or
 - (b) a scheme of superannuation established for the benefit of employees of an agency or instrumentality of the Crown,
- becomes a member of the Triple S scheme whenever an entitlement to benefits needs to accrue to the member under the Triple S scheme to satisfy the requirements of the Commonwealth Act.
- (3) If the employer contributions pursuant to a contract referred to in subregulation (1)(a) are not sufficient to reduce the charge percentage under the Commonwealth Act to zero, the employee is a member of the Triple S scheme.
- (4) A person who has made an election under regulation 10 is a member of the Triple S scheme.
- (5) A person who has made an election under regulation 12(1) or 13(1), or is taken to have made an election under regulation 13(1), is a member of the Triple S scheme.
- (6) If—
- (a) a person who is not a member of the Triple S scheme has an entitlement to a lump sum under Part 5 or under the provisions of an Act that correspond to that Part; and
 - (b) that entitlement is to be retained in the Fund, or rolled over for payment into the Fund (as the case may be),
- then that person becomes a member of the Triple S scheme by force of this subregulation.
- (7) If a co-contribution or benefit rolled over from another superannuation fund or scheme is paid to the Board for a person who is a member of the State Scheme or the Police Superannuation Scheme but not, at the time of the payment, a member of the Triple S scheme, the person becomes a member of the Triple S scheme by virtue of this subregulation when the payment is received by the Board.
- (8) The following persons are members of the Triple S scheme in order to provide them with superannuation benefits in place of benefits that would have accrued to them under the PSESS Scheme if that scheme had continued for their benefit after 30 June 1992:
- (a) PSS 1 members of the superannuation scheme established by the *Parliamentary Superannuation Act 1974* who are sitting members of the Legislative Council or the House of Assembly;
 - (b) members of a superannuation scheme established by a hospital incorporated under the *Health Care Act 2008*;

Exception—

This paragraph does not apply to former members of—

- (a) the Bordertown Memorial Hospital Incorporated Superannuation Fund; or
 - (b) the Kingston Soldiers' Memorial Hospital Incorporated Superannuation Fund; or
 - (c) the Mothers' and Babies' Health Association Superannuation Fund.
- (c) those members of the SAHC Visiting Medical Officers Superannuation Fund established by a trust deed dated 24 February 1983 who were appointed as visiting medical specialists on or before the commencement of paragraph (c) of regulation 11(1) of the revoked *Southern State Superannuation Regulations 1995*;

- (d) those members of the State Scheme referred to in clause 15(1)(c) of Schedule 1 of the *Superannuation Act 1988*;
- (e) an employee of the Adelaide Festival Centre Trust who is a member of a scheme of superannuation established for the benefit of the employee;
- (f) those contributors to the State Scheme who are employees of TransAdelaide and whose names appear in Schedule 1 of the *Superannuation (STA Employees) Regulations 2005* made under the *Superannuation Act 1988*;
- (g) those persons whose names appear in the Schedule to the *Superannuation (Lyell McEwin Employees) Regulations 1999*;
- (h) those persons whose names appear in Schedule 1 of the *Superannuation (Julia Farr Services Employees) Regulations 2003*.

10—Election by contributor to State Scheme

- (1) A contributor within the meaning of the *Superannuation Act 1988* may elect to become a member of the Southern State Superannuation Scheme if the employment on which his or her status as such a contributor is based has not terminated.
- (2) An election takes effect on a date fixed by the Board being a date occurring within 2 months after the election was made.
- (3) For the purposes of the *Superannuation Act 1988*, a contributor who has made an election under subregulation (1) will be taken—
 - (a) to have resigned from employment and to have preserved his or her accrued superannuation benefits (whether he or she has reached the age of 55 years or not); and
 - (b) not to reach the age of 55 years until he or she reaches that age and ceases to be employed in employment to which that Act applies.
- (4) An election under this regulation—
 - (a) must be made in writing to the Board; and
 - (b) may specify the rate (if any) at which the member elects to contribute to the scheme.

11—Contributors to State Scheme

- (1) This regulation applies to a contributor within the meaning of the *Superannuation Act 1988* who is a member of the Triple S scheme by virtue of regulation 9(2) if—
 - (a) he or she elects to make contributions to the Treasurer under regulation 17; or
 - (b) his or her employer pays an amount in respect of him or her to the Treasurer under section 21(2) of the Act.
- (2) For the purposes of the *Superannuation Act 1988*, a contributor to whom this regulation applies will be taken—
 - (a) to have resigned from employment and to have preserved his or her accrued superannuation benefits (whether he or she has reached the age of 55 years or not); and
 - (b) not to reach the age of 55 years until he or she reaches that age and ceases to be employed in employment to which the Act applies.

12—Salary sacrifice by members of certain schemes

- (1) A prescribed person may elect, by notice in writing to the Board, to become a member of the Triple S scheme in order to establish an entitlement to the employer component of benefits under Part 4 by sacrificing part of his or her salary in accordance with an agreement or arrangement that entitles the person to sacrifice all or part of his or her salary.
- (2) Subject to subregulation (3), if a person has elected to become a member of the Triple S scheme under subregulation (1), the employer must, within 7 days after salary is paid to the member, pay to the Treasurer an amount (or arrange for the payment within that period to the Treasurer of an amount) equivalent to the member's non-monetary salary that is allocated for the purpose of the employer component of benefits under Part 4 in accordance with the agreement or arrangement.
- (3) Subregulation (2) does not apply to, or in relation to, a member who is a contributor to the State Scheme during a period in which he or she is not an active contributor to that scheme except where the member is not an active contributor because of section 23(7) of the *Superannuation Act 1988*.
- (4) A person who has elected to become a member of the Triple S scheme under subregulation (1)—
 - (a) is not entitled to make contributions under section 20(1)(a) of the Act; and
 - (b) is entitled to the employer component of benefits under Part 4 but is not entitled to any other benefit under the Act or these regulations in his or her capacity as a member under this regulation other than any voluntary invalidity/death insurance taken out under Part 3 Division 2 Subdivision 2.
- (5) In this regulation—

prescribed person means—

 - (a) a person who is an active contributor to the State Scheme; or
 - (b) a person who—
 - (i) is employed by an incorporated hospital within the meaning of the *Health Care Act 2008*; and
 - (ii) is an active member of the Commonwealth Superannuation Scheme or the Public Sector Superannuation Scheme; or
 - (c) a Judge (within the meaning of the *Judges' Pensions Act 1971*).

13—Salary sacrifice by members of Police Superannuation Scheme

- (1) A police officer who is a contributor to the Police Superannuation Scheme may elect, by notice in writing to the Board, to become a member of the Triple S scheme in order to establish an entitlement to the employer component of benefits under Part 4 by sacrificing part of his or her salary in accordance with an agreement or arrangement that entitles the person to sacrifice all or part of his or her salary.
- (2) If a person has elected, or is taken to have elected, to become a member of the Triple S scheme under this regulation, the employer must, within 7 days after salary is paid to the member, pay to the Treasurer an amount (or arrange for the payment within that period to the Treasurer of an amount) equivalent to the member's non-monetary salary that is allocated for the purposes of the employer component of benefits under Part 4 in accordance with the agreement or arrangement.

- (3) A person who has elected, or is taken to have elected, to become a member of the Triple S scheme under subregulation (1) is entitled to—
- (a) payment, in accordance with Part 4, of the balance of each account maintained for the person by the Board as required by section 12 of the Act; and
 - (b) voluntary invalidity/death insurance taken out under Part 3 Division 2 Subdivision 2 (if any),

but is not entitled to make contributions under section 20(1)(a) of the Act and is not entitled to any other benefits under the Act or these regulations in his or her capacity as a member under this regulation.

14—Duration of membership

- (1) A person who fulfils the requirements for membership of the scheme under section 19 of the Act, or under this Division, remains a member of the scheme until benefits payable under the Act or these regulations to, on behalf of, or in respect of, the member have been paid even though the member may have subsequently ceased to fulfil the requirements for membership under this Division.
- (2) However, a member to whom benefits payable under the Act or these regulations have been paid under regulation 58(1)(b) because the member is suffering from a terminal illness remains a member of the scheme until the employment of the member terminates.
- (3) If a member becomes a member of a scheme of superannuation established for the benefit of the employees of an agency or instrumentality of the Crown, his or her membership of the Triple S scheme that is attributable to his or her employment by the agency or instrumentality is terminated and an amount equivalent to the balance standing to the credit of each account maintained by the Board in the name of the member is to be carried over to the other superannuation scheme.
- (4) If an employer contribution has not accrued to a member under the Act or the repealed Act for a period of 3 years or more because the member has been an active contributor during that period under the *Superannuation Act 1988*, an amount equivalent to the balance standing to the credit of the member's contribution account and the member's rollover account (if any) may be paid by the Treasurer to the credit of the member's rollover account under the *Superannuation Act 1988* and in that event the member ceases to be a member of the Triple S scheme.
- (5) However, if the Board is maintaining a co-contribution account on behalf of a member of the State Scheme because of co-contribution payments received in respect of that membership, the member does not cease to be a member of the Triple S scheme by virtue of the operation of subregulation (4).
- (6) If—
- (a) a person is a member of the scheme solely by virtue of being a member of the State Scheme in respect of whom a co-contribution has been paid to the Board; and
 - (b) the person becomes entitled to the payment of benefits under the *Superannuation Act 1988* and to the payment of the amount standing to the credit of the person's co-contribution account,

then the person ceases to be a member of the Triple S scheme on the payment of the balance of the co-contribution account.

- (7) If—
- (a) a person is a member of the scheme solely by virtue of being a member of the Police Superannuation Scheme—
 - (i) in respect of whom a co-contribution or a benefit rolled over from another fund or scheme has been paid to the Board; or
 - (ii) who has made an election, or is taken to have made an election, under regulation 13; and
 - (b) the person becomes entitled to the payment of benefits under the *Police Superannuation Act 1990* and Part 4 of these regulations,
- then the person ceases to be a member of the Triple S scheme on the payment of the balance of each account maintained by the Board in his or her name.

15—Members to whom section 21 does not apply

Pursuant to section 21(4)(b) of the Act, that section does not apply in relation to a person who is a member of the scheme by virtue of regulation 9(6).

Subdivision 2—Accounts

16—Contribution, co-contribution and rollover accounts

- (1) A contribution account maintained by the Board in the name of a member is to consist of—
 - (a) if contributions are being or have been made in relation to the member by the member's employer—an employer contribution account; and
 - (b) if the member is making or has made monetary contributions to the scheme—an employee contribution account.
- (2) A member's employer contribution account must be credited with—
 - (a) amounts that are equivalent to the amounts paid or payable by the member's employer to the Treasurer under section 21 of the Act in respect of salary paid to the member; and
 - (b) in the case of the employer contribution account of a member referred to in section 21(2) of the Act—amounts that are equivalent to the amounts paid or payable by, or on behalf of, the member's employer to the Treasurer under that subsection in respect of the member; and
 - (c) in the case of the employer contribution account of a person who has elected to become a member of the Triple S scheme under regulation 12 or 13, or is taken to have elected to become a member under regulation 13—amounts that are equivalent to the amounts paid or payable by, or on behalf of, the member's employer to the Treasurer under regulation 12(2) or 13(2) in respect of the member.
- (3) A member's employer contribution account must be debited with—
 - (a) in the case of a member other than a member referred to in paragraph (b)—
 - (i) an administrative charge to be fixed by the Board; and
 - (ii) the amount of the premium fixed by or under these regulations in respect of the basic invalidity/death insurance and the voluntary invalidity/death insurance (if any) for the member; and

- (iii) a disability pension premium which, subject to subregulation (12), will be an amount fixed by the Board; and
 - (b) in the case of a person who has elected to become a member of the Triple S scheme under regulation 12 or 13, or is taken to have elected to become a member under regulation 13—
 - (i) an administrative charge to be fixed by the Board; and
 - (ii) the amount of the premium fixed by or under these regulations in respect of the voluntary invalidity/death insurance (if any) for the member; and
 - (c) any other payment that is to be charged against the account under the Act or these regulations,
- to the extent that the charge, premium or other payment can be charge or debited to the account.
- (4) A member's employee contribution account must be credited with the amount of contributions made by the member.
 - (5) A member's rollover account must be credited with the amount of any money rolled over from another superannuation fund or scheme for the benefit of the member and must be debited with any payment that is to be charged against the account under the Act or these regulations.
 - (6) A member's co-contribution account must be credited with the amount of any co-contribution paid to the Board in respect of the member and must be debited with any payment that is to be charged against the account under the Act or these regulations.
 - (7) The Board may, in an appropriate case, debit against—
 - (a) a member's rollover account; or
 - (b) a member's co-contribution account,(or both of the above), an administrative charge fixed by the Board.
 - (8) However, an administrative charge may not be debited against a member's co-contribution account if the credit balance of the member's employer contribution account or rollover account (if any) is sufficient to pay the administrative charge.
 - (9) The Board may, in fixing administrative charges to be debited against members' accounts under this regulation, fix different charges depending on the balance of members' accounts or any other relevant factor.
 - (10) Despite a preceding subregulation, if a member whose only account in the scheme is a co-contribution account satisfies the Board that he or she is unlikely to receive any further co-contributions that will be payable to the Board in respect of the member, the Board may allow the member to carry over the balance of the account to some other superannuation fund or scheme approved by the Board (and when the balance has been carried over by the Board the person will cease to be a member of the Triple S scheme).
 - (11) The Board must keep a record of the aggregate of the amounts debited against contribution accounts under subregulation (3)(a)(ii) and (b)(ii).
 - (12) A disability pension premium is not payable under subregulation (3)(a)(iii) in relation to—
 - (a) a member who is not entitled to a disability pension under regulation 36 under any circumstances; or
 - (b) a member who is exempted under regulation 37 from the ambit of regulation 36.

Subdivision 3—Contributions

17—Contributions (section 20)

- (1) For the purposes of section 20(1)(a) of the Act, but subject to this regulation, a member may elect to make contributions to the Treasurer as a deduction from salary at a whole number percentage, or at 4.5%, of the combined value of the monetary and non-monetary salary (if any) to which the member is entitled in each period in respect of which salary is paid to the member.
- (2) A person who is a member of the scheme by virtue only of regulation 9(3), (5), (6), (7) or (8) (including any combination of these provisions) is not entitled to make contributions under section 20(1)(a) of the Act.
- (3) For the purposes of section 20(1)(b) of the Act, the prescribed percentage is 4.5%.
- (4) A police cadet is not obliged to contribute but may elect to do so.
- (5) Subject to this regulation, a member who has elected to contribute may subsequently elect to contribute at a different rate or to cease contributing.
- (6) An election under this regulation must be made to the Board in writing and will operate from a date to be fixed by the Board.
- (7) If, following a change in a member's salary, it will be difficult for an employer to determine the amount of the member's contribution for the first payment period to which the new contribution applies, the Board may, by notice in writing to the employer, specify a date from which the new contribution amount will apply.
- (8) A notice under subregulation (7) may be varied or revoked by the Board by subsequent notice served on the employer.
- (9) If over a particular period a member receives (while remaining in employment) weekly workers compensation payments for total or partial incapacity for work, contributions will be payable as if the weekly payments were salary or a component of salary (as the case requires).
- (10) Contributions are payable from the member's monetary salary on the days on which monetary salary is paid to the member.
- (11) A member whose membership of the scheme commences on the commencement of the member's employment will commence making contributions on a date fixed by the Board.

18—Prescribed rate of contributions (section 20)

Pursuant to section 20(2)(b) of the Act, a member employed by SA Ambulance Service Inc—

- (a) who was a contributory member of the SA Ambulance Service Superannuation Scheme (the *ambulance scheme*) before electing to become a member of the Triple S Scheme and has not reached his or her normal retirement date for the purposes of the ambulance scheme; or
- (b) who—
 - (i) commenced his or her employment with SA Ambulance Service Inc on or after 1 July 2008; and
 - (ii) is classified as an operations employee under the *SA Ambulance Service Award*; and

- (iii) is employed other than on a casual basis in the provision of ambulance services (within the meaning of the *Health Care Act 2008*),

is required to contribute at a rate of at least 4.5% of salary.

19—Other contributions (section 20)

A monetary contribution under section 20(1)(c) or (d) of the Act must be equal to or exceed \$50.

Division 2—Spouse members

20—Purpose of Division

Pursuant to sections 19(3)(c) and 20(2)(d) of the Act, the purpose of this Division is to make provision for—

- (a) spouses of members to become spouse members of the scheme; and
- (b) contributions to be made by or on behalf of spouse members.

21—Interpretation

In this Division—

eligible member means a member in respect of whom payments are being made to the Treasurer under section 20 of the Act, regulation 12 or regulation 13;

prescribed payment means payment of an amount that is a contributions-splitting superannuation benefit within the meaning of Division 6.7 of the *Superannuation Industry (Supervision) Regulations 1994* of the Commonwealth;

voluntary death insurance means death insurance granted by the Board under regulation 40;

voluntary death insurance benefits means benefits payable in respect of voluntary death insurance.

22—Spouse contributions splitting (section 20)

- (1) Pursuant to section 20(2)(d) of the Act, but subject to this regulation, an eligible member may apply to the Board, in the approved form, to make a prescribed payment from the member's contribution account into a rollover account established in the name, and for the benefit, of the member's spouse.
- (2) An application under subregulation (1), and the making of a prescribed payment following the acceptance of an application, are subject to, and must comply with—
 - (a) Division 6.7 of the *Superannuation Industry (Supervision) Regulations 1994* of the Commonwealth (as if the provisions of that Division apply to, and in relation to, the scheme); and
 - (b) such terms and conditions as may be specified by the Board.
- (3) The Board may fix administrative charges payable in respect of applications under this regulation.
- (4) Any charge payable under subregulation (3) may be deducted by the Board from—
 - (a) the applicant's contribution account; or

- (b) if there are insufficient funds in that account—a spouse account established in the name of the applicant's spouse.

23—Other contributions for spouse members (section 20)

- (1) Pursuant to section 20(2)(d) of the Act, an eligible member may make monetary contributions to the Treasurer under this regulation for crediting to a contribution account in the name of the member's spouse.
- (2) A spouse member may, while the spouse member is the spouse of a member, make monetary contributions to the Treasurer under this regulation.
- (3) The amount of each contribution under this regulation must be equal to or exceed \$50.

24—Spouse members and spouse accounts (section 19)

- (1) If a prescribed payment, or a monetary contribution under regulation 23(1), is made by a member for the benefit of a spouse in respect of whom neither a prescribed payment nor a contribution under regulation 23(1) has previously been made, the spouse becomes a *spouse member* of the Triple S scheme by virtue of this subregulation.
- (2) A spouse member's contribution account must—
 - (a) be credited with the amount of contributions made by or on behalf of the spouse member; and
 - (b) be debited with any payment that is to be charged against the account under the Act or these regulations.
- (3) In addition to maintaining a rollover account in the name of a spouse member as required under section 12(1)(b)(i) of the Act, the Board must maintain a rollover account in the name of a spouse member for the benefit of whom a prescribed payment has been made.
- (4) A spouse member's rollover account must—
 - (a) be credited with the amount of any prescribed payment made, or money rolled over, for the spouse member; and
 - (b) be debited with any payment that is to be charged against the account under the Act or these regulations.
- (5) A spouse member's co-contribution account must—
 - (a) be credited with the amount of any co-contribution paid to the Board in respect of the spouse member; and
 - (b) be debited with any payment that is to be charged against the account under the Act or these regulations.
- (6) The Board may, in an appropriate case, debit against a spouse account an administrative charge fixed by the Board.
- (7) However, an administrative charge may not be debited against a spouse member's co-contribution account if the Board is maintaining a contribution account or rollover account in the name of the spouse member and the credit balance (if any) of either or both of those accounts is sufficient to pay the administrative charge.
- (8) The Board may, for the purposes of subregulation (6), fix different charges depending on the balance of spouse members' accounts or any other relevant factor.

25—Amalgamation of accounts

- (1) If a person who is a spouse member is, or becomes, a member of the scheme, the Board may transfer the amounts standing to the credit of the person's spouse accounts to a contribution account, rollover account or co-contribution account, as appropriate, maintained by the Board in the name of the person (and the Board may, if necessary for the purposes of this subregulation, establish such an account in the name of the person).
- (2) If all amounts standing to the credit of the person's spouse accounts are transferred from those accounts under this regulation—
 - (a) the person ceases to be a spouse member of the scheme; and
 - (b) the person's voluntary death insurance under Part 3 Division 3 (if any) is taken to be voluntary invalidity/death insurance under Part 3 Division 2 Subdivision 2.

Part 3—Insurance and investment

Division 1—Preliminary

26—Purpose of Part

Pursuant to section 22 of the Act, this Part continues the scheme of invalidity and death insurance established under the repealed Act.

27—Interpretation

In this Part—

prescribed member means—

- (a) a police member; or
- (b) a member employed by SA Ambulance Service Inc—
 - (i) who was a contributory member of the SA Ambulance Service Superannuation Scheme (the *ambulance scheme*) before electing to become a member of the Triple S Scheme and has not reached his or her normal retirement date for the purposes of the ambulance scheme; or
 - (ii) who—
 - (A) commenced his or her employment with SA Ambulance Service Inc on or after 1 July 2008; and
 - (B) is classified as an operations employee under the *SA Ambulance Service Award*; and
 - (C) is employed other than on a casual basis in the provision of ambulance services (within the meaning of the *Health Care Act 2008*).

Division 2—Members

Subdivision 1—Basic invalidity/death insurance

28—Basic invalidity/death insurance

- (1) Subject to this regulation, each member of the scheme is entitled to basic invalidity/death insurance regardless of the state of health of the member.
- (2) The following are not entitled to basic invalidity/death insurance:
 - (a) a person who is a member of the scheme by virtue only of regulation 9(3), (5), (6), (7) or (8) (including any combination of these provisions);
 - (b) a spouse member of the scheme, unless the spouse member is also a member of the scheme (other than by virtue of a provision mentioned in paragraph (a));
 - (c) a person who is—
 - (i) employed or engaged for a specified period of time; and
 - (ii) remunerated solely by a fee, allowance or commission;
 - (d) a member to whom invalidity insurance benefits have been paid under regulation 58(1)(b) because the member is suffering from a terminal illness.
- (3) A member who has received invalidity insurance benefits under the Act, the repealed Act or these regulations (or a benefit in the nature of invalidity insurance benefits under any other Act that provides for the payment of benefits by the Treasurer) and is subsequently employed in employment to which the Act applies is not entitled to basic invalidity insurance in respect of his or her subsequent employment.

Subdivision 2—Voluntary invalidity/death insurance

29—Interpretation

In this Subdivision—

fixed insurance cover—see regulation 34;

standard insurance cover—see regulation 34.

30—Application for voluntary invalidity/death insurance

- (1) Subject to this regulation, a member (other than a prescribed member) may apply to the Board for voluntary invalidity/death insurance under this regulation.
- (2) A person who is employed on a casual basis can only apply for voluntary invalidity/death insurance if he or she is employed pursuant to an arrangement under which he or she is to work for 9 or more hours each week or for periods that average, over a 3 month period, 9 or more hours each week.
- (3) A person who is not entitled to basic invalidity/death insurance under regulation 28(2)(c) or (d) cannot apply for voluntary invalidity/death insurance.
- (4) A person who is a member of the scheme by virtue only of regulation 9(3), (6) or (7) (including any combination of these provisions) cannot apply for voluntary invalidity/death insurance.

- (5) If within 3 months after electing to become a member of the Triple S scheme, a contributor under the *Superannuation Act 1988* applies to the Board under this regulation for voluntary invalidity/death insurance that will entitle the applicant to benefits that will not, in the Board's opinion, exceed the benefits in the nature of invalidity and death insurance to which the applicant would have been entitled under the *Superannuation Act 1988*—
 - (a) regulation 49(2) does not apply to the applicant; and
 - (b) the Board must accept the application and the only conditions that it can impose on its acceptance are the conditions (if any) to which the applicant's membership of the State Scheme is subject or conditions to which the applicant agrees.
- (6) If the Board grants an application for voluntary invalidity/death insurance or for an increase or decrease in the level of voluntary insurance, the Board must fix the date for the commencement of the insurance or of the increase or decrease in the level of insurance.

31—Variation of voluntary insurance

A member who has voluntary invalidity/death insurance under regulation 30 may apply to the Board to increase or decrease the level of the insurance.

32—Voluntary invalidity/death insurance—prescribed members

- (1) A prescribed member who has not taken out fixed insurance cover has voluntary invalidity/death insurance benefits at least equal in value to 4 units of standard insurance cover, determined according to his or her current age, and is liable for premiums in respect of that insurance fixed by or under regulation 34.
- (2) A prescribed member who has taken out fixed insurance cover has the number of units of fixed insurance cover necessary to provide the member with invalidity/death insurance benefits at least equal in value to 6 units of standard insurance cover (taking into account the member's basic invalidity/death insurance cover), determined according to his or her current age, and is liable for premiums in respect of that insurance fixed by or under regulation 34.

33—Variation of voluntary insurance—prescribed members

- (1) A prescribed member may apply to the Board, in the approved form, to increase or decrease the level of his or her voluntary invalidity/death insurance.
- (2) However, a prescribed member cannot apply to reduce his or her voluntary invalidity/death insurance below the level specified in regulation 32.
- (3) If the Board grants an application for voluntary invalidity/death insurance or for an increase or decrease in the level of voluntary insurance, the Board must fix the date for the commencement of the insurance or of the increase or decrease in the level of insurance.

Subdivision 3—Amount of insurance, premiums and suspension

34—Amount of invalidity/death insurance benefits and amount of premiums

- (1) A reference in this regulation to Table 1 or Table 2 is a reference to the table so designated in Schedule 1.
- (2) There will be 2 classes of invalidity/death insurance:
 - (a) *standard insurance cover* under Table 1 where—
 - (i) the value of a unit of cover, as designated in column 2, is determined on the basis of the member's age; and

- (ii) the amount of corresponding premium per unit of cover is fixed at the price designated in column 3;
 - (b) **fixed insurance cover** under Table 2 where—
 - (i) the value of a unit of cover is fixed at the amount designated in column 2; and
 - (ii) the amount of corresponding premium per unit of cover, as designated in column 3, is determined on the basis of the member's age at the time the insurance cover commences.
- (3) The amount of basic invalidity/death insurance benefit is—
 - (a) in the case of a member who has taken out fixed insurance cover—1 unit of fixed insurance cover; and
 - (b) in the case of a member who has made an election under Schedule 3 clause 1(1) of the repealed regulations and has not subsequently taken out fixed insurance cover (whether under these regulations or the repealed regulations)—1 unit of standard insurance cover; and
 - (c) in any other case—2 units of standard insurance cover.
- (4) However, if the amount of basic invalidity/death insurance benefit to which a person who—
 - (a) was a member of the scheme immediately before 1 July 2002; and
 - (b) is under the age of 60,is entitled would, but for this subregulation, be less than \$20 000, the amount of basic invalidity/death insurance benefit to which the person is entitled is \$20 000.
- (5) The premium for basic invalidity/death insurance is—
 - (a) in the case of basic invalidity/death insurance that is fixed insurance cover—the appropriate premium fixed under column 3 of Table 2; and
 - (b) in any other case—\$0.75 per unit per week.
- (6) An applicant for voluntary invalidity/death insurance may apply for either standard insurance cover or fixed insurance cover.
- (7) The aggregate value of units of cover granted to a member employed other than on a casual basis must not exceed \$1 500 000 (inclusive of the member's basic cover).
- (8) The aggregate value of units of cover granted to a member employed on a casual basis must not exceed \$750 000 (inclusive of the member's basic cover).
- (9) In this regulation—

repealed regulations means the *Southern State Superannuation Regulations 1995*.

35—Voluntary suspension of invalidity/death insurance

- (1) A person who is employed on a casual basis and who does not have voluntary invalidity/death insurance may, by notice in writing to the Board, suspend his or her basic invalidity/death insurance.
- (2) Subject to subregulation (3), an employee (not being an employee referred to in subregulation (1)) may, by notice in writing to the Board, suspend his or her basic invalidity/death insurance and his or her voluntary invalidity/death insurance (if any).

- (3) An employee can only suspend insurance under subregulation (2) if the Board is satisfied that he or she will not be in receipt of any income from his or her employer during the period of suspension (and any such period of suspension will cease when the employee next receives income from his or her employer).
- (4) An employee may at any time, by notice in writing to the Board, reinstate his or her suspended insurance.
- (5) Basic and voluntary invalidity/death insurance benefits are only payable to or in respect of an employee whose employment terminates on account of invalidity or death within 1 year after his or her insurance is reinstated if the invalidity or death was caused by accidental injury.
- (6) Subregulation (5) does not apply in relation to an employee who is a prescribed member.

Subdivision 4—Disability pension

36—Disability pension

- (1) Pursuant to section 22(1) of the Act, but subject to this Subdivision and regulation 39(3), a member who—
 - (a) is temporarily or permanently incapacitated for work; and
 - (b) is no longer engaged in work in respect of employment to which the Act applies on account of the incapacity; and
 - (c) has not reached the age of 60 years,is entitled to a disability pension unless the member—
 - (d) is exempted from the ambit of this regulation under regulation 37; or
 - (e) is not entitled to a disability pension under this regulation by virtue of regulation 38.
- (2) An application for a disability pension must be made within 6 months of the day on which the member ceases to be engaged in work in respect of employment to which the Act applies.
- (3) For the purposes of subregulation (2), a period during which a police member receives salary or wages pursuant to an arrangement under which employees forego part of their annual recreation leave in return for the grant of additional sick leave is to be taken to be a period during which the member is engaged in work.

Note—

The Commissioner of Police may make and carry out such an arrangement with employees under regulation 51 of the *Police Regulations 1999*.

- (4) The amount of a disability pension will be 75% of the member's notional salary.
- (5) A member who becomes incapacitated for work in a particular position will not be regarded as incapacitated for work for the purposes of this regulation if some other position, carrying a salary of at least 80% of the salary applicable to the former position, is available to the member and the member could reasonably be expected to take that other position.
- (6) A disability pension is not payable in respect of—
 - (a) the period of 30 days following the day on which the member ceases work on account of the disability; or

- (b) a period in respect of which the member is entitled to weekly payments of workers compensation; or
 - (c) a period for which the member is on recreation leave, long service leave or paid sick leave.
- (7) The Board will not authorise the payment of a disability pension in respect of a period of incapacity of less than 1 week and may decline to authorise a disability pension if it appears that the duration of the incapacity is likely to be less than 6 months.
- (8) A disability pension cannot be paid for a continuous period of more than 24 months.
- (9) A disability pension cannot be paid (whether under these regulations or the repealed Act), in respect of the same incapacity, for an aggregate period of more than 24 months in any 1 period of 48 months.
- (10) A person who—
 - (a) is a member of the scheme by virtue of an election under regulation 10; and
 - (b) was aged 55 years or over when he or she made the election,is not entitled, during the first 24 months of his or her membership of the scheme, to a disability pension in respect of an incapacity attributable to a medical condition existing before the day on which that membership commenced.
- (11) A person who is a contributor within the meaning of the *Superannuation Act 1988* to whom regulation 11 applies is not entitled, during the period of 24 months commencing on the day on which regulation 11 first applies to the person, to a disability pension in respect of an incapacity attributable to a medical condition existing before that day.
- (12) A member who returns to work in employment to which the Act applies after being on leave without pay for 12 months or more is not entitled, during the period of 24 months commencing on the day on which he or she returns to work, to a disability pension in respect of a condition that was known to the member on that day.
- (13) A member is not required to make a contribution over a period for which the member receives a disability pension.
- (14) A right to a disability pension under this regulation cannot be assigned.
- (15) Subregulation (14) does not prevent the making of a garnishee order in relation to a pension.
- (16) If a person who is a member of the scheme by virtue of regulation 9(2) becomes entitled to a benefit under this regulation, the person is not entitled to a benefit under section 30 or 36 of the *Superannuation Act 1988*.
- (17) Despite subregulation (1), a member may receive a disability pension under this regulation while engaged in remunerative activities if the Board is satisfied that the member is engaged in the activities for the purposes of a rehabilitation or return to work arrangement.
- (18) However, if at any time during a financial year a member who is receiving or would, but for this subregulation, be entitled to receive, a pension under this regulation is also receiving income from remunerative activities, the pension will be reduced by the amount by which the pension and income exceed, when aggregated, the amount that the member would be entitled to receive if he or she were in receipt of his or her notional salary and if those payments equal or exceed that amount, the pension will be suspended.

- (19) A person in receipt of a disability pension whose employment terminates, or is taken to have been terminated under regulation 6(4), ceases to be entitled to the pension from the day immediately following the day on which the employment terminates or is taken to have been terminated.
- (20) The Board must consult with the Police Superannuation Board before authorising the payment of a disability pension to a police officer.

37—Exemption from ambit of regulation 36

- (1) A member (other than a prescribed member), may elect, in the approved form, to be exempted from the ambit of regulation 36.
- (2) An election under subregulation (1) will take effect from a date determined by the Board.
- (3) Subject to subregulation (4), a casual member is exempted from the ambit of regulation 36.
- (4) A member who is exempted from the ambit of regulation 36 under subregulation (1) or (3) may apply to the Board to be brought within the ambit of that regulation.
- (5) An application under subregulation (4) must be in the approved form.
- (6) The applicant must provide the Board with the following information as to the state of the applicant's health:
 - (a) information relating to medical advice, examination or treatment received by the applicant;
 - (b) information as to any other treatment received by the applicant for any illness, condition or disability suffered by the applicant;
 - (c) information as to any illness, condition or disability suffered by the applicant or any symptoms suffered by the applicant that may indicate an illness, condition or disability;
 - (d) information as to any drugs or other substances (whether legal or illegal and whether medicinal or not) taken by the applicant or to which the applicant has been exposed,

and the Board may require an applicant to provide satisfactory evidence of the state of the applicant's health.

- (7) The cost of any medical examination to which an applicant is required to submit for the purposes of subregulation (6) is to be borne by the applicant.
- (8) If it appears to the Board—
 - (a) that an applicant's state of health is such as to create a risk of incapacity for work; or
 - (b) that an applicant has in the past engaged in a prescribed activity that increases the risk of incapacity for work; or
 - (c) that an applicant is likely in the future to engage in an activity of a kind referred to in paragraph (b),

the Board may grant the application on authorised conditions.

- (9) Subject to subregulation (10), if it appears to the Board that an applicant withheld information required in relation to his or her application under this regulation, the Board may withhold or reduce the pension that the applicant would otherwise have been entitled to.

- (10) If—
- (a) it appears to the Board that an applicant withheld information required in relation to his or her application under this regulation; and
 - (b) the withheld information relates to a medical condition to which the applicant's incapacity for work is attributable,

the Board must withhold the pension that the applicant would otherwise have been entitled to in respect of that incapacity.

- (11) If the Board grants an application under subregulation (4), the applicant ceases to be exempted from the ambit of regulation 36 from a date determined by the Board.
- (12) In this regulation—

authorised condition, in relation to the granting of an application to be brought within the ambit of regulation 36, means—

- (a) a condition providing that a disability pension is not payable if the applicant's incapacity for work is caused wholly or partly by—
 - (i) a pre-existing illness, condition or disability; or
 - (ii) an illness, condition or disability arising out of a pre-existing illness, condition or disability; or
 - (iii) a prescribed activity; or
- (b) a condition that a pension is only to be payable in respect of an incapacity for work arising from—
 - (i) accidental causes; or
 - (ii) an illness or condition that is not related to or associated with a medical condition of a kind specified by the Board;

casual member means a member employed on a casual basis who was not entitled to a disability pension in the event of incapacity for work under section 33A of the repealed Act immediately before the repeal of that Act;

prescribed activity means the smoking, chewing or sucking of a tobacco product or any other activity involving the consumption of a tobacco product;

tobacco product means—

- (a) a cigarette; or
- (b) a cigar; or
- (c) cigarette or pipe tobacco; or
- (d) tobacco prepared for chewing or sucking; or
- (e) snuff.

38—Persons not entitled to disability pension

The following are not entitled to a disability pension under this Subdivision under any circumstances:

- (a) a spouse member, unless the spouse member is also a member of the scheme;
- (b) a person who is a member of the scheme solely by virtue of regulation 9(3), (5), (6), (7) or (8) (or any combination of these provisions);

- (c) a member to whom invalidity insurance benefits have been paid under regulation 58(1)(b) because the member is suffering from a terminal illness;
- (d) a person who is—
 - (i) employed or engaged for a specified period of time; and
 - (ii) remunerated solely by a fee, allowance or commission.

Subdivision 5—Payment of premiums

39—Payment of premiums by members

- (1) Premiums payable by a member, including the disability pension premium, will be debited against the member's employer contribution account in accordance with regulation 16.
- (2) If the debiting of a premium for invalidity/death insurance under subregulation (1) would result in a debit balance in the account—
 - (a) the premium will be debited against the account to the extent of the credit balance in the account; and
 - (b) the member's basic and voluntary invalidity/death insurance is suspended from the expiration of the month following the month in which the premium was debited until the account is again sufficiently in credit to enable the debiting of premiums without resulting in a debit balance.
- (3) If the debiting of a disability pension premium under subregulation (1) would result in a debit balance in the account—
 - (a) the premium will be debited against the account to the extent of the credit balance in the account; and
 - (b) the member's entitlement to a disability pension in the event of incapacity for work is suspended from the expiration of the month following the month in which the premium was debited until the account is again sufficiently in credit to enable the debiting of the disability pension premium without resulting in a debit balance.

Division 3—Spouse members—voluntary death insurance

40—Application for voluntary death insurance

- (1) A spouse member may, if the spouse member is the spouse of a member, apply to the Board for voluntary death insurance.
- (2) A spouse member who is not the spouse of a member is not entitled to death insurance cover and any such cover enjoyed by a spouse member will cease if the spouse member ceases to be the spouse of a member.
- (3) If the Board grants an application for voluntary death insurance or for an increase or decrease in the level of voluntary death insurance, the Board must fix the date for the commencement of the insurance or of the increase or decrease in the level of the insurance.

41—Variation of voluntary death insurance

A spouse member who has voluntary death insurance may apply to the Board to increase or decrease the level of the insurance.

42—Amount of voluntary death insurance benefits and amount of premiums

- (1) A reference in this regulation to Table 1 or Table 2 is a reference to the table so designated in Schedule 2.
- (2) There will be 2 classes of death insurance:
 - (a) *standard insurance cover* under Table 1 where—
 - (i) the value of a unit of cover, as designated in column 2, is determined on the basis of the spouse member's age; and
 - (ii) the amount of corresponding premium per unit of cover is fixed at the price designated in column 3;
 - (b) *fixed insurance cover* under Table 2 where—
 - (i) the value of a unit of cover is fixed at the amount designated in column 2; and
 - (ii) the amount of corresponding premium per unit of cover, as designated in column 3, is determined on the basis of the spouse member's age at the time the insurance cover commences.
- (3) An applicant for voluntary death insurance may apply for either standard insurance cover or fixed insurance cover.
- (4) The aggregate value of units of cover granted to a spouse member must not exceed \$1 500 000.

43—Payment of premiums by spouse members

- (1) Premiums payable by a spouse member may be debited against any of the spouse member's spouse accounts.
- (2) If the debiting of a premium against a particular spouse account under subregulation (1) would result in a debit balance in the account—
 - (a) the premium may be debited against the account to the extent of the credit balance in the account; and
 - (b) if there is another spouse account in the name of the spouse member, the premium will be debited against that account to the extent of the credit balance in the account; and
 - (c) the spouse member's voluntary death insurance is suspended from the expiration of the month following the month in which the last premium was debited until a spouse account in the name of the spouse member is again sufficiently in credit to enable the debiting of premiums without resulting in a debit balance.

Division 4—Post retirement investment and invalidity/death insurance

Subdivision 1—Preliminary

44—Interpretation

In this Division—

public sector superannuation beneficiary means a person who is a member of, or has received a benefit under, a public sector superannuation scheme (but does not include a person who has received a benefit under a public sector superannuation scheme solely by virtue of being the spouse of a member of such a scheme);

public sector superannuation scheme means a scheme of superannuation—

- (a) established under the Act or under another Act; or
- (b) established for the benefit of employees of an agency or instrumentality of the Crown.

Subdivision 2—Post retirement investment

45—Post retirement investment

- (1) The Board may offer to accept money from public sector superannuation beneficiaries or the spouses of public sector superannuation beneficiaries for investment with the Superannuation Funds Management Corporation of South Australia.
- (2) The Board may, in relation to a particular type of investment, offer to accept money only from public sector superannuation beneficiaries, or the spouses of public sector superannuation beneficiaries, who have received a benefit under a public sector superannuation scheme.
- (3) An offer will be on terms and conditions determined by the Board following consultation with the Corporation about matters relevant to the terms and conditions for which the Corporation is responsible under the *Superannuation Funds Management Corporation of South Australia Act 1995*.
- (4) Money accepted by the Board under subregulation (1)—
 - (a) will be held in a fund established by the Board for the purposes of this regulation (the assets of which do not belong to the Crown); and
 - (b) will, subject to the terms and conditions of the offer referred to in subregulation (3), be invested by the Corporation in a manner determined by it; and
 - (c) may, if a public sector superannuation beneficiary so requests, be invested for the benefit of the spouse of the beneficiary.
- (5) The Corporation may enter into transactions affecting that money—
 - (a) for the purposes of investment; or
 - (b) for purposes incidental, ancillary or otherwise related to investment.
- (6) Money that may be invested by public sector superannuation beneficiaries or their spouses under this regulation is not limited to money received by the investor from a public sector superannuation scheme.
- (7) The Board may deduct an administrative charge, to be fixed by the Board, from money accepted under subregulation (1).

- (8) The Board must, in respect of each financial year—
 - (a) keep proper accounts of receipts and payments in relation to money accepted by it under this regulation; and
 - (b) prepare financial statements in relation to those receipts and payments.

Subdivision 3—Post retirement invalidity and death insurance

46—Post retirement invalidity/death insurance

- (1) Subject to this Subdivision—
 - (a) a public sector superannuation beneficiary may apply to the Board for invalidity/death insurance; and
 - (b) the spouse of a public sector superannuation beneficiary may apply to the Board for death insurance,and the Board may provide such insurance, subject to the terms and conditions specified in regulation 48.
- (2) A person who is aged 65 years or over cannot apply for, and is not entitled to, invalidity or death insurance.
- (3) If the Board grants an application for insurance or for an increase or decrease in the level of insurance, the Board must fix the date for the commencement of the insurance or of the increase or decrease in the level of insurance.

47—Amount of benefits and premiums

- (1) A public sector superannuation beneficiary may apply for standard insurance cover or fixed insurance cover within the meaning of regulation 34, and the amount of invalidity/death insurance benefits, and the amount of premiums in respect of those benefits, are the amounts fixed by that regulation.
- (2) The spouse of a public sector superannuation beneficiary may apply for standard insurance cover or fixed insurance cover within the meaning of regulation 42, and the amount of death insurance benefits, and the amount of premiums in respect of those benefits, are the amounts fixed by that regulation.

48—Terms and conditions

- (1) A public sector superannuation beneficiary may be provided with invalidity/death insurance if, and only if, the beneficiary has an investment of money with the Superannuation Funds Management Corporation of South Australia under regulation 45.
- (2) The spouse of a public sector superannuation beneficiary may be provided with death insurance if, and only if, the spouse has an investment of money with the Superannuation Funds Management Corporation of South Australia under regulation 45.
- (3) Premiums will be debited against the insured's investment account.
- (4) If the debiting of a premium under subregulation (3) would result in a debit balance in the account—
 - (a) the premium will be debited against the account to the extent of the credit balance in the account; and

- (b) the insurance is suspended from the expiration of the month following the month in which the premium was debited until the account is again sufficiently in credit to enable the debiting of premiums without resulting in a debit balance.
- (5) Insurance ceases on payment to the insured of his or her investment under regulation 45.
- (6) Death insurance cover provided to the spouse of a public sector superannuation beneficiary is not affected by payment to the public sector superannuation beneficiary of his or her investment under regulation 45.
- (7) The following provisions apply to a public sector superannuation beneficiary who has, within 60 days of ceasing to be engaged in employment to which the Act applies, invested money with the Superannuation Funds Management Corporation of South Australia under regulation 45:
 - (a) the beneficiary is, on application, covered, and taken to have been covered since ceasing to be engaged in employment to which the Act applies, by the invalidity/death insurance that applied to the beneficiary at the time of that cessation, subject to the same terms, conditions and restrictions;
 - (b) regulation 49—
 - (i) does not apply to an application under paragraph (a); but
 - (ii) applies to any application by the beneficiary to increase the level of his or her invalidity/death insurance cover.
- (8) An insurance benefit will be payable on account of invalidity if the Board is satisfied that the insured's incapacity for all kinds of work is 60% or more of total incapacity and is likely to be permanent.
- (9) However, an insured is not entitled to payment of a benefit on account of invalidity—
 - (a) if—
 - (i) the insured ceased to be engaged in employment to which the Act applies as a condition of accepting a voluntary separation package; and
 - (ii) the insured's incapacity for work was known to the insured at the time of ceasing to be engaged in that employment; and
 - (b) unless the insured has engaged in employment for an average of 20 or more hours per week in the 12 month period before making a claim in respect of the invalidity.
- (10) Death benefits payable in respect of an insured will be paid to the spouse of the insured or, if he or she has no spouse, to the insured's estate.
- (11) The aggregate value of units of cover provided to a person under regulation 46 and any other provision of the Act or these regulations must not exceed \$1 500 000.
- (12) In this regulation—

voluntary separation package means an agreement between a member and his or her employer pursuant to which the member resigns from employment.

Division 5—General

49—Application for insurance

- (1) An application for insurance under this Part, including an application to increase the level of the applicant's insurance, must be in the approved form and must specify the voluntary invalidity or death insurance that the applicant is applying for.
- (2) An applicant must provide the Board with the following information as to the state of the applicant's health:
 - (a) information relating to medical advice, examination or treatment received by the applicant;
 - (b) information as to any other treatment received by the applicant for any illness, condition or disability suffered by the applicant;
 - (c) information as to any illness, condition or disability suffered by the applicant or any symptoms suffered by the applicant that may indicate an illness, condition or disability;
 - (d) information as to any drugs or other substances (whether legal or illegal and whether medicinal or not) taken by the applicant or to which the applicant has been exposed,

and the Board may require an applicant to provide satisfactory evidence of the state of the applicant's health.

- (3) The cost of any medical examination to which an applicant is required to submit for the purposes of subregulation (2) is to be borne by the applicant.
- (4) If it appears to the Board—
 - (a) that an applicant's state of health is such as to create a risk of invalidity or premature death; or
 - (b) that an applicant has in the past engaged in a prescribed activity that increases the risk of invalidity or premature death; or
 - (c) that an applicant is likely in the future to engage in an activity of a kind referred to in paragraph (b),

the Board may grant the application on authorised conditions.

- (5) A condition on which an application has been granted (whether under the repealed Act or these regulations) may be varied or removed by the Board if the Board considers it appropriate to do so following consideration of medical evidence provided by the applicant (but a condition may not be removed unless the Board is satisfied that none of the circumstances specified in subregulation (4)(a), (b) or (c) apply in relation to the applicant).
- (6) Subject to subregulation (7), if it appears to the Board that an applicant withheld information required in relation to his or her application under this regulation, the Board may withhold or reduce insurance benefits that the applicant would otherwise have been entitled to.
- (7) If—
 - (a) it appears to the Board that an applicant withheld information required in relation to his or her application under this regulation; and

- (b) the withheld information relates to an illness, condition or disability suffered by the applicant that caused or is connected with the applicant's invalidity or death,

the Board must withhold insurance benefits that the applicant or another person would otherwise have been entitled to in respect of that invalidity or death.

- (8) In this regulation—

authorised condition, in relation to voluntary invalidity/death insurance or voluntary death insurance in respect of a person, means—

- (a) a condition providing that insurance is not payable if the person's invalidity or death is caused wholly or partly by—
 - (i) a pre-existing illness, condition or disability; or
 - (ii) an illness, condition or disability arising out of a pre-existing illness, condition or disability; or
 - (iii) a prescribed activity; or
- (b) a condition that insurance cover is to be provided only in respect of incapacity or death arising from—
 - (i) accidental causes; or
 - (ii) an illness or condition that is not related to or associated with a medical condition of a kind specified by the Board;

prescribed activity means the smoking, chewing or sucking of a tobacco product or any other activity involving the consumption of a tobacco product;

tobacco product means—

- (a) a cigarette; or
- (b) a cigar; or
- (c) cigarette or pipe tobacco; or
- (d) tobacco prepared for chewing or sucking; or
- (e) snuff.

50—Application to decrease level of insurance

An application to decrease the level of the applicant's insurance must be in the approved form.

51—Financial statements

Pursuant to section 15(2) of the Act, financial statements prepared by the Board as required by that section must set out the aggregate of the amounts debited against contribution accounts and spouse accounts in respect of premiums for insurance.

Part 4—Superannuation benefits

Division 1—Members

52—Interpretation

In this Division—

co-contribution component in relation to a member means the amount standing to the credit of the member's co-contribution account;

employee component in relation to a member means the amount standing to the credit of the member's employee contribution account;

employer component in relation to a member means the amount standing to the credit of the member's employer contribution account;

rollover component in relation to a member means the amount standing to the credit of the member's rollover account.

53—Early access to superannuation benefits

- (1) For the purposes of this regulation, the *basic threshold* is \$30 000.
- (2) Subject to this regulation, a member may apply to the Board for the benefit of this regulation if—
 - (a) the member has reached—
 - (i) the age of 55 years; and
 - (ii) his or her preservation age; and
 - (b) in the case of the first application by the member under this regulation—the combined balance of his or her eligible contribution accounts equal or exceed the basic threshold.
- (3) An application under this regulation may be made for the payment of the whole, or a specified proportion, of the balance of the member's eligible contribution accounts but, in the case of the first application by a member under this regulation, the application must seek the payment of an amount that is at least equal to the basic threshold.
- (4) Once a member has made an application under this regulation, a second or subsequent application cannot be made—
 - (a) unless at least 12 months have elapsed from any preceding application; and
 - (b) unless the combined balance of his or her eligible contribution accounts equals or exceeds \$30 000.
- (5) The Board may require that an application under this regulation be made in such manner, and comply with such requirements, as the Board thinks fit.
- (6) The payment will, according to an election made by the member as part of his or her application, be invested by the Board (on behalf of and in the name of the member)—
 - (a) with the Superannuation Funds Management Corporation of South Australia; or
 - (b) with another entity that will provide a non-commutable income stream for the member while the member continues to be employed in the workforce,

- so that the member receives (and only receives) a payment in the form of a pension or annuity (a *drawn down payment*).
- (7) An investment under subregulation (6) will be on terms and conditions determined by the Board.
- (8) A member who has—
- (a) retired from employment; or
 - (b) reached the age of 65 years,
- may commute an entitlement to a draw down payment so that the investment is brought to an end and the balance paid to the member.
- (9) The value of an investment may also be redeemed in due course under subregulation (13).
- (10) When the Board makes a payment on an application under this regulation—
- (a) any account from which the payment, or a part of the payment, has been drawn will be immediately adjusted to take into account the payment; and
 - (b) section 18(2) of the Act will apply with respect to the relevant components constituting the payment.
- (11) When a member retires from employment (and is thus entitled to a benefit under regulation 54), the member's entitlement under regulation 54 will be adjusted to take into account an entitlement provided under this regulation (and that regulation will then have effect accordingly).
- (12) If a member's employment is terminated on account of invalidity or by the member's death, or the member is suffering from a terminal illness, any entitlement under regulation 58 or 59 (as the case requires) will be adjusted to take into account an entitlement provided under this regulation (and the relevant regulation will then have effect accordingly).
- (13) When a member retires, has his or her employment terminated on account of invalidity or dies (whichever first occurs), an investment being held under subregulation (6) may be redeemed (subject to any rules or requirements applicable to the exercise of a power of redemption).
- (14) The making of a payment under this regulation must take into account the operation of any provision under Part 5.
- (15) In this regulation—
- eligible contribution accounts* of a member means—
- (a) the member's employee contribution account; and
 - (b) the member's employer contribution account; and
 - (c) the member's rollover account; and
 - (d) the member's co-contribution account.

54—Retirement

- (1) A member who retires from employment is entitled to—
- (a) payment of the employee component and the employer component; and
 - (b) payment of—
 - (i) the rollover component (if any); and

- (ii) the co-contribution component (if any),
to the extent that payment of the component can be made in accordance with the SIS Act.
- (2) A rollover component, or the part of a rollover component, or a co-contribution component, that cannot be paid in accordance with the SIS Act must be preserved and regulation 55(7) and (8) apply to and in relation to it.
- (3) For the purposes of this regulation, a member retires from employment if—
 - (a) the member has reached the retirement age; and
 - (b) the member's employment terminates or is terminated for any reason (except the member's death).

55—Resignation

- (1) If a member resigns from employment before reaching the retirement age the member may elect—
 - (a) to take immediately the employee component; or
 - (b) to preserve the employee component; or
 - (c) to carry the employee component over to some other superannuation fund or scheme approved by the Board.
- (2) If a member resigns from employment before reaching the retirement age the member may elect—
 - (a) if the balance of the member's employer contribution account is less than \$200—to take immediately the employer component; or
 - (b) to preserve the employer component; or
 - (c) to carry the employer component over to some other superannuation fund or scheme approved by the Board.
- (3) If a member resigns from employment before reaching the retirement age the member may elect—
 - (a) to take immediately the rollover component (if any) to the extent that payment of that component can be made in accordance with the SIS Act; or
 - (b) to preserve the rollover component; or
 - (c) to carry the rollover component over to some other superannuation fund or scheme approved by the Board.
- (4) If a member resigns from employment before reaching the retirement age, the member may elect—
 - (a) to take immediately the co-contribution component (if any) to the extent that payment of the component can be made in accordance with the SIS Act; or
 - (b) to preserve the co-contribution component; or
 - (c) to carry the co-contribution component over to some other superannuation fund or scheme approved by the Board.

- (5) A member who fails to inform the Board in writing of his or her election under subregulation (1), (2), (3) or (4) within 3 months after resignation will be taken to have elected to preserve the employee, employer, rollover or co-contribution component, as the case requires.
- (6) If the Board is of the opinion that the limitation period referred to in subregulation (5) would unfairly prejudice a member, the Board may extend the period as it applies to the member.
- (7) If the member elects to preserve the employee, employer, rollover or co-contribution component, the following provisions apply subject to subregulation (8):
 - (a) the member may at any time after reaching 55 years of age require the Board to authorise payment of the component and, if no such requirement has been made on or before the date on which the member reaches 65 years of age, the Board will authorise payment of the component to the member;
 - (b) if the member has become incapacitated and satisfies the Board that his or her incapacity for all kinds of work is 60% or more of total incapacity and is likely to be permanent, the Board will authorise payment of the component to the member;
 - (c) if the member dies, the component will be paid to the spouse of the deceased member or, if he or she left no surviving spouse, to the member's estate,(and a payment under any of the above paragraphs excludes further rights so that a claim cannot be subsequently made under some other paragraph).
- (8) Subregulation (7) applies to a rollover component or a co-contribution component subject to restrictions imposed by the SIS Act.
- (9) A member who has elected, or has been taken to have elected, to preserve his or her employee component, employer component, rollover component or co-contribution component and to whom the component has not been paid under subregulation (7), may elect to withdraw that election and to elect to carry the component over to some other superannuation fund or scheme approved by the Board.
- (10) If 2 or more components have been preserved, a member cannot make an election under subregulation (9) unless the member elects to carry both or all of the components over.
- (11) If the member elects to carry over the employee, employer, rollover or co-contribution component to an approved superannuation fund or scheme, the following provisions apply:
 - (a) the member must satisfy the Board by such evidence as it may require that he or she has been admitted to membership of the fund or scheme;
 - (b) on being so satisfied the Board will authorise payment of the component on behalf of the member to the fund or scheme.
- (12) If a member has resigned from employment and has elected to preserve the employee, employer, rollover or co-contribution component but has subsequently been re-employed in employment by virtue of which he or she becomes a member of the scheme, the Board may maintain separate contribution accounts or rollover accounts or co-contribution accounts or a combined contribution account or rollover account or co-contribution account in the name of the member.
- (13) For the purposes of this regulation, and subject to any other provision of the Act or these regulations, a member who has not reached the retirement age will be taken to resign if the member's employment terminates or is terminated for any reason except invalidity (in circumstances entitling the member to benefits under the Act or these regulations), retrenchment or death.

- (14) This regulation operates subject to regulation 56.

56—Benefits payable to overseas residents

If a member who has resigned from employment before reaching the retirement age satisfies the Board that he or she—

- (a) was the holder of an eligible temporary resident visa (within the meaning of Part 6 of the *Superannuation Industry (Supervision) Regulations 1994* of the Commonwealth) that has expired or been cancelled; and
 - (b) is residing out of Australia and will continue to do so on a permanent basis,
- the member may elect to take immediately the balances of any 1 or more of his or her accounts (including any amount that has been preserved under regulation 55).

57—Retrenchment

- (1) Subject to subregulation (2), if a member's employment is terminated by retrenchment the member is entitled to—
- (a) payment of the employee component and the employer component; and
 - (b) payment of—
 - (i) the rollover component (if any); and
 - (ii) the co-contribution component (if any),to the extent that the payment can be made in accordance with the SIS Act.
- (2) The member may elect to preserve his or her employee, employer, rollover or co-contribution component or to carry it over to some other superannuation fund or scheme and in the event of such an election the provisions of regulation 55 will apply as if the member had resigned from employment.

58—Invalidity or terminal illness

- (1) If—
- (a) a member's employment terminates on account of invalidity before the member reaches the age of 65 years; or
 - (b) the Board is satisfied that a member is suffering from a terminal illness,
- the member is entitled to benefits made up of the following components:
- (c) the employee component;
 - (d) the employer component;
 - (e) the rollover component (if any);
 - (f) the co-contribution component (if any);
 - (g) subject to this regulation and regulation 49(6) and (7)—the basic invalidity insurance benefit and the voluntary invalidity insurance benefit (if any).
- (2) For the purposes of assessing whether or not a member is suffering from a terminal illness, the Board—
- (a) must consider written medical reports provided by at least 2 medical practitioners, 1 of whom must have specialist expertise in the relevant field of medicine; and

- (b) may require the member to submit himself or herself for a medical examination by a medical practitioner nominated by the Board.
- (3) The cost of—
 - (a) a report obtained from a medical practitioner at the request of the Board for the purposes of subregulation (2)(a); or
 - (b) a medical examination to which the member is required to submit under subregulation (2)(b),is to be borne by the Board.
- (4) The basic and voluntary invalidity insurance benefits are not payable to a member entitled to benefits under subregulation (1)(a) unless the Board is satisfied that the member's incapacity for all kinds of work is 60% or more of total incapacity and is likely to be permanent.
- (5) The Board may require a member seeking benefits under subregulation (1)(a) to provide evidence of his or her incapacity.
- (6) The cost of any medical examination to which a member is required to submit for the purposes of subregulation (5) is to be borne by the member.
- (7) The basic and voluntary invalidity insurance benefits are not payable—
 - (a) to a member who terminates his or her employment in connection with the acceptance of a voluntary separation package; or
 - (b) to a member entitled to benefits under subregulation (1)(a) whose employment is terminated after he or she has been engaged in work in respect of employment to which the Act applies for a period that does not exceed 6 months on account of invalidity attributable to a medical condition existing before the commencement of his or her membership of the scheme; or
 - (c) to a member entitled to benefits under subregulation (1)(b) in respect of a terminal illness attributable to a medical condition existing before the commencement of his or her membership of the scheme, unless (subject to paragraphs (d) and (e)) the member has been engaged in work in respect of employment to which the Act applies for a period that exceeds 6 months; or
 - (d) to a member entitled to benefits under subregulation (1)(a) or (b) who is a member of the scheme by virtue of an election under regulation 10 in respect of invalidity or a terminal illness attributable to a medical condition existing before the commencement of his or her membership of the scheme, unless the member has been a member of the scheme for a period that exceeds 24 months; or
 - (e) to a member entitled to benefits under subregulation (1)(a) or (b) who is a contributor within the meaning of the *Superannuation Act 1988* to whom regulation 11 applies in respect of invalidity or a terminal illness attributable to a medical condition existing before regulation 11 first applied to the member, unless regulation 11 has applied to the member for a period that exceeds 24 months.
- (8) If—
 - (a) a member entitled to benefits under subregulation (1)(a) was, immediately before termination of his or her employment, a police officer; and
 - (b) the member's incapacity resulted from injuries received in the course of duty,

the member is entitled to benefits under subregulation (1) or to payment of an amount calculated as follows, whichever is the greater:

$$A = 3 \times S$$

Where—

A is the amount

S is—

- (a) if the member—
 - (i) held the rank of senior sergeant or a lower rank immediately before termination of his or her employment; and
 - (ii) was at any time during his or her membership of South Australia Police rostered to work on day, afternoon and night shifts, or on any 2 of those shifts, on a rotating basis; and
 - (iii) was not, immediately before termination of his or her employment, employed on a permanent basis on special duties at a salary level greater than that payable to a senior sergeant,
the member's actual or attributed salary as defined by the *Police Superannuation Act 1990* (expressed as an annual amount) increased by 10%;
 - (b) in any other case—the member's actual or attributed salary as defined by the *Police Superannuation Act 1990* (expressed as an annual amount).
- (9) When determining for the purposes of subregulation (8) whether a member is entitled to benefits under subregulation (1) or to a payment under subregulation (8), the rollover component (if any) and the co-contribution component (if any) will be disregarded (the member is entitled to payment of the rollover component and the co-contribution component in addition to a payment under subregulation (8)).
- (10) Subregulation (8) does not apply to a police officer who is a member of the scheme by virtue only of regulation 9(5) or (7) (or both).
- (11) Subject to subregulation (12), a member's employment will be taken to have terminated on account of invalidity if—
- (a) the employer terminates the employment on the ground of the member's invalidity; or
 - (b) the employer or the member satisfies the Board (before termination of employment) that the member is incapacitated for work in the member's present position and that there is no other position, carrying a salary of at least 80% of the salary applicable to the member's present position, which the member could reasonably be expected to take, available to the member.
- (12) A member's employment will be taken to have terminated on account of invalidity if—
- (a) —
 - (i) at the time when the member is totally or partially incapacitated for work in the member's present position the member's employment is terminated by the employer—
 - (A) in circumstances that would, but for this subregulation, constitute retrenchment of the member; or

- (B) on account of the unsatisfactory performance by the member of his or her duties (including the member's failure to meet performance standards) caused by the member's incapacity; or
 - (ii) the member's employment is terminated by the member for any reason that is caused by or is the direct result of the member's incapacity; and
 - (b) the Board is satisfied that the member has been incapacitated for all kinds of work for a period of at least 6 months since terminating his or her employment and that the incapacity is likely to be permanent.
- (13) A member referred to in subregulation (12) who claims to be entitled to benefits under this regulation, or a person acting on his or her behalf, must within 2 years after the termination of the member's employment, give written notice to the Board claiming that the member is entitled to benefits under this regulation.
- (14) The time limit of 2 years referred to in subregulation (13) may not be extended under any circumstances.
- (15) If the employment of a member terminates (or is terminated) in circumstances that will result in—
- (a) the member being entitled to a benefit under the Act or these regulations; or
 - (b) the member ceasing to be liable with respect to a payment under the Act or these regulations,

the member's employer at the time of the termination must give the Board written notice of the termination within 14 days after the date of the termination.

- (16) The Board must consult with the Police Superannuation Board before authorising the payment of a benefit to a police officer under this regulation.
- (17) In this regulation—

terminal illness means an illness or condition that is likely, in the opinion of 2 medical practitioners, to result in death of a member within 12 months of the day on which the opinion is given;

voluntary separation package means an agreement between a member and his or her employer pursuant to which the member resigns from employment.

59—Death of member

- (1) If a member's employment is terminated by the member's death—
- (a) if the deceased member is survived by a spouse—a payment will be made to the spouse;
 - (b) if the deceased member is not survived by a spouse—a payment will be made to the member's estate.
- (2) The amount of the payment under subregulation (1)(a) or (b) is the aggregate of the following amounts:
- (a) the employee component;
 - (b) the employer component;
 - (c) the rollover component (if any);

- (d) the co-contribution component (if any);
 - (e) subject to this regulation and regulation 49(6) and (7)—the basic death insurance benefit and the voluntary death insurance benefit (if any).
- (3) However, a surviving spouse will not be entitled to a benefit under this regulation if regulation 69 applies to the spouse.
- (4) The basic and voluntary death insurance benefits are not payable in respect of the death of a member that occurs within 6 months of the commencement of his or her membership of the scheme if the death is attributable to a medical condition existing before that commencement.
- (5) Subject to subregulation (6), if a member takes his or her life—
- (a) within 1 year after the commencement of his or her membership of the scheme; or
 - (b) within 1 year after the commencement of, or increase in the level of, voluntary invalidity/death insurance,

the following provisions apply:

- (c) if death occurs within 1 year after the commencement of membership of the scheme or commencement of voluntary invalidity/death insurance—neither basic nor voluntary death insurance benefits are payable;
 - (d) if death occurs within 1 year after an increase in the level of voluntary invalidity/death insurance—voluntary death insurance benefits are not payable in respect of the increased insurance.
- (6) Subregulation (5)(c) does not apply in relation to a member who was a member of the State Scheme or any other scheme of superannuation established for the benefit of the employees of an agency or instrumentality of the Crown immediately before becoming a member of the Triple S scheme if his or her death occurred on or after the first anniversary of the commencement of his or her membership of the State Scheme or other scheme.
- (7) If—
- (a) the member was, immediately before his or her death, a police officer; and
 - (b) the member died from injuries received in the course of duty,

the member's spouse or estate is entitled to benefits under subregulation (2) or to payment of an amount calculated as follows, whichever is the greater:

$$A = 3 \times S$$

Where—

A is the amount

S is—

- (a) if the member—
 - (i) held the rank of senior sergeant or a lower rank immediately before his or her death; and
 - (ii) was at any time during his or her membership of South Australia Police rostered to work on day, afternoon and night shifts, or on any two of those shifts, on a rotating basis; and

- (iii) was not, immediately before his or her death, employed on a permanent basis on special duties at a salary level greater than that payable to a senior sergeant,
the member's actual or attributed salary as defined by the *Police Superannuation Act 1990* (expressed as an annual amount) increased by 10%;
 - (b) in any other case—the member's actual or attributed salary as defined by the *Police Superannuation Act 1990* (expressed as an annual amount).
- (8) When determining for the purposes of subregulation (7) whether a member's spouse or estate is entitled to benefits under subregulation (2) or to a payment under subregulation (7), the rollover component (if any) and the co-contribution component (if any) will be disregarded (the spouse or estate is entitled to payment of the rollover component and the co-contribution component in addition to a payment under subregulation (7)).
- (9) Subregulation (7) does not apply to a police officer who is a member of the scheme by virtue only of regulation 9(5) or (7) (or both).
- (10) If a member who has died is not survived by a spouse and probate or letters of administration in relation to the deceased's estate have not been granted to any person, the Board may use the amount payable under this regulation, or such part of it as is required, to pay the funeral expenses of the deceased member or to reimburse a person who has paid those expenses.
- (11) If—
- (a) a member's employment terminates or is terminated for any reason (except the member's death); and
 - (b) the member dies within 1 month after the termination of his or her employment,
- the member's spouse or estate is entitled to the basic death insurance benefit and the voluntary death insurance benefit (if any) that the spouse or estate would have been entitled to if the member's employment had been terminated by the member's death.

60—Commutation to pay deferred superannuation contributions surcharge

- (1) A member who is liable for a deferred superannuation contributions surcharge as a result of a benefit becoming payable to the member may apply to the Board, in accordance with this regulation—
- (a) to receive part of the benefit in the form of a commutable pension; and
 - (b) to fully commute the pension.
- (2) A member who has become entitled to a benefit, or will shortly become entitled to a benefit, may—
- (a) estimate the amount of the surcharge the member will become liable to pay (the *estimated surcharge amount*); and
 - (b) request the Board, in the approved form, to—
 - (i) withhold from the member's benefit an amount equal to the estimated surcharge amount (the *withheld amount*); and
 - (ii) pay the balance of the benefit to the member (being, in the case of a benefit to which the member is yet to become entitled, a payment after the entitlement arises),

and the Board must, subject to subregulation (5), comply with the member's request.

- (3) If a member has made a request under subregulation (2)(b), the member must, before the expiration of 2 months following the issue of a surcharge notice in respect of the member, advise the Board in the approved form that the notice has been issued and the Board must, within 7 days of receiving that advice—
- (a) convert into a pension—
 - (i) if the amount of the surcharge payable by the member is less than the withheld amount—a portion of the withheld amount equal to the amount payable; or
 - (ii) in any other case—the whole of the withheld amount; and
 - (b) immediately after converting the withheld amount, or a portion of the withheld amount, into a pension under paragraph (a)—commute the pension; and
 - (c) pay to the member—
 - (i) the lump sum resulting from the commutation of the pension; and
 - (ii) the balance (if any) of the withheld amount.
- (4) If a member who has become entitled to a benefit but has not yet received a surcharge notice provides the Board with satisfactory evidence of the amount of the surcharge he or she will become liable to pay (the *surcharge amount*) and requests the Board, in the approved form, to apply, or facilitate the application of, an amount of the member's benefit in payment of the surcharge, the Board must, within 7 days of the request—
- (a) convert into a pension an amount of the member's benefit that is equal to the surcharge amount; and
 - (b) immediately after converting the amount into a pension under paragraph (a)—commute the pension; and
 - (c) pay the lump sum resulting from the commutation to the member or the Commissioner of Taxation (at the option of the member); and
 - (d) following payment under paragraph (c)—reduce the member's remaining benefits by an amount equal to the surcharge amount.
- (5) The Board may reject an application under subregulation (1) if—
- (a) it is not satisfied that, if the application were accepted, the resulting lump sum will be applied in payment of the surcharge; or
 - (b) the member fails to satisfy the Board that the member has, or will have, a surcharge liability to the Commissioner of Taxation.
- (6) The factors to be applied in—
- (a) the conversion of a withheld amount (or part of a withheld amount) into a pension; and
 - (b) the commutation of a pension,
- will be determined by the Treasurer on the recommendation of an actuary.

61—Commutation to pay deferred superannuation contributions surcharge following death

- (1) If a member who is liable for a deferred superannuation contributions surcharge dies—
- (a) having made a request of the Board under regulation 60 for part of his or her benefit to be withheld but before receiving a surcharge notice; or
 - (b) having received a surcharge notice but before requesting commutation of his or her pension under regulation 60,

the member's spouse or, if the member is not survived by a spouse, the member's legal representative, may, before the expiration of the period of 2 months immediately following the member's death or the issue of the surcharge notice (whichever is the later), apply to the Board—

- (c) to receive the amount withheld by the Board on behalf of the deceased member under regulation 60 in the form of a commutable pension; and
 - (d) to fully commute the pension.
- (2) The Board must, on receipt of an application under subregulation (1)—
- (a) convert into a pension—
 - (i) if the amount of the surcharge payable by the spouse or estate is less than the withheld amount—a portion of the withheld amount equal to the amount payable; or
 - (ii) in any other case—the whole of the withheld amount; and
 - (b) immediately after converting the withheld amount, or a portion of the withheld amount, into a pension under paragraph (a)—commute the pension; and
 - (c) pay to the spouse or estate—
 - (i) the lump sum resulting from the commutation of the pension; and
 - (ii) the balance (if any) of the withheld amount.
- (3) If a member dies without having made a request under regulation 60, the member's spouse or, if the member is not survived by a spouse, the member's legal representative, may—
- (a) estimate the amount of the surcharge the spouse or estate will become liable to pay (the *estimated surcharge amount*); and
 - (b) request the Board, in the approved form, to—
 - (i) withhold from the spouse's benefit or the benefit payable to the estate an amount equal to the estimated surcharge amount (the *withheld amount*); and
 - (ii) pay the balance of the benefit to the spouse or estate,
- and the Board must, subject to subregulation (6), comply with the request.
- (4) An application under subregulation (3) must be made in writing to the Board before payment of the benefit to the spouse or legal representative.
- (5) The spouse or legal representative must, before the expiration of 2 months following the issue of a surcharge notice in respect of the member, advise the Board in the approved form that the notice has been issued and the Board must, within 7 days of receiving that advice—
- (a) convert into a pension—

- (i) if the amount of the surcharge payable by the spouse or estate is less than the withheld amount—a portion of the withheld amount equal to the amount payable; or
 - (ii) in any other case—the whole of the withheld amount; and
 - (b) immediately after converting the withheld amount, or a portion of the withheld amount, into a pension under paragraph (a)—commute the pension; and
 - (c) pay to the spouse or estate—
 - (i) the lump sum resulting from the commutation of the pension; and
 - (ii) the balance (if any) of the withheld amount.
- (6) The Board may reject an application under subregulation (1) or (3) if it is not satisfied that, if the application were accepted, the resulting lump sum will be applied in payment of the surcharge or be used to reimburse the deceased member's estate, or the spouse or other person who has paid the surcharge on behalf of the estate.
- (7) The factors to be applied in—
- (a) the conversion of a withheld amount (or part of a withheld amount) into a pension; and
 - (b) the commutation of a pension,
- will be determined by the Treasurer on the recommendation of an actuary.
- (8) In this regulation—
- legal representative***, in relation to a deceased member, means a person—
- (a) holding office as executor of the will of the deceased member where probate of the will has been granted or resealed in South Australia or any other State or a Territory; or
 - (b) holding office in South Australia or any other State or a Territory as administrator of the estate of the deceased member.

62—Withheld amount

An amount withheld under regulation 60 or 61—

- (a) must be retained in the Fund; and
- (b) will be adjusted from time to time by the Board, in accordance with section 13 of the Act, to reflect investment earnings on the amount; and
- (c) may be paid to the member (or the member's spouse or legal representative)—
 - (i) in accordance with regulation 60 or 61; or
 - (ii) at the direction of the Board if the Board—
 - (A) has not, within 2 years of withholding the amount, received advice that a surcharge notice has been issued in respect of the member; or
 - (B) considers, at any time, there is other good reason for doing so.

Division 2—Spouse members

63—Benefits for spouse members

- (1) Subject to this regulation, the following provisions apply in respect of an amount standing to the credit of a spouse member's spouse account:
 - (a) if—
 - (i) the spouse member—
 - (A) has reached his or her preservation age; and
 - (B) is the spouse of the relevant member; and
 - (ii) the relevant member has taken the benefit of regulation 53,
payment of the amount may be made to the spouse member subject to restrictions (if any) imposed by the SIS Act;
 - (b) if—
 - (i) the spouse member—
 - (A) has reached the retirement age; and
 - (B) is the spouse of the relevant member; and
 - (ii) the employment of the relevant member has terminated,
payment of the amount may be made to the spouse member subject to restrictions (if any) imposed by the SIS Act;
 - (c) if—
 - (i) the spouse member—
 - (A) has not reached the retirement age; and
 - (B) is the spouse of the relevant member; and
 - (ii) the employment of the relevant member has terminated,
the amount must be preserved;
 - (d) if the spouse member—
 - (i) is not the spouse of the relevant member; and
 - (ii) has not reached the retirement age,
the amount must be preserved;
 - (e) if the spouse member—
 - (i) is not the spouse of the relevant member; and
 - (ii) has reached the retirement age,
payment of the amount may be made to the spouse member subject to restrictions (if any) imposed by the SIS Act.
- (2) If an amount standing to the credit of a spouse member's spouse account is preserved under subregulation (1)—
 - (a) the spouse member may elect to carry the amount over to some other fund or scheme approved by the Board; or

- (b) subject to restrictions (if any) imposed by the SIS Act, the spouse member may at any time after reaching the retirement age require the Board to authorise payment of the amount and, if no such requirement has been made on or before the date on which the spouse member reaches 65 years of age, the Board will authorise payment of the amount to the spouse member.
- (3) If—
- (a) a spouse member suffers physical or mental incapacity; and
- (b) the Board is satisfied that the spouse member's incapacity for all kinds of work is 60% or more of total incapacity and is likely to be permanent,
- the spouse member is entitled to benefits made up of the amount (if any) standing to the credit of each of the spouse member's spouse accounts.
- (4) If a spouse member dies, the amount (if any) standing to the credit of each of the spouse member's spouse accounts, and the voluntary death insurance benefit (if any), will be paid to—
- (a) if the deceased spouse member is survived by a spouse—the spouse; and
- (b) if the deceased spouse member is not survived by a spouse—the spouse member's estate.
- (5) However, a surviving spouse will not be entitled to a benefit under subregulation (4) if regulation 69 applies to the spouse.
- (6) A payment under subregulation (2), (3) or (4) excludes further rights so that a claim cannot subsequently be made under another of those subregulations.
- (7) In this regulation—
- relevant member**, in relation to a spouse member, means the member who, by making a prescribed payment (within the meaning of Part 2 Division 2), or a contribution under regulation 23(1), for the benefit of the spouse member, caused the spouse member to become a spouse member of the scheme.

Part 5—Family Law Act provisions

64—Purpose of this Part

Pursuant to section 30(2) of the Act, the purpose of this Part is to facilitate the division under the *Family Law Act 1975* of the Commonwealth of superannuation interests between spouses who have separated.

65—Interpretation

In this Part, unless the contrary intention appears—

Commonwealth regulations means the *Family Law (Superannuation) Regulations 2001* (No. 303 as amended) of the Commonwealth;

eligible person, in relation to a superannuation interest of a member, has the same meaning as in section 90MZB of the *Family Law Act 1975* of the Commonwealth;

flag lifting agreement has the same meaning as in Part VIII B of the *Family Law Act 1975* of the Commonwealth;

member includes a spouse member;

member spouse has the same meaning as in Part VIII B of the *Family Law Act 1975* of the Commonwealth;

non-member spouse has the same meaning as in Part VIII B of the *Family Law Act 1975* of the Commonwealth;

operative time has the same meaning as in Part VIII B of the *Family Law Act 1975* of the Commonwealth;

payment split has the same meaning as in Part VIII B of the *Family Law Act 1975* of the Commonwealth;

splitting instrument means—

- (a) a superannuation agreement; or
- (b) a flag lifting agreement that provides for a payment split; or
- (c) a splitting order;

splitting order has the same meaning as in Part VIII B of the *Family Law Act 1975* of the Commonwealth;

superannuation agreement has the same meaning as in Part VIII B of the *Family Law Act 1975* of the Commonwealth.

66—Non-member spouse entitlement

- (1) The Board must, on service of a splitting instrument, create an interest for the non-member spouse named in the instrument in accordance with the provisions of the instrument, with effect from the operative time.
- (2) The value of the non-member spouse's interest will be determined by reference to the provisions of the instrument but in any event may not exceed the value of the member spouse's interest.

67—Payment of lump sum

- (1) The interest of a non-member spouse under regulation 66 will, according to the election of the non-member spouse—
 - (a) be paid out to the extent (if any) that payment can be made in accordance with the SIS Act; or
 - (b) be retained to the credit of the non-member spouse in an account in the name of the non-member spouse in the Fund; or
 - (c) be rolled over or transferred to some other superannuation fund or scheme approved by the Board.
- (2) The Board must, if necessary, establish a member's contribution account so as to provide for the requirements of subregulation (1)(b).
- (3) The Board must ensure that the money constituting the interest of the non-member spouse continues to be invested in the class of investments, or the combination of classes of investments, that the money was invested in before the creation of the interest unless or until the non-member spouse makes a nomination under section 14(1) of the Act for his or her accounts to be invested in a different class of investments or combination of classes of investments.
- (4) The Board must take the action required under subregulation (1) within 28 days after receiving the relevant election.

- (5) However, if an election is not made by the non-member spouse before the end of 28 days after the Board gives notice to the non-member spouse, the Board must, subject to this regulation, transfer the interest to the credit of the non-member spouse under subregulation (1)(b).
- (6) A notice under subregulation (5) must—
 - (a) be in writing; and
 - (b) notify the non-member spouse that the interest may be retained in the Triple S scheme; and
 - (c) advise the non-member spouse of—
 - (i) his or her option to make an election and the consequences of a failure to do so within 28 days; and
 - (ii) the value of his or her interest; and
 - (iii) the basis of any adjustments that have been, or will be, applied to the interest.
- (7) If the interest of a non-member spouse is transferred to the credit of the non-member spouse in the Triple S scheme because an election has not been made, the Board must, within 14 days of the interest being rolled over—
 - (a) advise the non-member spouse that his or her interest has been retained in the Triple S scheme; and
 - (b) provide the non-member spouse with a membership identification number, a copy of the most recent annual report prepared in respect of the Triple S scheme and any other information that, according to a determination of the Board, may be of assistance to the non-member spouse.

68—Effect on member's entitlement

- (1) Despite the other provisions of the Act and these regulations, if a payment split is payable with respect to the superannuation interest of a member, there is a corresponding reduction in the entitlement of the member under the Act or these regulations.
- (2) A reduction in the entitlement of a member will be given effect on the basis that the member's contribution account, rollover account, and co-contribution account (insofar as they exist) will be subject to a charge that takes effect by reducing the balance of each of those accounts at the operative time (insofar as a balance exists) by a percentage equal to the percentage that the non-member spouse's share in the relevant superannuation interest bears to the total value of the contributor's accrued superannuation benefit at the operative time (subject to any relevant method or factor adopted or applied by the regulations and to the extent necessary to take into account the full value of the entitlement of the non-member spouse).
- (3) A reduction in the entitlement of a member will not extend to any superannuation benefit that is not a splittable payment under Part VIII B of the *Family Law Act 1975* of the Commonwealth.
- (4) If 2 or more reductions must be made with respect to an entitlement of a member because 2 or more splitting instruments have been served on the Board, the Board may determine to apply the reductions separately, or in aggregate.

- (5) If a member has received a draw down benefit under regulation 53—
- (a) the superannuation interest of the member will be taken to include the balance of any draw down benefit that is being held under regulation 53(6) and (7); and
 - (b) any entitlement under regulation 53 will be adjusted to take into account the effect of a payment split under this Part.

69—Lump sum not payable to spouse on death of member if split has occurred

If a member dies and is survived by a spouse who—

- (a) has received, is receiving or is entitled to receive a benefit under a splitting instrument; or
- (b) is, under the terms of a splitting instrument, not entitled to any amount arising out of the member's superannuation interest under the Act or these regulations (or any proportion of such an interest),

the spouse is not entitled to a benefit under the Act or these regulations in respect of the deceased member (except in accordance with the instrument) and will not be considered to be a spouse of the deceased member for the purposes of regulation 74 (if relevant).

70—Board to comply with Commonwealth requirements

The Board must comply with the requirements imposed on the Board under Part VIII B of the *Family Law Act 1975* of the Commonwealth.

71—Provision of information

In addition to any other information that may be provided by the Board in connection with this Part, the Board may, on application, provide to an eligible person a statement of the value of a superannuation interest of a member spouse, as at a particular date specified in the application.

72—Payment from contribution account in name of non-member spouse

If the interest of a spouse (or former spouse) is paid into a contribution account under regulation 67(1)(b), or is rolled over for payment into an account under the Act or these regulations or under the provisions of another Act or of regulations that correspond to this Part, the amount paid into the account will be taken to be a rollover component that may be paid out in accordance with regulation 55(7).

73—Fees

- (1) The Board may fix fees in respect of matters in relation to which fees may be charged under regulation 59 of the Commonwealth regulations.
- (2) Any fee under subregulation (1) that is payable by a member spouse or a non-member spouse and has not been paid within 1 month of the amount becoming payable may be deducted by the Board—
 - (a) if the outstanding fee is payable by a member spouse—
 - (i) from the member spouse's contribution account; or
 - (ii) from any benefit payable to the member spouse under the Act or these regulations; or

- (b) if the outstanding fee is payable by a non-member spouse—
 - (i) from any interest that is to be rolled over or transferred to a fund for the benefit of the non-member spouse; or
 - (ii) from any other benefit payable to the non-member spouse under the Act or these regulations.

Part 6—Miscellaneous

74—Division of benefit where deceased member or spouse member is survived by lawful and putative spouse

- (1) If a deceased member or spouse member is survived by a lawful spouse and a putative spouse, any benefit to which a surviving spouse is entitled under the Act or these regulations will be divided between them in a ratio determined by reference to the relative length of the periods for which each of them cohabited with the deceased as his or her spouse.
- (2) If a number of periods of cohabitation are to be aggregated for the purpose of determining an aggregate period of cohabitation for the purpose of subregulation (1), any separate period of cohabitation of less than 3 months will be disregarded.
- (3) A surviving spouse must, at the request of the Board, furnish it with any information that it requires for the purposes of making a division under subregulation (1).
- (4) A putative spouse is not entitled to any benefit under this regulation, unless the deceased member or spouse member and that spouse were putative spouses as at the date of the death of the member or spouse member.
- (5) If—
 - (a) a deceased member or spouse member is survived by a lawful and a putative spouse; and
 - (b) a benefit is paid to 1 of them on the assumption that he or she is the sole surviving spouse of the deceased,

the other spouse has no claim on the benefit insofar as it has been already paid unless that spouse gave the Board notice of his or her claim before the date of payment.

75—Payment in case of death

- (1) Subject to subregulation (2), if a person to whom a payment is to be made under the Act or these regulations dies, the Board may, in its discretion, make the payment to—
 - (a) the personal representative of the deceased; or
 - (b) the spouse of the deceased; or
 - (c) the children of the deceased.
- (2) The Board may use the amount payable, or such part of it as is required, to pay the funeral expenses of the person who has died or to reimburse a person who has paid those expenses.

76—Liabilities may be set off against benefits

A liability of a member or spouse member arising under the Act or these regulations may be set off against a payment that is to be made to, on behalf of, or in respect of the member or spouse member under the Act or these regulations.

77—Annuities

- (1) The Board may, with the Minister's approval, provide annuities on terms and conditions fixed by the Board.
- (2) The Board can only undertake to provide an annuity to a person who is, or has been—
 - (a) a member of the Triple S scheme or some other scheme of superannuation established by an Act; or
 - (b) a member of some other scheme of superannuation established for the benefit of employees of an agency or instrumentality of the Crown.

78—Information to be given to certain members

- (1) The Board must provide members of the scheme who do not contribute or who are not entitled to voluntary invalidity/death insurance with information as to the benefits of contributing or applying for voluntary invalidity/death insurance.
- (2) When a person becomes a member of the Triple S scheme by virtue of regulation 9(5) or (7), the Board must advise the person in writing of his or her membership of the scheme and provide the person with information as to the management and investment of his or her payments and the benefits to which he or she is entitled under the Act.

Schedule 1—Invalidity/death insurance benefits**Table 1—Standard insurance cover**

Age last birthday	One unit \$	Cost/week \$
Up to 34	75 000	0.75
35	72 000	0.75
36	69 000	0.75
37	66 000	0.75
38	63 000	0.75
39	60 000	0.75
40	57 000	0.75
41	54 000	0.75
42	51 000	0.75
43	48 000	0.75
44	45 000	0.75
45	42 000	0.75
46	39 000	0.75
47	36 000	0.75
48	33 000	0.75
49	30 000	0.75
50	27 000	0.75
51	24 000	0.75
52	22 000	0.75

Age last birthday	One unit	Cost/week
	\$	\$
53	20 000	0.75
54	18 000	0.75
55	16 000	0.75
56	14 000	0.75
57	12 500	0.75
58	11 000	0.75
59	10 000	0.75
60	9 000	0.75
61	8 000	0.75
62	7 000	0.75
63	6 000	0.75
64	5 000	0.75
65 or over	0	not applicable

Table 2—Fixed insurance cover

Age last birthday	One unit	Cost/week
	\$	\$
20 and under	75 000	0.80
21	75 000	0.85
22	75 000	0.85
23	75 000	0.90
24	75 000	0.95
25	75 000	1.00
26	75 000	1.05
27	75 000	1.10
28	75 000	1.15
29	75 000	1.20
30	75 000	1.25
31	75 000	1.30
32	75 000	1.40
33	75 000	1.50
34	75 000	1.60
35	75 000	1.70
36	75 000	1.80
37	75 000	2.00
38	75 000	2.10
39	75 000	2.30
40	75 000	2.40
41	75 000	2.60

Age last birthday	One unit \$	Cost/week \$
42	75 000	2.70
43	75 000	2.90
44	75 000	3.10
45	75 000	3.30
46	75 000	3.50
47	75 000	3.70
48	75 000	3.90
49	75 000	4.10
50	75 000	4.40
51	75 000	4.70
52	75 000	5.10
53	75 000	5.50
54	75 000	6.00
55	75 000	6.50
56	75 000	7.10
57	75 000	7.70
58	75 000	8.40
59	75 000	9.20
60	75 000	10.10
61	75 000	11.00
62	75 000	12.00
63	75 000	13.00
64	75 000	14.10
65 or over	0	not applicable

Schedule 2—Death insurance benefits

Table 1—Standard insurance cover

Age last birthday	One unit \$	Cost/week \$
Up to 34	75 000	0.50
35	72 000	0.50
36	69 000	0.50
37	66 000	0.50
38	63 000	0.50
39	60 000	0.50
40	57 000	0.50
41	54 000	0.50
42	51 000	0.50

Age last birthday	One unit	Cost/week
	\$	\$
43	48 000	0.50
44	45 000	0.50
45	42 000	0.50
46	39 000	0.50
47	36 000	0.50
48	33 000	0.50
49	30 000	0.50
50	27 000	0.50
51	24 000	0.50
52	22 000	0.50
53	20 000	0.50
54	18 000	0.50
55	16 000	0.50
56	14 000	0.50
57	12 500	0.50
58	11 000	0.50
59	10 000	0.50
60	9 000	0.50
61	8 000	0.50
62	7 000	0.50
63	6 000	0.50
64	5 000	0.50
65 or over	0	not applicable

Table 2—Fixed insurance cover

Age last birthday	One unit	Cost/week
	\$	\$
20 and under	75 000	0.55
21	75 000	0.55
22	75 000	0.55
23	75 000	0.55
24	75 000	0.60
25	75 000	0.60
26	75 000	0.65
27	75 000	0.70
28	75 000	0.75
29	75 000	0.80
30	75 000	0.85

Age last birthday	One unit	Cost/week
	\$	\$
31	75 000	0.90
32	75 000	0.95
33	75 000	1.00
34	75 000	1.10
35	75 000	1.10
36	75 000	1.20
37	75 000	1.30
38	75 000	1.40
39	75 000	1.50
40	75 000	1.60
41	75 000	1.70
42	75 000	1.80
43	75 000	1.90
44	75 000	2.00
45	75 000	2.00
46	75 000	2.20
47	75 000	2.40
48	75 000	2.60
49	75 000	2.80
50	75 000	3.00
51	75 000	3.00
52	75 000	3.50
53	75 000	3.50
54	75 000	4.00
55	75 000	4.50
56	75 000	5.00
57	75 000	5.50
58	75 000	6.00
59	75 000	6.50
60	75 000	7.00
61	75 000	7.50
62	75 000	7.50
63	75 000	8.00
64	75 000	8.00
65 or over	0	not applicable

Schedule 3—Revocation and transitional provisions

Part 1—Revocation of *Southern State Superannuation Regulations 1995*

1—Revocation of Regulations

The *Southern State Superannuation Regulations 1995* are revoked.

Part 2—Transitional provisions

2—Members previously entitled to future service benefit

- (1) Subject to this clause, a member of the scheme who was, immediately before the commencement of the *Southern State Superannuation (Invalidity/Death Insurance) Amendment Act 2001* (the **amending Act**), a member—
 - (a) who would have been entitled to a basic future service benefit in the circumstances referred to in section 34 of the repealed Act as in force immediately before the commencement of the amending Act; or
 - (b) in respect of whom a basic future service benefit would have been payable in the circumstances referred to in section 35 of the repealed Act as in force immediately before the commencement of the amending Act,

but who was not a supplementary future service benefit member is entitled to a level of basic invalidity/death insurance that, in the opinion of the Board, will give the member invalidity and death insurance equivalent to or greater than the level of basic insurance that he or she was entitled to immediately before the commencement of the amending Act.

- (2) A person who was, immediately before the commencement of the amending Act, a supplementary future service benefit member of the scheme is entitled to a level of basic and voluntary invalidity/death insurance the combined value of which will, in the opinion of the Board, give the member invalidity and death insurance equivalent to or greater than the combined level of basic and supplementary insurance that he or she was entitled to immediately before the commencement of the amending Act.
- (3) A member referred to in subclause (1) may, by application in the approved form, reduce the level of basic invalidity/death insurance to which he or she is entitled under that subclause to the level permitted by these regulations.
- (4) The entitlement of a person to voluntary invalidity/death insurance under subclause (2) is subject to the same conditions (if any) that his or her entitlement to supplementary future service benefits was subject immediately before the commencement of the amending Act.
- (5) If a member referred to in subclause (1) had, before the repeal of the *Southern State Superannuation Act 1994*, reduced the level of basic invalidity/death insurance to which he or she was entitled under that Act—
 - (a) subclause (1) does not operate in relation to the member; and
 - (b) the member is entitled, on the commencement of this clause, to the level of basic invalidity/death insurance he or she enjoyed immediately before that repeal.

3—Visiting medical officers

- (1) Subject to this clause, a transferred visiting medical officer is entitled (without being required to undergo a medical examination) to maintain the insurance cover the member enjoyed under the VMO Fund immediately prior to the repeal of the *Superannuation (Visiting Medical Officers) Act 1993* (subject to any adjustments that would have occurred from time to time under the terms of that insurance).
- (2) The insurance cover to which a transferred visiting medical officer is entitled under subclause (1)—
 - (a) will be in substitution for invalidity/death insurance under Part 3 of these Regulations (and that Part will not apply while the insurance cover under subclause (1) is maintained); and
 - (b) will, if the transferred visiting medical officer had attained the age of 60 at the time he or she became a member of the scheme (but had not yet attained the age of 65)—
 - (i) be available to the member despite the fact that he or she has attained the age of 60; and
 - (ii) continue to be available to the member until he or she attains the age of 65; and
 - (c) will be subject to premiums, determined by the Board, being premiums that do not exceed the premiums the member was paying under the VMO Fund immediately before 1 July 2003.
- (3) If a transferred visiting medical officer suffers from a medical condition or restriction relevant to the determination of his or her entitlements under the VMO Fund, any insurance cover to which he or she is entitled under subclause (1) may be subject to such authorised conditions as the Board thinks fit to impose.
- (4) A transferred visiting medical officer may apply to the Board to cancel or vary the insurance cover provided by subclause (1) but, in such a case, the transferred visiting medical officer will then be subject to the operation of Part 3 of these regulations.
- (5) This clause does not apply in relation to a transferred visiting medical officer who has, before the commencement of this clause, applied to the Board to cancel or vary the insurance cover provided by Schedule 3 Part 1 clause 12(1) of the repealed Act.
- (6) In this clause—

authorised condition has the same meaning as in regulation 49;

transferred visiting medical officer means a visiting medical officer who, immediately before 1 July 2003, was a member of the VMO Fund;

VMO Fund means the SAHC Visiting Medical Officers Superannuation Fund established by a trust deed dated 24 February 1983.

4—Transitional arrangement for certain police members (Schedule 1 clause 12)

For the purposes of subclause (2)(d) of clause 12 of Schedule 1 of the Act, the benefits to which a police member may be entitled under that subclause on his or her retirement in lieu of benefits under regulation 54 are to be determined in accordance with the following formula:

$$LS = 5.4545 \times A \times FS \times \left(1 + \frac{0.1667 \times X}{100}\right) \times \left(1 + \frac{0.2778 \times Y}{100}\right) + Pn \times \frac{FS \times 1.36 \times M}{480}$$

where—

LS is the minimum benefit

FS is the member's actual or attributed salary as defined by the *Police Superannuation Act 1990* (expressed as an annual amount)

X is the number of months (if any) by which the member's age at retirement exceeds 50 years, with a maximum value of 60

Y is the number of months (if any) by which the member's age at retirement exceeds 55 years

Pn is—

- (a) in the case of a member who was employed on a full-time basis throughout his or her membership of the Police Superannuation Scheme and the Triple S scheme—1; and
- (b) in any other case—

$$\frac{Pn8 \times M8 + PnTS \times (M - M8)}{M}$$

A is the lesser of the following:

- (a) unity;
- (b)

$$\frac{Pn \times M}{D}$$

M is the number of completed months between the day on which the member commenced service and the day of his or her retirement

D is—

- (a) if the age of the member at retirement is less than 55—360;
- (b) if the age of the member at retirement is 55 or greater but less than 60—360 plus Y;
- (c) if the age of the member at retirement is 60 or greater—420

Pn8 is, for the period of the member's membership of the Police Superannuation Scheme—

- (a) in the case of a member who was employed on a full-time basis throughout his or her membership of that Scheme—1; and

- (b) in any other case—the numerical value arrived at by expressing the member's employment for the period beginning on the day on which he or she became a member of that Scheme and ending on the day immediately before he or she became a member of the Triple S scheme as a proportion of full-time employment during that period

M8 is the number of completed months between the day the member commenced service and the day immediately before the day on which he or she became a member of the Triple S scheme

PnTS is, for the period of the member's membership of the Triple S scheme—

- (a) in the case of a member who was employed on a full-time basis throughout his or her membership of that scheme—1; and
- (b) in any other case—the numerical value arrived at by expressing the member's employment for the period beginning on the day on which he or she became a member of that scheme and ending on the day of his or her retirement as a proportion of full-time employment during that period.

5—Application for disability pension

The following provisions apply in relation to any application for a disability pension made under section 33A of the repealed Act that was not determined by the Board before the repeal of that Act:

- (a) the application will be taken to have been made under regulation 36;
- (b) if the application was made by a person who—
 - (i) was not exempted from the ambit of section 33A of the repealed Act; but
 - (ii) is exempted from the ambit of regulation 36 by virtue of being a casual member (within the meaning of regulation 37),

the member will, for the purposes of that application, be taken to have been brought within the ambit of regulation 36 on and from the day on which these regulations come into operation.

6—Restrictions on payment of disability pension for certain members

- (1) This clause applies to a member (other than a prescribed member within the meaning of Part 3) who—
 - (a) was not entitled to obtain a benefit in the event of incapacity for work under section 33A of the repealed Act immediately before the repeal of that Act; but
 - (b) would, but for this clause, be entitled to obtain a benefit in the event of incapacity for work under regulation 36 on the commencement of that regulation.
- (2) Regulation 36 will operate in relation to a member to whom this clause applies on and from, but not before, 31 October 2009.
- (3) However, if a member to whom this clause applies elects before 31 October 2009, by written notice to the Board, to be exempted from the ambit of regulation 36, the member will be taken to have made an election under regulation 37(1).
- (4) An election under subclause (3) will take effect from 31 October 2009.

(5) A member to whom this clause applies who was employed in employment to which the Act applies for a period of at least 3 months prior to the commencement of the Act is not entitled during the relevant period to a disability pension under regulation 36 in respect of incapacity attributable to a medical condition existing before the day of that commencement.

(6) In subclause (5)—

relevant period means the 2 year period commencing on the day in which the Act comes into operation.

7—Continuation of disability pension for certain members

Regulation 36(19) does not apply in relation to a disability pension if payment of the pension commenced before the commencement of these regulations.

8—Post retirement investment

Funds held under section 47B of the repealed Act will continue as funds held under regulation 45.

9—Conditions of insurance

If an application for invalidity or death insurance under the repealed Act was granted on conditions, the conditions continue to apply in relation to the insurance under these regulations unless varied or removed by the Board under regulation 49(5).

Note—

As required by section 30(8)(f) of the *Southern State Superannuation Act 2009*, the Minister has certified that the Minister is satisfied that it is necessary or appropriate that these regulations come into operation as set out in these regulations.

Made by the Governor

following consultation by the Treasurer with the South Australian Superannuation Board and with the advice and consent of the Executive Council
on 23 July 2009

No 208 of 2009

T&F07/027CS

South Australia

Land and Business (Sale and Conveyancing) (Site Contamination) Variation Regulations 2009

under the *Land and Business (Sale and Conveyancing) Act 1994*

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Part 1—Preliminary

1—Short title

These regulations may be cited as the *Land and Business (Sale and Conveyancing) (Site Contamination) Variation Regulations 2009*.

2—Commencement

- (1) Subject to subregulations (2) and (3), these regulations will come into operation on 1 September 2009, immediately after the commencement of Schedule 1 clause 2 of the *Land and Business (Sale and Conveyancing) Variation Regulations 2009*.
- (2) The following provisions will come into operation on 1 March 2010:
 - (a) Part 3 of these regulations;
 - (b) Schedule 1 Part 1 clause 3 of these regulations.
- (3) The following provisions will come into operation on 31 August 2010:
 - (a) Part 4 of these regulations;
 - (b) Schedule 1 Part 1 clause 4 of these regulations.

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 *Land and Business (Sale and Conveyancing) Regulations 1995* to take effect on 1 September 2009

4—Variation of Schedule 1—Contracts for sale of land or businesses—forms

- (1) Schedule 1, Form 1, Schedule, Division 1—after the item relating to section 93 of the *Environment Protection Act 1993* insert:

section 93A—Environment protection order relating to cessation of activity that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order:
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- (2) Schedule 1, Form 1, Schedule, Division 1—after the item relating to section 100 of the *Environment Protection Act 1993* insert:

section 103H—Site contamination assessment order that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order: Amount of charge on the land (if known):
section 103J—Site remediation order that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order: Amount of charge on the land (if known):

section 103N—Notice of declaration of special management area in relation to the land (due to possible existence of site contamination)	*YES/NO	Date of notice: Date of Gazette in which notice published: Description of area or areas to which the notice relates:
section 103P—Notation of site contamination audit report in relation to the land	*YES/NO	Date of notation: Note— Site contamination audit reports are kept by the EPA in the public register under section 109 of the <i>Environment Protection Act 1993</i> .
section 103S—Notice of prohibition or restriction on taking water affected by site contamination in relation to the land	*YES/NO	Date of notice: Date of Gazette in which notice published: Description of the water to which the notice relates: Particulars given in the notice of the site contamination affecting the water:

- (3) Schedule 1, Form 1, Schedule, Division 2, items headed "†**Particulars relating to environment protection**"—delete the items and heading and substitute:

†**Particulars relating to environment protection**

1—**Interpretation**

- (1) In this and the following items (items 1 to 6 inclusive)—

domestic activity has the same meaning as in the *Environment Protection Act 1993*;

environmental assessment, in relation to land, means an assessment of the existence or nature or extent of—

- (a) site contamination (within the meaning of the *Environment Protection Act 1993*) at the land; or

- (b) any other contamination of the land by chemical substances,

and includes such an assessment in relation to water on or below the surface of the land;

EPA means the Environment Protection Authority established under the *Environment Protection Act 1993*;

pre-1 July 2009 site audit, in relation to land, means a review (carried out by a person recognised by the EPA as an environmental auditor) that examines environmental assessments or remediation of the land for the purposes of determining—

- (a) the nature and extent of contamination of the land by chemical substances present or remaining on or below the surface of the land; and
- (b) the suitability of the land for a particular use; and
- (c) what remediation is or remains necessary for a particular use,

but does not include a site contamination audit (as defined below) completed on or after 1 July 2009;

pre-1 July 2009 site audit report means a detailed written report that sets out the findings of a pre-1 July 2009 site audit;

prescribed commercial or industrial activity—see item 1(2);

prescribed fee means the fee prescribed under the *Environment Protection Act 1993* for inspection of, or obtaining copies of information on, the public register;

public register means the public register kept by the EPA under section 109 of the *Environment Protection Act 1993*;

site contamination audit has the same meaning as in the *Environment Protection Act 1993*;

site contamination audit report has the same meaning as in the *Environment Protection Act 1993*.

- (2) For the purposes of this and the following items (items 1 to 6 inclusive), each of the following activities (as defined in Schedule 1 Part 1 of the *Environment Protection (Site Contamination) Regulations 2008*) is a prescribed commercial or industrial activity:

abrasive blasting	acid sulphate soil generation	agricultural activities
airports, aerodromes or aerospace industry	animal burial	animal dips or spray race facilities
animal feedlots	animal saleyards	asbestos disposal
asphalt or bitumen works	battery manufacture, recycling or disposal	breweries
brickworks	bulk shipping facilities	cement works
ceramic works	charcoal manufacture	coal handling or storage
coke works	compost or mulch production or storage	concrete batching works
curing or drying works	defence works	desalination plants
dredge spoil disposal or storage	drum reconditioning or recycling works	dry cleaning
electrical or electronics component manufacture	electrical substations	electrical transformer or capacitor works

electricity generation or power plants	explosives or pyrotechnics facilities	fertiliser manufacture
fibreglass manufacture	fill or soil importation	fire extinguisher or retardant manufacture
fire stations	fire training areas	foundry
fuel burning facilities	furniture restoration	gasworks
glass works	glazing	hat manufacture or felt processing
incineration	iron or steel works	laboratories
landfill sites	lime burner	metal coating, finishing or spray painting
metal forging	metal processing, smelting, refining or metallurgical works	mineral processing, metallurgical laboratories or mining or extractive industries
mirror manufacture	motor vehicle manufacture	motor vehicle racing or testing venues
motor vehicle repair or maintenance	motor vehicle wrecking yards	mushroom farming
oil recycling works	oil refineries	paint manufacture
pest control works	plastics manufacture works	printing works
pulp or paper works	railway operations	rubber manufacture or processing
scrap metal recovery	service stations	ship breaking
spray painting	tannery, fellmongery or hide curing	textile operations
transport depots or loading sites	tyre manufacture or retreading	vermiculture
vessel construction, repair or maintenance	waste depots	wastewater treatment, storage or disposal
water discharge to underground aquifer	wetlands or detention basins	wineries or distilleries
wood preservation works	woolscouring or wool carbonising works	works depots (operated by councils or utilities)

2—Pollution and site contamination on the land—questions for vendor

- (1) Is the vendor aware of any of the following activities ever having taken place at the land:
 - (a) storage, handling or disposal of waste or fuel or other chemicals (other than in the ordinary course of domestic activities)?

- (b) importation of soil or other fill from a site at which—
- (i) an activity of a kind listed in paragraph (a) has taken place; or
 - (ii) a prescribed commercial or industrial activity (see item 1(2) above) has taken place?

*YES/NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (2) Is the vendor aware of any prescribed commercial or industrial activities (see item 1(2) above) ever having taken place at the land?

*YES/NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (3) Is the vendor aware of any dangerous substances ever having been kept at the land pursuant to a licence under the *Dangerous Substances Act 1979*?

*YES/NO

If YES, give details of all dangerous substances that the vendor is aware of and whether they were kept at the land before or after the vendor acquired an interest in the land:

- (4) Is the vendor aware of the sale or transfer of the land or part of the land ever having occurred subject to an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?

*YES/NO

If YES, give details of each sale or transfer and agreement that the vendor is aware of:

- (5) Is the vendor aware of an environmental assessment of the land or part of the land ever having been carried out or commenced (whether or not completed)?

*YES/NO

If YES, give details of all environmental assessments that the vendor is aware of and whether they were carried out or commenced before or after the vendor acquired an interest in the land:

Note—

These questions relate to details about the land that may be known by the vendor. A "YES" answer to the questions at items 2(1) or 2(2) may indicate that a **potentially contaminating activity** has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

A "YES" answer to any of the questions in this item may indicate the need for the purchaser to seek further information regarding the activities, for example, from the council or the EPA.

3—Licences and exemptions recorded by EPA in public register

Does the EPA hold any of the following details in the public register:

- (a) details of a current licence issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—
- (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act)?

*YES/NO

- (b) details of a licence no longer in force issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—
- (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act)?

*YES/NO

- (c) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to operate a waste depot at the land?

*YES/NO

- (d) details of a licence issued under the repealed *Waste Management Act 1987* to operate a waste depot at the land?

*YES/NO

- (e) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to produce waste of a prescribed kind (within the meaning of that Act) at the land?

*YES/NO

- (f) details of a licence issued under the repealed *Waste Management Act 1987* to produce prescribed waste (within the meaning of that Act) at the land?

*YES/NO

Note—

These questions relate to details about licences and exemptions required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions—

- in the case of a licence or exemption under the *Environment Protection Act 1993*—
 - the purchaser may obtain a copy of the licence or exemption from the public register on payment of the prescribed fee; and
 - the purchaser should note that transfer of a licence or exemption is subject to the conditions of the licence or exemption and the approval of the EPA (see section 49 of the *Environment Protection Act 1993*); and

- in the case of a licence under a repealed Act—the purchaser may obtain details about the licence from the public register on payment of the prescribed fee.

A "YES" answer to any of these questions may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

The EPA will not provide details about licences to conduct the following prescribed activities of environmental significance (within the meaning of Schedule 1 Part A of the *Environment Protection Act 1993*): waste transport business (category A), waste transport business (category B), dredging, earthworks drainage, any other activities referred to in Schedule 1 Part A undertaken by means of mobile works, helicopter landing facilities, marinas and boating facilities or discharges to marine or inland waters.

The EPA will not provide details about exemptions relating to—

- the conduct of any of the licensed activities in the immediately preceding paragraph in this Note; or
- noise.

4—Pollution and site contamination on the land—details recorded by EPA in public register

Does the EPA hold any of the following details in the public register in relation to the land or part of the land:

- (a) details of serious or material environmental harm caused or threatened in the course of an activity (whether or not notified under section 83 of the *Environment Protection Act 1993*)?
*YES/NO
- (b) details of site contamination notified to the EPA under section 83A of the *Environment Protection Act 1993*?
*YES/NO
- (c) a copy of a report of an environmental assessment (whether prepared by the EPA or some other person or body and whether or not required under legislation) that forms part of the information required to be recorded in the public register?
*YES/NO
- (d) a copy of a site contamination audit report?
*YES/NO
- (e) details of an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?
*YES/NO
- (f) details of an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
*YES/NO

- (g) details of an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
*YES/NO
- (h) details of a notification under section 103Z(1) of the *Environment Protection Act 1993* relating to the commencement of a site contamination audit?
*YES/NO
- (i) details of a notification under section 103Z(2) of the *Environment Protection Act 1993* relating to the termination before completion of a site contamination audit?
*YES/NO
- (j) details of records, held by the former South Australian Waste Management Commission under the repealed *Waste Management Act 1987*, of waste (within the meaning of that Act) having been deposited on the land between 1 January 1983 and 30 April 1995?
*YES/NO

Note—

These questions relate to details required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the public register on payment of the prescribed fee.

5—Pollution and site contamination on the land—other details held by EPA

Does the EPA hold any of the following details in relation to the land or part of the land:

- (a) a copy of a report known as a "Health Commission Report" prepared by or on behalf of the South Australian Health Commission (under the repealed *South Australian Health Commission Act 1976*)?
*YES/NO
- (b) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
*YES/NO
- (c) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
*YES/NO
- (d) a copy of a pre-1 July 2009 site audit report?
*YES/NO
- (e) details relating to the termination before completion of a pre-1 July 2009 site audit?
*YES/NO

Note—

These questions relate to details that the EPA may hold. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the EPA (on payment of any fee fixed by the EPA).

6—Further information for purchasers**Note—**

The purchaser is advised that other matters under the *Environment Protection Act 1993* (that is, matters other than those referred to in this Statement) that may be relevant to the purchaser's further enquiries may also be recorded in the public register. These include:

- details relating to environmental authorisations such as applications, applicants, locations of activities, conditions, suspension, cancellation or surrender of authorisations, disqualifications, testing requirements and test results;
- details relating to activities undertaken on the land under licences or other environmental authorisations no longer in force;
- written warnings relating to alleged contraventions of the *Environment Protection Act 1993*;
- details of prosecutions and other enforcement action;
- details of civil proceedings;
- other details prescribed under the *Environment Protection Act 1993* (see section 109(3)(1)).

Details of these matters may be obtained from the public register on payment to the EPA of the prescribed fee.

If—

- an environment performance agreement, environment protection order, clean-up order, clean-up authorisation, site contamination assessment order or site remediation order has been registered on the certificate of title for the land; or
- a notice of declaration of special management area in relation to the land has been gazetted; or
- a notation has been made on the certificate of title for the land that a site contamination audit report has been prepared in respect of the land; or
- a notice of prohibition or restriction on taking water affected by site contamination in relation to the land has been gazetted,

it will be noted in the items under the heading *Environment Protection Act 1993* under the Table of Particulars in this Statement. Details of any registered documents may be obtained from the Lands Titles Registration Office.

- (4) Schedule 1, Form 2, Schedule 2, Division 1—after the item relating to section 93 of the *Environment Protection Act 1993* insert:

section 93A—Environment protection order relating to cessation of activity that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order:
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- (5) Schedule 1, Form 2, Schedule 2, Division 1—after the item relating to section 100 of the *Environment Protection Act 1993* insert:

section 103H—Site contamination assessment order that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order: Amount of charge on the land (if known):
section 103J—Site remediation order that is registered in relation to the land	*YES/NO	Date of issue: Compliance date(s) specified in the order: Amount of charge on the land (if known):
section 103N—Notice of declaration of special management area in relation to the land (due to possible existence of site contamination)	*YES/NO	Date of notice: Date of Gazette in which notice published: Description of area or areas to which the notice relates:
section 103P—Notation of site contamination audit report in relation to the land	*YES/NO	Date of notation: Note— Site contamination audit reports are kept by the EPA in the public register under section 109 of the <i>Environment Protection Act 1993</i> .
section 103S—Notice of prohibition or restriction on taking water affected by site contamination in relation to the land	*YES/NO	Date of notice: Date of Gazette in which notice published: Description of the water to which the notice relates: Particulars given in the notice of the site contamination affecting the water:

- (6) Schedule 1, Form 2, Schedule 2, Division 2, items headed "†**Particulars relating to environment protection**"—delete the items and heading and substitute:

†Particulars relating to environment protection

1—Interpretation

- (1) In this and the following items (items 1 to 6 inclusive)—

domestic activity has the same meaning as in the *Environment Protection Act 1993*;

environmental assessment, in relation to land, means an assessment of the existence or nature or extent of—

- (a) site contamination (within the meaning of the *Environment Protection Act 1993*) at the land; or
- (b) any other contamination of the land by chemical substances,

and includes such an assessment in relation to water on or below the surface of the land;

EPA means the Environment Protection Authority established under the *Environment Protection Act 1993*;

pre-1 July 2009 site audit, in relation to land, means a review (carried out by a person recognised by the EPA as an environmental auditor) that examines environmental assessments or remediation of the land for the purposes of determining—

- (a) the nature and extent of contamination of the land by chemical substances present or remaining on or below the surface of the land; and
- (b) the suitability of the land for a particular use; and
- (c) what remediation is or remains necessary for a particular use,

but does not include a site contamination audit (as defined below) completed on or after 1 July 2009;

pre-1 July 2009 site audit report means a detailed written report that sets out the findings of a pre-1 July 2009 site audit;

prescribed commercial or industrial activity—see item 1(2);

prescribed fee means the fee prescribed under the *Environment Protection Act 1993* for inspection of, or obtaining copies of information on, the public register;

public register means the public register kept by the EPA under section 109 of the *Environment Protection Act 1993*;

site contamination audit has the same meaning as in the *Environment Protection Act 1993*;

site contamination audit report has the same meaning as in the *Environment Protection Act 1993*.

- (2) For the purposes of this and the following items (items 1 to 6 inclusive), each of the following activities (as defined in Schedule 1 Part 1 of the *Environment Protection (Site Contamination) Regulations 2008*) is a prescribed commercial or industrial activity:

abrasive blasting	acid sulphate soil generation	agricultural activities
airports, aerodromes or aerospace industry	animal burial	animal dips or spray race facilities
animal feedlots	animal saleyards	asbestos disposal
asphalt or bitumen works	battery manufacture, recycling or disposal	breweries

brickworks	bulk shipping facilities	cement works
ceramic works	charcoal manufacture	coal handling or storage
coke works	compost or mulch production or storage	concrete batching works
curing or drying works	defence works	desalination plants
dredge spoil disposal or storage	drum reconditioning or recycling works	dry cleaning
electrical or electronics component manufacture	electrical substations	electrical transformer or capacitor works
electricity generation or power plants	explosives or pyrotechnics facilities	fertiliser manufacture
fibreglass manufacture	fill or soil importation	fire extinguisher or retardant manufacture
fire stations	fire training areas	foundry
fuel burning facilities	furniture restoration	gasworks
glass works	glazing	hat manufacture or felt processing
incineration	iron or steel works	laboratories
landfill sites	lime burner	metal coating, finishing or spray painting
metal forging	metal processing, smelting, refining or metallurgical works	mineral processing, metallurgical laboratories or mining or extractive industries
mirror manufacture	motor vehicle manufacture	motor vehicle racing or testing venues
motor vehicle repair or maintenance	motor vehicle wrecking yards	mushroom farming
oil recycling works	oil refineries	paint manufacture
pest control works	plastics manufacture works	printing works
pulp or paper works	railway operations	rubber manufacture or processing
scrap metal recovery	service stations	ship breaking
spray painting	tannery, fellmongery or hide curing	textile operations
transport depots or loading sites	tyre manufacture or retreading	vermiculture
vessel construction, repair or maintenance	waste depots	wastewater treatment, storage or disposal
water discharge to underground aquifer	wetlands or detention basins	wineries or distilleries
wood preservation works	woolscouring or wool carbonising works	works depots (operated by councils or utilities)

2—Pollution and site contamination on the land—questions for vendor

- (1) Is the vendor aware of any of the following activities ever having taken place at the land:
- (a) storage, handling or disposal of waste or fuel or other chemicals (other than in the ordinary course of domestic activities)?
 - (b) importation of soil or other fill from a site at which—
 - (i) an activity of a kind listed in paragraph (a) has taken place; or
 - (ii) a prescribed commercial or industrial activity (see item 1(2) above) has taken place?

*YES/NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (2) Is the vendor aware of any prescribed commercial or industrial activities (see item 1(2) above) ever having taken place at the land?

*YES/NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (3) Is the vendor aware of any dangerous substances ever having been kept at the land pursuant to a licence under the *Dangerous Substances Act 1979*?

*YES/NO

If YES, give details of all dangerous substances that the vendor is aware of and whether they were kept at the land before or after the vendor acquired an interest in the land:

- (4) Is the vendor aware of the sale or transfer of the land or part of the land ever having occurred subject to an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?

*YES/NO

If YES, give details of each sale or transfer and agreement that the vendor is aware of:

- (5) Is the vendor aware of an environmental assessment of the land or part of the land ever having been carried out or commenced (whether or not completed)?

*YES/NO

If YES, give details of all environmental assessments that the vendor is aware of and whether they were carried out or commenced before or after the vendor acquired an interest in the land:

Note—

These questions relate to details about the land that may be known by the vendor. A "YES" answer to the questions at items 2(1) or 2(2) may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

A "YES" answer to any of the questions in this item may indicate the need for the purchaser to seek further information regarding the activities, for example, from the council or the EPA.

3—Licences and exemptions recorded by EPA in public register

Does the EPA hold any of the following details in the public register:

- (a) details of a current licence issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—
- (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act)?

*YES/NO

- (b) details of a licence no longer in force issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—
- (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act)?

*YES/NO

- (c) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to operate a waste depot at the land?

*YES/NO

- (d) details of a licence issued under the repealed *Waste Management Act 1987* to operate a waste depot at the land?

*YES/NO

- (e) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to produce waste of a prescribed kind (within the meaning of that Act) at the land?

*YES/NO

- (f) details of a licence issued under the repealed *Waste Management Act 1987* to produce prescribed waste (within the meaning of that Act) at the land?

*YES/NO

Note—

These questions relate to details about licences and exemptions required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions—

- in the case of a licence or exemption under the *Environment Protection Act 1993*—
 - the purchaser may obtain a copy of the licence or exemption from the public register on payment of the prescribed fee; and
 - the purchaser should note that transfer of a licence or exemption is subject to the conditions of the licence or exemption and the approval of the EPA (see section 49 of the *Environment Protection Act 1993*); and
- in the case of a licence under a repealed Act—the purchaser may obtain details about the licence from the public register on payment of the prescribed fee.

A "YES" answer to any of these questions may indicate that a ***potentially contaminating activity*** has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

The EPA will not provide details about licences to conduct the following prescribed activities of environmental significance (within the meaning of Schedule 1 Part A of the *Environment Protection Act 1993*): waste transport business (category A), waste transport business (category B), dredging, earthworks drainage, any other activities referred to in Schedule 1 Part A undertaken by means of mobile works, helicopter landing facilities, marinas and boating facilities or discharges to marine or inland waters.

The EPA will not provide details about exemptions relating to—

- the conduct of any of the licensed activities in the immediately preceding paragraph in this Note; or
- noise.

4—Pollution and site contamination on the land—details recorded by EPA in public register

Does the EPA hold any of the following details in the public register in relation to the land or part of the land:

- (a) details of serious or material environmental harm caused or threatened in the course of an activity (whether or not notified under section 83 of the *Environment Protection Act 1993*)?
*YES/NO
- (b) details of site contamination notified to the EPA under section 83A of the *Environment Protection Act 1993*?
*YES/NO
- (c) a copy of a report of an environmental assessment (whether prepared by the EPA or some other person or body and whether or not required under legislation) that forms part of the information required to be recorded in the public register?
*YES/NO
- (d) a copy of a site contamination audit report?
*YES/NO

- (e) details of an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?
*YES/NO
- (f) details of an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
*YES/NO
- (g) details of an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
*YES/NO
- (h) details of a notification under section 103Z(1) of the *Environment Protection Act 1993* relating to the commencement of a site contamination audit?
*YES/NO
- (i) details of a notification under section 103Z(2) of the *Environment Protection Act 1993* relating to the termination before completion of a site contamination audit?
*YES/NO
- (j) details of records, held by the former South Australian Waste Management Commission under the repealed *Waste Management Act 1987*, of waste (within the meaning of that Act) having been deposited on the land between 1 January 1983 and 30 April 1995?
*YES/NO

Note—

These questions relate to details required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the public register on payment of the prescribed fee.

5—Pollution and site contamination on the land—other details held by EPA

Does the EPA hold any of the following details in relation to the land or part of the land:

- (a) a copy of a report known as a "Health Commission Report" prepared by or on behalf of the South Australian Health Commission (under the repealed *South Australian Health Commission Act 1976*)?
*YES/NO
- (b) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
*YES/NO

- (c) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
*YES/NO
- (d) a copy of a pre-1 July 2009 site audit report?
*YES/NO
- (e) details relating to the termination before completion of a pre-1 July 2009 site audit?
*YES/NO

Note—

These questions relate to details that the EPA may hold. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the EPA (on payment of any fee fixed by the EPA).

6—Further information for purchasers

Note—

The purchaser is advised that other matters under the *Environment Protection Act 1993* (that is, matters other than those referred to in this Statement) that may be relevant to the purchaser's further enquiries may also be recorded in the public register. These include:

- details relating to environmental authorisations such as applications, applicants, locations of activities, conditions, suspension, cancellation or surrender of authorisations, disqualifications, testing requirements and test results;
- details relating to activities undertaken on the land under licences or other environmental authorisations no longer in force;
- written warnings relating to alleged contraventions of the *Environment Protection Act 1993*;
- details of prosecutions and other enforcement action;
- details of civil proceedings;
- other details prescribed under the *Environment Protection Act 1993* (see section 109(3)(1)).

Details of these matters may be obtained from the public register on payment to the EPA of the prescribed fee.

If—

- an environment performance agreement, environment protection order, clean-up order, clean-up authorisation, site contamination assessment order or site remediation order has been registered on the certificate of title for the land; or
- a notice of declaration of special management area in relation to the land has been gazetted; or
- a notation has been made on the certificate of title for the land that a site contamination audit report has been prepared in respect of the land; or

- a notice of prohibition or restriction on taking water affected by site contamination in relation to the land has been gazetted,

it will be noted in the items under the heading *Environment Protection Act 1993* under the Table of Particulars in this Statement. Details of any registered documents may be obtained from the Lands Titles Registration Office.

5—Substitution of Schedule 2

Schedule 2—delete the Schedule and substitute:

Schedule 2—Contracts for sale of land or businesses— inquiries

Table 1—Mortgages, charges and prescribed encumbrances

Column 1 Mortgage, charge or prescribed encumbrance specified as item in Form 1 Schedule Division 1 and Form 2 Schedule 2 Division 1	Column 2 Body to whom inquiry is to be made
(1) All items under the following headings (except where otherwise specified): <i>Development Act 1993</i> (section 71 only) <i>Fire and Emergency Services Act 2005</i> <i>Local Government Act 1934</i> <i>Local Government Act 1999</i>	The council
(2) All items under the following headings (except where otherwise specified): <i>Development Act 1993</i> (other than section 60 and section 71) <i>Food Act 2001</i> <i>Housing Improvement Act 1940</i> <i>Public and Environmental Health Act 1987</i> (other than section 36) Repealed Act conditions	Department for Transport, Energy and Infrastructure and the council
(3) All other items (other than <i>Development Act 1993</i> section 60 and <i>Fences Act 1975</i> section 5)	Department for Transport, Energy and Infrastructure

Table 2—Matters affecting land

Column 1 Matters specified in Form 1 Schedule Division 2 and Form 2 Schedule 2 Division 2	Column 2 Body to whom inquiry is to be made
Particulars of building indemnity insurance (all items under that heading)	The council
Particulars of water allocation for irrigation purposes (all items under that heading)	Department for Transport, Energy and Infrastructure
Particulars relating to environment protection (items 3, 4 and 5 under that heading)	Department for Transport, Energy and Infrastructure
Particulars relating to <i>Livestock Act 1997</i> (the following items under that heading: a notice under section 33, 37 or 72 of the Act or an order under section 38 of the Act, in relation to the land or a building on the land)	Department for Transport, Energy and Infrastructure or Department of Primary Industries and Resources

Part 3—Variation of *Land and Business (Sale and Conveyancing) Regulations 1995* to take effect on 1 March 2010

6—Variation of Schedule 1—Contracts for sale of land or businesses—forms

- (1) Schedule 1, Form 1, Schedule, Division 2, items headed "**†Particulars relating to environment protection**", item 3(a)—after subparagraph (ii) but before "***YES/NO**" insert:
 - (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?
- (2) Schedule 1, Form 1, Schedule, Division 2, items headed "**†Particulars relating to environment protection**", item 3—after paragraph (b) insert:
 - (ba) details of a current exemption issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?
***YES/NO**
- (3) Schedule 1, Form 2, Schedule 2, Division 2, items headed "**†Particulars relating to environment protection**", item 3(a)—after subparagraph (ii) but before "***YES/NO**" insert:
 - (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?
- (4) Schedule 1, Form 2, Schedule 2, Division 2, items headed "**†Particulars relating to environment protection**", item 3—after paragraph (b) insert:
 - (ba) details of a current exemption issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?
***YES/NO**

Part 4—Variation of *Land and Business (Sale and Conveyancing) Regulations 1995* to take effect on 31 August 2010

7—Variation of Schedule 1—Contracts for sale of land or businesses—forms

- (1) Schedule 1, Form 1, Schedule, Division 2, items headed "†**Particulars relating to environment protection**", item 3(b)—after subparagraph (ii) but before "*YES/NO" insert:
- (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?
- (2) Schedule 1, Form 1, Schedule, Division 2, items headed "†**Particulars relating to environment protection**", item 3—after paragraph (ba) insert:
- (bb) details of a current exemption issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?
*YES/NO
- (3) Schedule 1, Form 1, Schedule, Division 2, items headed "†**Particulars relating to environment protection**"—after item 5 insert:

5A—Further information held by councils

Does the council hold details of any development approvals relating to—

- (a) commercial or industrial activity at the land; or
- (b) a change in the use of the land or part of the land (within the meaning of the *Development Act 1993*)?

*YES/NO

Note—

The question relates to information that the council for the area in which the land is situated may hold. If the council answers "YES" to the question, it will provide a description of the nature of each development approved in respect of the land. The purchaser may then obtain further details from the council (on payment of any fee fixed by the council). However, it is expected that the ability to supply further details will vary considerably between councils.

A "YES" answer to paragraph (a) of the question may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

It should be noted that—

- the approval of development by a council does not necessarily mean that the development has taken place;
- the council will not necessarily be able to provide a complete history of all such development that has taken place at the land.

- (4) Schedule 1, Form 2, Schedule 2, Division 2, items headed "†**Particulars relating to environment protection**", item 3(b)—after subparagraph (ii) but before "*YES/NO" insert:
- (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?

- (5) Schedule 1, Form 2, Schedule 2, Division 2, items headed "**†Particulars relating to environment protection**", item 3—after paragraph (ba) insert:
- (bb) details of a current exemption issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?
*YES/NO
- (6) Schedule 1, Form 2, Schedule 2, Division 2, items headed "**†Particulars relating to environment protection**"—after item 5 insert:

5A—Further information held by councils

Does the council hold details of any development approvals relating to—

- (a) commercial or industrial activity at the land; or
- (b) a change in the use of the land or part of the land (within the meaning of the *Development Act 1993*)?

*YES/NO

Note—

The question relates to information that the council for the area in which the land is situated may hold. If the council answers "YES" to the question, it will provide a description of the nature of each development approved in respect of the land. The purchaser may then obtain further details from the council (on payment of any fee fixed by the council). However, it is expected that the ability to supply further details will vary considerably between councils.

A "YES" answer to paragraph (a) of the question may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

It should be noted that—

- the approval of development by a council does not necessarily mean that the development has taken place;
- the council will not necessarily be able to provide a complete history of all such development that has taken place at the land.

8—Substitution of Schedule 2

Schedule 2—delete the Schedule and substitute:

Schedule 2—Contracts for sale of land or businesses— inquiries

Table 1—Mortgages, charges and prescribed encumbrances

Column 1 Mortgage, charge or prescribed encumbrance specified as item in Form 1 Schedule Division 1 and Form 2 Schedule 2 Division 1	Column 2 Body to whom inquiry is to be made
(1) All items under the following headings (except where otherwise specified): <i>Development Act 1993</i> (section 71 only) <i>Fire and Emergency Services Act 2005</i> <i>Local Government Act 1934</i> <i>Local Government Act 1999</i>	The council
(2) All items under the following headings (except where otherwise specified): <i>Development Act 1993</i> (other than section 60 and section 71) <i>Food Act 2001</i> <i>Housing Improvement Act 1940</i> <i>Public and Environmental Health Act 1987</i> (other than section 36) Repealed Act conditions	Department for Transport, Energy and Infrastructure and the council
(3) All other items (other than <i>Development Act 1993</i> section 60 and <i>Fences Act 1975</i> section 5)	Department for Transport, Energy and Infrastructure

Table 2—Matters affecting land

Column 1 Matters specified in Form 1 Schedule Division 2 and Form 2 Schedule 2 Division 2	Column 2 Body to whom inquiry is to be made
Particulars of building indemnity insurance (all items under that heading)	The council

Column 1 Matters specified in Form 1 Schedule Division 2 and Form 2 Schedule 2 Division 2	Column 2 Body to whom inquiry is to be made
Particulars of water allocation for irrigation purposes (all items under that heading)	Department for Transport, Energy and Infrastructure
Particulars relating to environment protection (items 3, 4 and 5 under that heading)	Department for Transport, Energy and Infrastructure
Particulars relating to environment protection (item 5A under that heading)	The council
Particulars relating to <i>Livestock Act 1997</i> (the following items under that heading: a notice under section 33, 37 or 72 of the Act or an order under section 38 of the Act, in relation to the land or a building on the land)	Department for Transport, Energy and Infrastructure or Department of Primary Industries and Resources

Schedule 1—Transitional provisions

Part 1—Transitional provisions

1—Interpretation

- (1) In this Part—

Act means the *Land and Business (Sale and Conveyancing) Act 1994*;

earlier amending regulations means the *Land and Business (Sale and Conveyancing) Variation Regulations 2009* (see *Gazette 30.04.2009 p1557*);

principal regulations means the *Land and Business (Sale and Conveyancing) Regulations 1995*.

- (2) A reference in this Part to the date of service of a vendor's statement is, where a notice of amendment to the statement is served for the purposes of section 10 of the Act, a reference to the presumed date of service of the statement under that section.

2—Transitional provision relating to Part 4 of earlier amending regulations and Part 2 of these regulations

- (1) A vendor's statement for the purposes of section 7 of the Act prepared before the commencement of Part 4 of the earlier amending regulations and Part 2 of these regulations will be taken to comply with the principal regulations as varied by Part 4 of the earlier amending regulations and Part 2 of these regulations if the statement—
- (a) was prepared not more than 2 months before the commencement of Part 4 of the earlier amending regulations; and
 - (b) complies with the Act and regulations as in force—
 - (i) if prepared before the commencement of Part 3 of the earlier amending regulations—immediately before the commencement of Part 3 of the earlier amending regulations;

- (ii) if prepared after the commencement of Part 3 of the earlier amending regulations—immediately before the commencement of Part 4 of the earlier amending regulations; and
 - (c) is accurate as at the date of service of the statement on the purchaser.
- (2) A vendor's statement for the purposes of section 8 of the Act prepared before the commencement of Part 4 of the earlier amending regulations and Part 2 of these regulations will be taken to comply with the principal regulations as varied by Part 4 of the earlier amending regulations and Part 2 of these regulations if the statement—
- (a) was prepared not more than 2 months before the commencement of Part 4 of the earlier amending regulations; and
 - (b) complies with the Act and regulations as in force—
 - (i) if prepared before the commencement of Part 3 of the earlier amending regulations—immediately before the commencement of Part 3 of the earlier amending regulations;
 - (ii) if prepared after the commencement of Part 3 of the earlier amending regulations—immediately before the commencement of Part 4 of the earlier amending regulations; and
 - (c) is accurate as at the date of service of the statement on the purchaser.

3—Transitional provision relating to Part 3 of these regulations

- (1) A vendor's statement for the purposes of section 7 of the Act prepared before the commencement of Part 3 of these regulations will be taken to comply with the principal regulations as varied by Part 3 if the statement—
- (a) was prepared not more than 2 months before the commencement of that Part; and
 - (b) complies with the Act and regulations as in force immediately before the commencement of that Part; and
 - (c) is accurate as at the date of service of the statement on the purchaser.
- (2) A vendor's statement for the purposes of section 8 of the Act prepared before the commencement of Part 3 of these regulations will be taken to comply with the principal regulations as varied by Part 3 if the statement—
- (a) was prepared not more than 2 months before the commencement of that Part; and
 - (b) complies with the Act and regulations as in force immediately before the commencement of that Part; and
 - (c) is accurate as at the date of service of the statement on the purchaser.

4—Transitional provision relating to Part 4 of these regulations

- (1) A vendor's statement for the purposes of section 7 of the Act prepared before the commencement of Part 4 of these regulations will be taken to comply with the principal regulations as varied by Part 4 if the statement—
- (a) was prepared not more than 2 months before the commencement of that Part; and
 - (b) complies with the Act and regulations as in force immediately before the commencement of that Part; and
 - (c) is accurate as at the date of service of the statement on the purchaser.

- (2) A vendor's statement for the purposes of section 8 of the Act prepared before the commencement of Part 4 of these regulations will be taken to comply with the principal regulations as varied by Part 4 if the statement—
- (a) was prepared not more than 2 months before the commencement of that Part; and
 - (b) complies with the Act and regulations as in force immediately before the commencement of that Part; and
 - (c) is accurate as at the date of service of the statement on the purchaser.

Part 2—Permitted form of items relating to environment protection in vendor's statement (pending commencement of all provisions of these regulations)

5—Permitted form of items relating to environment protection in vendor's statement

The portion of a vendor's statement comprising the items under the heading "**†Particulars relating to environment protection**" in Schedule 1, Form 1, Schedule, Division 2 or Schedule 1, Form 2, Schedule 2, Division 2 of the principal regulations will be taken to be in the form required by the principal regulations as varied by Part 2 of these regulations (and as subsequently varied by Part 3 and Part 4 of these regulations) if the items and heading are in the following form:

†Particulars relating to environment protection

1—Interpretation

- (1) In this and the following items (items 1 to 6 inclusive)—

domestic activity has the same meaning as in the *Environment Protection Act 1993*;

environmental assessment, in relation to land, means an assessment of the existence or nature or extent of—

- (a) site contamination (within the meaning of the *Environment Protection Act 1993*) at the land; or
- (b) any other contamination of the land by chemical substances,

and includes such an assessment in relation to water on or below the surface of the land;

EPA means the Environment Protection Authority established under the *Environment Protection Act 1993*;

pre-1 July 2009 site audit, in relation to land, means a review (carried out by a person recognised by the EPA as an environmental auditor) that examines environmental assessments or remediation of the land for the purposes of determining—

- (a) the nature and extent of contamination of the land by chemical substances present or remaining on or below the surface of the land; and
- (b) the suitability of the land for a particular use; and
- (c) what remediation is or remains necessary for a particular use,

but does not include a site contamination audit (as defined below) completed on or after 1 July 2009;

pre-1 July 2009 site audit report means a detailed written report that sets out the findings of a pre-1 July 2009 site audit;

prescribed commercial or industrial activity—see item 1(2);

prescribed fee means the fee prescribed under the *Environment Protection Act 1993* for inspection of, or obtaining copies of information on, the public register;

public register means the public register kept by the EPA under section 109 of the *Environment Protection Act 1993*;

site contamination audit has the same meaning as in the *Environment Protection Act 1993*;

site contamination audit report has the same meaning as in the *Environment Protection Act 1993*.

- (2) For the purposes of this and the following items (items 1 to 6 inclusive), each of the following activities (as defined in Schedule 1 Part 1 of the *Environment Protection (Site Contamination) Regulations 2008*) is a prescribed commercial or industrial activity:

abrasive blasting	acid sulphate soil generation	agricultural activities
airports, aerodromes or aerospace industry	animal burial	animal dips or spray race facilities
animal feedlots	animal saleyards	asbestos disposal
asphalt or bitumen works	battery manufacture, recycling or disposal	breweries
brickworks	bulk shipping facilities	cement works
ceramic works	charcoal manufacture	coal handling or storage
coke works	compost or mulch production or storage	concrete batching works
curing or drying works	defence works	desalination plants
dredge spoil disposal or storage	drum reconditioning or recycling works	dry cleaning
electrical or electronics component manufacture	electrical substations	electrical transformer or capacitor works
electricity generation or power plants	explosives or pyrotechnics facilities	fertiliser manufacture
fibreglass manufacture	fill or soil importation	fire extinguisher or retardant manufacture
fire stations	fire training areas	foundry
fuel burning facilities	furniture restoration	gasworks

glass works	glazing	hat manufacture or felt processing
incineration	iron or steel works	laboratories
landfill sites	lime burner	metal coating, finishing or spray painting
metal forging	metal processing, smelting, refining or metallurgical works	mineral processing, metallurgical laboratories or mining or extractive industries
mirror manufacture	motor vehicle manufacture	motor vehicle racing or testing venues
motor vehicle repair or maintenance	motor vehicle wrecking yards	mushroom farming
oil recycling works	oil refineries	paint manufacture
pest control works	plastics manufacture works	printing works
pulp or paper works	railway operations	rubber manufacture or processing
scrap metal recovery	service stations	ship breaking
spray painting	tannery, fellmongery or hide curing	textile operations
transport depots or loading sites	tyre manufacture or retreading	vermiculture
vessel construction, repair or maintenance	waste depots	wastewater treatment, storage or disposal
water discharge to underground aquifer	wetlands or detention basins	wineries or distilleries
wood preservation works	woolscouring or wool carbonising works	works depots (operated by councils or utilities)

2—Pollution and site contamination on the land—questions for vendor

- (1) Is the vendor aware of any of the following activities ever having taken place at the land:
- (a) storage, handling or disposal of waste or fuel or other chemicals (other than in the ordinary course of domestic activities)?
 - (b) importation of soil or other fill from a site at which—
 - (i) an activity of a kind listed in paragraph (a) has taken place; or

- (ii) a prescribed commercial or industrial activity (see item 1(2) above) has taken place?

*YES/NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (2) Is the vendor aware of any prescribed commercial or industrial activities (see item 1(2) above) ever having taken place at the land?

*YES/NO

If YES, give details of all activities that the vendor is aware of and whether they have taken place before or after the vendor acquired an interest in the land:

- (3) Is the vendor aware of any dangerous substances ever having been kept at the land pursuant to a licence under the *Dangerous Substances Act 1979*?

*YES/NO

If YES, give details of all dangerous substances that the vendor is aware of and whether they were kept at the land before or after the vendor acquired an interest in the land:

- (4) Is the vendor aware of the sale or transfer of the land or part of the land ever having occurred subject to an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?

*YES/NO

If YES, give details of each sale or transfer and agreement that the vendor is aware of:

- (5) Is the vendor aware of an environmental assessment of the land or part of the land ever having been carried out or commenced (whether or not completed)?

*YES/NO

If YES, give details of all environmental assessments that the vendor is aware of and whether they were carried out or commenced before or after the vendor acquired an interest in the land:

Note—

These questions relate to details about the land that may be known by the vendor. A "YES" answer to the questions at items 2(1) or 2(2) may indicate that a **potentially contaminating activity** has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

A "YES" answer to any of the questions in this item may indicate the need for the purchaser to seek further information regarding the activities, for example, from the council or the EPA.

3—Licences and exemptions recorded by EPA in public register

Does the EPA hold any of the following details in the public register:

- (a) details of a current licence issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—
 - (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act); or
 - (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?

*YES/NO

Note—

Subparagraph (iii) must be completed if the form is prepared on or after 1 March 2010.

- (b) details of a licence no longer in force issued under Part 6 of the *Environment Protection Act 1993* to conduct, at the land—
 - (i) a waste or recycling depot (as referred to in clause 3(3) of Schedule 1 Part A of that Act); or
 - (ii) activities producing listed wastes (as referred to in clause 3(4) of Schedule 1 Part A of that Act); or
 - (iii) any other prescribed activity of environmental significance under Schedule 1 of that Act?

*YES/NO

Note—

Subparagraph (iii) must be completed if the form is prepared on or after 31 August 2010.

- (ba) details of a current exemption issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?

*YES/NO

Note—

Paragraph (ba) must be completed if the form is prepared on or after 1 March 2010.

- (bb) details of an exemption no longer in force issued under Part 6 of the *Environment Protection Act 1993* from the application of a specified provision of that Act in relation to an activity carried on at the land?

*YES/NO

Note—

Paragraph (bb) must be completed if the form is prepared on or after 31 August 2010.

- (c) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to operate a waste depot at the land?
*YES/NO
- (d) details of a licence issued under the repealed *Waste Management Act 1987* to operate a waste depot at the land?
*YES/NO
- (e) details of a licence issued under the repealed *South Australian Waste Management Commission Act 1979* to produce waste of a prescribed kind (within the meaning of that Act) at the land?
*YES/NO
- (f) details of a licence issued under the repealed *Waste Management Act 1987* to produce prescribed waste (within the meaning of that Act) at the land?
*YES/NO

Note—

These questions relate to details about licences and exemptions required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions—

- in the case of a licence or exemption under the *Environment Protection Act 1993*—
 - the purchaser may obtain a copy of the licence or exemption from the public register on payment of the prescribed fee; and
 - the purchaser should note that transfer of a licence or exemption is subject to the conditions of the licence or exemption and the approval of the EPA (see section 49 of the *Environment Protection Act 1993*); and
- in the case of a licence under a repealed Act—the purchaser may obtain details about the licence from the public register on payment of the prescribed fee.

A "YES" answer to any of these questions may indicate that a ***potentially contaminating activity*** has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

The EPA will not provide details about licences to conduct the following prescribed activities of environmental significance (within the meaning of Schedule 1 Part A of the *Environment Protection Act 1993*): waste transport business (category A), waste transport business (category B), dredging, earthworks drainage, any other activities referred to in Schedule 1 Part A undertaken by means of mobile works, helicopter landing facilities, marinas and boating facilities or discharges to marine or inland waters.

The EPA will not provide details about exemptions relating to—

- the conduct of any of the licensed activities in the immediately preceding paragraph in this Note; or
- noise.

4—Pollution and site contamination on the land—details recorded by EPA in public register

Does the EPA hold any of the following details in the public register in relation to the land or part of the land:

- (a) details of serious or material environmental harm caused or threatened in the course of an activity (whether or not notified under section 83 of the *Environment Protection Act 1993*)?
*YES/NO
- (b) details of site contamination notified to the EPA under section 83A of the *Environment Protection Act 1993*?
*YES/NO
- (c) a copy of a report of an environmental assessment (whether prepared by the EPA or some other person or body and whether or not required under legislation) that forms part of the information required to be recorded in the public register?
*YES/NO
- (d) a copy of a site contamination audit report?
*YES/NO
- (e) details of an agreement for the exclusion or limitation of liability for site contamination to which section 103E of the *Environment Protection Act 1993* applies?
*YES/NO
- (f) details of an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
*YES/NO
- (g) details of an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
*YES/NO
- (h) details of a notification under section 103Z(1) of the *Environment Protection Act 1993* relating to the commencement of a site contamination audit?
*YES/NO

- (i) details of a notification under section 103Z(2) of the *Environment Protection Act 1993* relating to the termination before completion of a site contamination audit?
*YES/NO
- (j) details of records, held by the former South Australian Waste Management Commission under the repealed *Waste Management Act 1987*, of waste (within the meaning of that Act) having been deposited on the land between 1 January 1983 and 30 April 1995?
*YES/NO

Note—

These questions relate to details required to be recorded by the EPA in the public register. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the public register on payment of the prescribed fee.

5—Pollution and site contamination on the land—other details held by EPA

Does the EPA hold any of the following details in relation to the land or part of the land:

- (a) a copy of a report known as a "Health Commission Report" prepared by or on behalf of the South Australian Health Commission (under the repealed *South Australian Health Commission Act 1976*)?
*YES/NO
- (b) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site contamination assessment proposal under section 103I of the *Environment Protection Act 1993*?
*YES/NO
- (c) details (which may include a report of an environmental assessment) relevant to an agreement entered into with the EPA relating to an approved voluntary site remediation proposal under section 103K of the *Environment Protection Act 1993*?
*YES/NO
- (d) a copy of a pre-1 July 2009 site audit report?
*YES/NO
- (e) details relating to the termination before completion of a pre-1 July 2009 site audit?
*YES/NO

Note—

These questions relate to details that the EPA may hold. If the EPA answers "YES" to any of the questions, the purchaser may obtain those details from the EPA (on payment of any fee fixed by the EPA).

5A—Further information held by councils

Does the council hold details of any development approvals relating to—

- (a) commercial or industrial activity at the land; or
- (b) a change in the use of the land or part of the land (within the meaning of the *Development Act 1993*)?

*YES/NO

Note—

The question relates to information that the council for the area in which the land is situated may hold. If the council answers "YES" to the question, it will provide a description of the nature of each development approved in respect of the land. The purchaser may then obtain further details from the council (on payment of any fee fixed by the council). However, it is expected that the ability to supply further details will vary considerably between councils.

A "YES" answer to paragraph (a) of the question may indicate that a *potentially contaminating activity* has taken place at the land (see sections 103C and 103H of the *Environment Protection Act 1993*) and that assessments or remediation of the land may be required at some future time.

It should be noted that—

- (a) the approval of development by a council does not necessarily mean that the development has taken place;
- (b) the council will not necessarily be able to provide a complete history of all such development that has taken place at the land.

6—Further information for purchasers

Note—

The purchaser is advised that other matters under the *Environment Protection Act 1993* (that is, matters other than those referred to in this Statement) that may be relevant to the purchaser's further enquiries may also be recorded in the public register. These include:

- details relating to environmental authorisations such as applications, applicants, locations of activities, conditions, suspension, cancellation or surrender of authorisations, disqualifications, testing requirements and test results;
- details relating to activities undertaken on the land under licences or other environmental authorisations no longer in force;
- written warnings relating to alleged contraventions of the *Environment Protection Act 1993*;
- details of prosecutions and other enforcement action;
- details of civil proceedings;
- other details prescribed under the *Environment Protection Act 1993* (see section 109(3)(1)).

Details of these matters may be obtained from the public register on payment to the EPA of the prescribed fee.

If—

- (a) an environment performance agreement, environment protection order, clean-up order, clean-up authorisation, site contamination assessment order or site remediation order has been registered on the certificate of title for the land; or

- (b) a notice of declaration of special management area in relation to the land has been gazetted; or
- (c) a notation has been made on the certificate of title for the land that a site contamination audit report has been prepared in respect of the land; or
- (d) a notice of prohibition or restriction on taking water affected by site contamination in relation to the land has been gazetted,

it will be noted in the items under the heading *Environment Protection Act 1993* under the Table of Particulars in this Statement. Details of any registered documents may be obtained from the Lands Titles Registration Office.

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 23 July 2009

No 209 of 2009

South Australia

Supported Residential Facilities Regulations 2009

under the *Supported Residential Facilities Act 1992*

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Part 1—Interpretation

1—Short title

These regulations may be cited as the *Supported Residential Facilities Regulations 2009*.

2—Commencement

These regulations will come into operation on 1 September 2009.

3—Interpretation

In these regulations, unless the contrary intention appears—

Act means the *Supported Residential Facilities Act 1992*;

Building Code of Australia means the Building Code of Australia published by the Australian Building Codes Board, as in force from time to time, and as modified from time to time by the variations, additions or exclusions for South Australia contained in the code;

health service provider has the same meaning as in section 47 of the Act;

manager of a supported residential facility means—

- (a) if section 34 of the Act applies in relation to the facility—a person approved under that section;
- (b) in any other case—a proprietor of the facility;

night shift means the period of time beginning at 10 pm and ending at 7 am on the next day;

nursing home means a supported residential facility where nursing care is provided or offered on a continuing basis;

premises, in relation to a supported residential facility, includes the buildings, grounds, fixtures and fittings of the facility;

registered nurse means a registered nurse under the *Nurses Act 1999*.

Part 2—Licensing scheme

4—Licencing scheme

- (1) Pursuant to section 24(6) of the Act, the time within which a licensing authority should decide an application for a licence is 8 weeks after the application is made.
- (2) Pursuant to section 25(1)(f) of the Act, the relevant licensing authority must, in considering an application for a licence in respect of the use of premises (or proposed premises) as a supported residential facility, take into account the extent to which the premises (or proposed premises) accord with the standards prescribed by or under the Building Code of Australia.
- (3) Pursuant to section 27(2) of the Act, an application for the renewal of a licence must be made not less than 84 days (12 weeks) before the date of expiry of the licence.
- (4) For the purposes of section 36 of the Act, the prescribed notice that must be displayed by the proprietor of a facility in respect of which a licence has been issued is the notice set out in Schedule 2.

Part 3—Documentation

5—Prospectus

- (1) A prospectus relating to a supported residential care facility and the personal care services provided or offered at the facility must contain the following information:
 - (a) a general description of the nature of the facility according to the type or types of accommodation available at the facility;
 - (b) a general description of the types of services directly provided or offered at or by the facility, and the current fees or charges for those services;
 - (c) if the services offered at the facility include the management of personal finances—details of—
 - (i) the various options available for the management of money held on behalf of residents; and
 - (ii) the kinds of records and accounts that are kept by the facility; and
 - (iii) the arrangements observed at the facility for the provision of information to a resident whose finances are managed by the facility;
 - (d) details of any rules or policies that apply to residents;
 - (e) details of the rights and responsibilities of residents;
 - (f) the number of residents who can be accommodated at the facility;
 - (g) details of—
 - (i) any amount payable on becoming a resident; and
 - (ii) recurrent fees or charges payable by a resident; and
 - (iii) to the extent that an amount, fee or charge is not a fixed sum—the nature of the amount, fee or charge, its purpose and its method of calculation; and
 - (iv) any provision for the variation of an amount, fee or charge;
 - (h) the procedures by which a resident who makes a financial contribution to the facility can obtain information on the financial management of the facility;

- (i) any amount payable to or by a person when he or she ceases to be a resident.
- (2) A copy of the prospectus, and a copy of any alteration to the prospectus, must—
 - (a) be lodged by the proprietor of the facility with the relevant licensing authority within 14 days after the prospectus or alteration is brought into effect; and
 - (b) be accompanied by a written statement, signed by the proprietor, setting out—
 - (i) the date on which the prospectus or alteration came into effect; and
 - (ii) if the prospectus or alteration relates to an existing facility—details of any consultation or discussions that have occurred with residents in relation to the matter.

6—Resident contracts and service plans

- (1) A proprietor of a supported residential facility may enter into a resident contract with a resident at any time before personal care services are provided to the resident.
- (2) A proprietor of a supported residential facility must enter into a resident contract with a resident within 7 days after personal care services are first provided to the resident.
- (3) Before a person enters into a resident contract, the proprietor must ensure that—
 - (a) the person is given a copy of each of the following documents:
 - (i) a statement in the form of Schedule 3 containing the information as required under that Schedule;
 - (ii) a service plan that complies with the requirements of subregulation (4) prepared for the person;
 - (iii) the rules and policies that will apply to the person as a resident of the facility; and
 - (b) a checklist against which the person may ensure that he or she—
 - (i) has been given a copy of each of the documents referred to in paragraph (a); and
 - (ii) has been informed—
 - (A) of his or her rights and responsibilities under the contract; and
 - (B) of the procedure for making a complaint about the management of the facility; and
 - (c) the person (or his or her representative) understands the nature and effect of the contract, and the rights and responsibilities of the person under the contract.
- (4) A service plan for a resident of a facility must be prepared in consultation with the resident and his or her representatives, and must include the following information:
 - (a) the exact details of the personal care services to be provided to the resident, including the nature, extent and frequency of the provision of those services;
 - (b) instructions to members of the staff of the facility relating to the provision of those services;
 - (c) the name, address and telephone number of the resident's chosen medical practitioner;

- (d) current information on the general state of health of the resident, and any instructions or information relating to the health or care of the resident given to a staff member by the resident's medical practitioner or other health service provider who is directly involved in the care of the resident;
 - (e) any other information required to be included in the service plan under these regulations.
- (5) The resident contract must—
- (a) include the following information:
 - (i) whether the resident will be accommodated in a single room or share room (and, if a share room, the number of other residents with whom he or she will be sharing);
 - (ii) how often the resident's room is to be cleaned;
 - (iii) the rights of the resident under the contract;
 - (iv) the responsibilities of the resident under the contract and the consequences of any failure of the resident to fulfil those responsibilities; and
 - (b) include a provision to the effect that if the resident is absent from the facility for a period specified in the contract (which must not exceed 14 days), the fees and charges payable by the resident under the contract on a recurrent or ongoing basis will be reduced to the extent specified in the contract (which must be not less than 30%) for the period of the absence; and
 - (c) have attached to it a copy of the service plan (as revised from time to time in accordance with subregulation (7)) for the resident detailing the personal care services that are to be provided to the resident.
- (6) The proprietor must ensure that—
- (a) a copy of the contract (with the service plan attached) is given to the resident at the time the resident becomes a party to the contract; and
 - (b) any inconsistency between the terms and conditions of the contract and the prospectus for the facility is expressly noted in the contract and acknowledged by the parties to the contract by specific endorsement on the contract; and
 - (c) a fully executed copy of the contract and attached service plan is kept in a secure and confidential place at the facility at all times; and
 - (d) the contract and service plan are made available at any reasonable time, on request, to—
 - (i) the resident and his or her representative; and
 - (ii) a medical practitioner or other health service provider involved in providing care to the resident.
- (7) A service plan for a resident of a facility must, in consultation with the resident (or, if appropriate, a representative of the resident)—
- (a) be reviewed and, if necessary, revised each time the resident experiences or suffers a significant occurrence or deterioration that adversely affects the resident's health or well-being; and
 - (b) in any case—be reviewed at least once every 12 months and, if necessary, revised.

7—Visitors book and other records

- (1) The proprietor of a supported residential facility must ensure that a book is kept at the facility's main office or some other convenient place at the facility in which a record containing the following information is kept of each visitor to the facility:
 - (a) the name of the visitor;
 - (b) the name of the resident to be visited;
 - (c) the purpose of the visit;
 - (d) the time of arrival;
 - (e) the time of departure.
- (2) The proprietor of a supported residential facility must ensure (whether as part of a service plan or otherwise) that the following records are maintained in an appropriate manner at the facility in respect of each resident:
 - (a) the resident's full name, age, gender, and date of admission;
 - (b) the name and address of the resident's next of kin and of any representative;
 - (c) the resident's medical records;
 - (d) details of any visit to or examination of the resident undertaken at the facility by a medical practitioner or other health service provider, including any results, directions and instructions provided in relation to the resident by the medical practitioner or other health service provider;
 - (e) details of any special procedure or precaution that must be taken to protect the resident's personal safety, and the safety of others;
 - (f) details of any direction or instruction given by the resident to the proprietor or a member of the staff of the facility;
 - (g) the date on which the resident is discharged from or leaves the facility, or the date of his or her death.
- (3) The proprietor must ensure that records in respect of a resident required under subregulation (2) to be maintained—
 - (a) are kept in a secure and confidential place at the facility; and
 - (b) are made available at any reasonable time, on request, to the resident or his or her representative (if any), or to a medical practitioner or other health service provider; and
 - (c) are retained for at least 5 years—
 - (i) if the resident dies while still a resident of the facility—after the date of his or her death; or
 - (ii) after the date on which the resident leaves the facility.

Part 4—Standards of care

8—Privacy, dignity and respect

The proprietor of a supported residential facility must ensure that the following standards are observed in relation to the provision of personal care services to residents, and the operation, of the facility:

- (a) assistance must be offered and provided discreetly and sensitively and, if appropriate, with a reasonable degree of privacy;
- (b) a resident must, so far as is reasonably practicable, be able to display, or to store safely (according to the resident's choice), his or her personal effects;
- (c) the personal property of a resident must not be used by another person without the resident's permission;
- (d) a resident must not be required to observe unreasonable routines with regard to meal times, bed times, bathing and dressing;
- (e) personal information relating to a resident must be treated on a confidential basis;
- (f) a resident must not be expected or required to share clothing, other items of a personal nature, or toiletries, with another person;
- (g) a resident must be afforded privacy, if he or she so desires, when engaged in conversation with a visitor, a medical practitioner or other health service provider, or another resident;
- (h) a resident must be afforded a reasonable degree of privacy when bathing, showering, toileting or dressing (whether alone or with assistance).

9—Personal hygiene

The proprietor of a supported residential facility must ensure that a resident of the facility is able (or assisted) to maintain personal hygiene in a manner consistent with the resident's needs and preferences.

10—Nutrition

The proprietor of a supported residential facility must ensure that the following standards are observed in relation to the nutrition of a resident of the facility:

- (a) the resident must receive suitable and sufficient food and drink, taking into account the resident's particular dietary needs and cultural background;
- (b) steps must be taken to ensure that food has reasonable nutritional value and that a variety of food is made available to the resident over a reasonable period of time;
- (c) adequate supplies of potable water must always be available;
- (d) special dietary requirements and eating difficulties that require assistance must be recorded in the resident's service plan;
- (e) meals must be provided at appropriate intervals, and at an appropriate temperature, to the resident;
- (f) tea and coffee making facilities, and cool drink storage facilities, must be made available to the resident during the day.

11—Mobility

The proprietor of a supported residential facility must ensure that both of the following standards are observed in relation to the mobility of a resident of the facility:

- (a) the resident must be provided with reasonable assistance to facilitate mobility and independence of movement (if required);
- (b) steps must be taken to ensure that a mobility aid or equipment used by the resident is in good working order,

(but a proprietor is not responsible by virtue of these regulations for the provision of a mobility aid or equipment, or for any costs associated with the maintenance of a mobility aid or equipment).

12—Activities

The proprietor of a supported residential facility must ensure that a resident of the facility is not prevented from participating in an activity within or outside the facility, provided that the resident does not unreasonably infringe on the rights, peace, comfort or privacy of another person.

13—Medication

The proprietor of a supported residential facility must ensure that the following standards are observed in relation to the management of the medication of a resident of the facility:

- (a) the resident's medication must be—
 - (i) clearly identified; and
 - (ii) stored separately from the medication of other residents in a secure place—
 - (A) in the container in which the medication was dispensed or supplied; or
 - (B) if appropriate—in a dose administration container bearing a label that includes—
 - the resident's name; and
 - the generic name and strength of the drug; and
 - the dosage instructions for the resident; and
- (b) —
 - (i) if appropriate—the resident must be encouraged to manage his or her own medication;
 - (ii) if there is doubt about the resident's ability to manage his or her own medication or uncertainty about the resident's medication—the advice of the resident's medical practitioner, or of a registered nurse, must be obtained;
- (c) information about arrangements, instructions or directions for the proper management or administration of medication to the resident must be recorded in the resident's service plan and be readily available to the staff of the facility;
- (d) if the resident—
 - (i) experiences an adverse reaction to medication; or
 - (ii) fails to respond to medication in an appropriate manner; or

- (iii) fails to comply with an instruction or direction relevant to the management or administration of medication,

a report must be made to the resident's medical practitioner or to a registered nurse.

14—Notification of certain events

- (1) The proprietor of a supported residential facility must ensure that the following notifications are made in respect of a resident of the facility:
 - (a) if there is any significant deterioration in or other event adversely affecting (or that could adversely affect) the health or well-being of the resident—
 - (i) the resident's chosen medical practitioner and representative (if any) must be informed of the situation; and
 - (ii) details of the situation and reporting must be included in the resident's service plan;
 - (b) if any untoward medical event occurs in relation to the resident—the relevant licensing authority must be informed of the event;
 - (c) if the resident dies (whether at the facility or elsewhere)—the coroner must be informed of the resident's death.
- (2) If it appears that a resident of a supported residential facility is failing to comply with the advice or recommendations of a medical practitioner or other health service provider, the proprietor of the facility must ensure that reasonable steps are taken to discuss the matter with the resident or his or her representative (if any) and, if appropriate, with the medical practitioner or health service provider.

15—Personal finances

- (1) The proprietor of a supported residential facility must ensure that the following standards are observed in relation to the management of the personal finances of a resident of the facility:
 - (a) —
 - (i) if appropriate—the resident must be encouraged to manage his or her own personal finances;
 - (ii) if the resident is incapable of managing his or her own personal finances—an appropriate person or authority must be contacted about the appointment of an administrator, agent or representative for the resident;
 - (b) any amount received on behalf of the resident must be kept in a special account;
 - (c) accurate and complete financial records must be maintained in respect of any aspect of the resident's financial affairs managed at the facility.
- (2) The proprietor must ensure that records in respect of a resident required under subregulation (1)(c) to be maintained—
 - (a) are kept in a secure and confidential place at the facility; and
 - (b) are made available at any reasonable time, on request, to the resident or his or her representative (if any); and

- (c) are retained for at least 5 years—
 - (i) if the resident dies while still a resident of the facility—after the date of his or her death; or
 - (ii) after the date on which the resident leaves the facility.

Part 5—Staffing arrangements

Division 1—Management requirements

16—Responsibilities of manager

- (1) The manager of a supported residential facility must take overall responsibility for the day to day management of the facility and, in particular, must—
 - (a) ensure that the proper oversight and care of the residents of the facility and personal care services are provided in accordance with each resident's needs; and
 - (b) ensure that the facility, and furnishings, fittings and equipment within the facility, are kept clean and safe, and in good repair; and
 - (c) maintain such records as are required for the purposes of the Act and these regulations; and
 - (d) be in attendance at the facility for at least 25 hours in each week; and
 - (e) ensure, at all times when he or she is not in attendance, that the facility is under the supervision of an acting manager or some other person who is competent to supervise the day to day management of the facility; and
 - (f) maintain a register of staff that includes, in relation to each member of the staff—
 - (i) his or her full name and contact details; and
 - (ii) the qualifications (if any) held by the staff member; and
 - (g) maintain a staff roster (to be kept at the facility's main office or some other convenient place at the facility) that—
 - (i) specifies the staff members rostered for duty during a particular roster period; and
 - (ii) provides details of the name and telephone number of the person to be contacted during a particular roster period in the event of an emergency or other significant event at the facility; and
 - (h) without limiting any other requirement concerning minimum staffing levels—
 - (i) if there are 30 or more residents of the facility—ensure that the staff includes both a cook and a cleaner in addition to the members of the staff who provide personal care services to residents of the facility; and
 - (ii) in any case—ensure that the facility is staffed so as to ensure, at all times, the proper care and safety of residents; and
- (i) comply with any other requirements placed on the manager under these regulations.

Penalty: Division 7 fine.

Expiation fee: Division 7 fee.

- (2) The proprietor of a supported residential facility must ensure that sufficient resources are provided at the facility to enable the manager to comply with the requirements of these regulations.

17—Acting managers

- (1) If, for a period exceeding 7 days, a manager is absent from the duties of office, or the position of manager is temporarily vacant and a resident of the facility is in need of personal care services, an acting manager must be appointed or otherwise assume the duties of the office of manager.
- (2) An acting manager must be approved by the relevant licensing authority for the purposes of this regulation.
- (3) A facility must not have an acting manager for a period exceeding 3 consecutive months.

18—Management of nursing homes

- (1) The proprietor of a nursing home must ensure that the provision of nursing care at the facility is overseen by a registered nurse who is approved by the relevant licensing authority as being a person who has appropriate qualifications, skills and experience to perform that function at the facility.
- (2) If there is a change in the type or level of services provided at a nursing home, the relevant licensing authority may, by notice in writing to the proprietor, revoke an approval under subregulation (1) and require that a new appointment be made to ensure that the person who oversees the provision of nursing care at the facility has the qualifications, skills and experience appropriate to the facility.
- (3) A person who is approved by the relevant licensing authority for the purposes of this regulation will hold the title "Director of Nursing" (and the Director of Nursing may, but need not, be the manager of the relevant facility).
- (4) A person who, immediately before the commencement of this regulation, held the office of Director of Nursing at a nursing home will be taken to have been granted an approval for the purposes of subregulation (1).

Division 2—Staffing requirements

19—Staffing levels—nursing homes

- (1) The proprietor of a nursing home where not more than 16 persons who require nursing care reside must ensure that the following prescribed minimum staffing levels are maintained at the nursing home:
 - (a) subject to paragraph (b), a registered nurse must be on duty and another nursing staff member must be on close call at all times; and
 - (b) a registered nurse need not be on duty on the premises during the night shift if—
 - (i) he or she is on close call; and
 - (ii) there is another nursing staff member on duty during that time;
 - (c) an adequate number of nursing staff members and therapists must be employed to ensure the proper care of the residents; and

- (d) there must be sufficient domestic staff members on duty—
 - (i) to maintain the premises in a clean condition; and
 - (ii) to prepare, serve and clear away meals; and
 - (iii) to maintain adequate laundry and linen services.
- (2) The proprietor of a nursing home where more than 16 persons who require nursing care reside must ensure that the following prescribed minimum staffing levels are maintained at the nursing home:
 - (a) 2 nursing staff members (at least 1 of whom must be a registered nurse) must be on duty at all times;
 - (b) an adequate number of nursing staff members and therapists must be employed to ensure the proper care of the residents;
 - (c) there must be sufficient domestic staff members on duty—
 - (i) to maintain the premises in a clean condition; and
 - (ii) to prepare, serve and clear away meals; and
 - (iii) to maintain adequate laundry and linen services.
- (3) In this regulation—

domestic staff means persons involved with housekeeping functions in a nursing home and includes a cook, cleaner, laundry worker, gardener or maintenance person;

general nurse (supervised) means a person enrolled as a general nurse (supervised) under the *Nurses Act 1999*;

nursing home assistant means a person who is not a registered nurse or a general nurse (supervised), but whose work is concerned with the personal care of individual residents at a nursing home;

nursing staff member includes a registered nurse, a general nurse (supervised) or a nursing home assistant;

therapist means an occupational therapist, speech therapist, physiotherapist, podiatrist, recreational therapist or other person whose profession or occupation involves assisting in the rehabilitation of patients.

- (4) For the purposes of this regulation, a person is **on close call** at a nursing home if—
 - (a) the person is on the premises of the nursing home and can be summoned to attend immediately by a nursing staff member on duty; or
 - (b) the person is on premises within close proximity to the nursing home and has a means by which he or she can be summoned to attend immediately by a nursing staff member on duty.

20—Staffing levels—other facilities that provide nursing care

If a supported residential facility that is not a nursing home nevertheless provides nursing care, the proprietor of the facility must ensure that the staff of the facility includes a registered nurse.

Part 6—Facilities, hygiene and safety

21—Facilities, hygiene, maintenance, etc

- (1) The proprietor of a supported residential facility must ensure that—
 - (a) the facility, and all furniture, fixtures and fittings at the facility, are maintained—
 - (i) in a clean, safe and hygienic condition; and
 - (ii) in good and safe repair; and
 - (b) except as otherwise approved by the relevant licensing authority—the facility is fitted with a kitchen that has—
 - (i) adequate lighting and ventilation; and
 - (ii) reasonable space; and
 - (iii) appropriate equipment; and
 - (c) each resident of the facility is provided at each meal with eating and drinking utensils that are clean and of good quality; and
 - (d) each resident of the facility is provided with clean bed linen or a clean mattress as often as is reasonably appropriate to the resident's personal needs and comfort; and
 - (e) adequate and reasonable bathing facilities are provided at the facility for each resident of the facility; and
 - (f) adequate laundry facilities or services are provided for each resident of the facility; and
 - (g) the facility is designed, constructed and fitted in a manner that facilitates reasonable movement about the facility; and
 - (h) rooms and passages within the facility, and the grounds of the facility, are reasonably lighted; and
 - (i) the facility is reasonably ventilated; and
 - (j) the facility contains a communal area the temperature of which is maintained (by heating or cooling) at an appropriate level for use by residents and visitors; and
 - (k) rooms occupied by residents of the facility are, so far as is reasonably practical, maintained at a temperature that is reasonably comfortable for the residents; and
 - (l) a reasonable number of appropriate waste receptacles are readily available throughout the facility; and
 - (m) sufficient storage facilities are provided at the facility for appliances, surplus furniture and equipment, residents' baggage, and other surplus items, so that—
 - (i) the facility can be maintained in a clean and tidy condition; and
 - (ii) persons can move safely about the facility; and
 - (n) the grounds of the facility are provided with adequate areas of shade and suitable outdoor furniture so as to enable residents of the facility to spend a reasonable period of time outdoors in a comfortable and pleasant environment.
- (2) The proprietor of a nursing home, or other supported residential facility that provides accommodation for disoriented residents, must ensure that the facility has an area within its grounds that can be used safely by those residents.

- (3) Without limiting subregulation (1)—
- (a) a grab rail must be fitted in each shower cubicle, water closet and bathroom in accordance with *Australian Standard AS1428 - 2001*; and
 - (b) hand washing facilities must be easily accessible for residents and staff; and
 - (c) a reasonable supply of hot water—
 - (i) for the residents' bathing purposes—must be provided at a temperature that does not cause scalding; and
 - (ii) must be available for use—
 - (A) by the residents at any reasonable time; and
 - (B) in washing machines at the facility or laundry service provider; and
 - (d) bedding that is soiled by urine or faeces must be washed separately and in hot water; and
 - (e) handrails, ramps and (for a multi-storey building) lifts must be fitted if required by the relevant licensing authority.

22—Bedrooms

- (1) The proprietor of a supported residential facility must ensure that—
- (a) each resident in the facility is allocated a bedroom and his or her own bed; and
 - (b) before a resident is allocated to another bedroom in the facility—the resident, or his or her representative, is consulted; and
 - (c) a floor plan of the bedrooms at the facility (including the names of the residents who sleep in each room) is maintained at the facility's main office or at some other convenient location at the facility.
- (2) The proprietor of a supported residential facility established after the commencement of this regulation must ensure that each bedroom in the facility is—
- (a) designed for single occupancy; and
 - (b) contains a bed.
- (3) Nothing in this regulation prevents a resident of a supported residential facility that is, on the commencement of this regulation, licensed from being allocated a bedroom on a share basis, provided the resident is allocated his or her own bed.

23—Fire safety

- (1) The proprietor of a supported residential facility must ensure that reasonable precautions are taken to protect the safety of residents of the facility from fire.
- (2) Without limiting subregulation (1) and other statutory requirements—
- (a) reasonable means of emergency exit for residents must be available at all times; and
 - (b) the facility must be maintained and managed in accordance with any recommendation of the relevant fire authority; and
 - (c) a sprinkler system that complies with *Australian Standard AS 2118 Part 4* must be installed and maintained in the facility; and

- (d) fire fighting equipment must be installed and maintained at the facility in accordance with any recommendation of the relevant fire authority; and
 - (e) emergency exits must be clearly marked and kept free of impediments; and
 - (f) an evacuation procedure for residents of the facility must be established at the facility and known to all staff and residents; and
 - (g) regular evacuation drills must be undertaken at the facility; and
 - (h) a floor plan or plans that show fire exits and emergency evacuation routes must be kept in an accessible place at the facility at all times.
- (3) Subregulation (2)(c) does not apply to a supported residential facility—
- (a) that is, on the commencement of this regulation, licensed; or
 - (b) if, at all times during the night shift, there are at least 2 members of the staff (who may not be residents of the facility) in attendance at the facility.

24—Communication facility

- (1) The proprietor of a supported residential facility must, at the direction of the relevant licensing authority, ensure that a communication system is installed at the facility.
- (2) The proprietor of a supported residential facility must ensure that—
 - (a) any communication system installed at the facility is maintained in a fully functional state; and
 - (b) reasonable steps are taken to ensure that each resident of the facility understands how to operate the system.

Part 7—Miscellaneous

25—Disputes

- (1) The proprietor of a supported residential facility must ensure that—
 - (a) a procedure for the resolution of disputes within the facility is established at the facility; and
 - (b) the procedure includes the following provisions:
 - (i) a provision that allows for the involvement of an independent person to assist or represent a resident who requests or needs assistance in a situation of dispute;
 - (ii) if there is a significant dispute—a provision that allows for the involvement of an authorised officer to assist in the resolution of the dispute; and
 - (c) the procedure is incorporated in the rules of the facility; and
 - (d) a complaint made by a resident of the facility to the proprietor or a staff member is dealt with in a prompt and reasonable manner and, if appropriate, on a confidential basis.

Penalty: Division 7 fine.

Expiation fee: Division 7 fee.

- (2) In this regulation—

significant dispute means a dispute at the facility which is reported to a police officer.

26—Indemnity fund

- (1) Pursuant to section 56(4) of the Act, the prescribed percentage of licensing fees, expiation fees and fines to be paid to the Supported Residential Facilities Indemnity Fund (the *fund*) is 10%.

Note—

See clause 3 of Schedule 1 for the licensing fees.

- (2) The amounts payable to the fund under section 56(4) of the Act must be remitted to the Fund Manager within 28 days after the end of the financial year in which they are received by the relevant authority.
- (3) A claim for payment from the fund must be made, assessed and determined in accordance with the following procedures:
- (a) the claim must be made in writing and addressed to the Fund Manager;
 - (b) the claim must be accompanied or supported by information required by the Fund Manager;
 - (c) the Fund Manager may require the claimant to attend before the Fund Manager to answer questions, or to provide additional information, reasonably required by the Fund Manager to determine the claim;
 - (d) the Fund Manager should seek to assess and determine the claim as expeditiously as possible and, in any event, within 8 weeks after the receipt of the information supplied to the Fund Manager in accordance with this regulation;
 - (e) the Fund Manager must ensure that written notice of his or her determination is served on the claimant.

27—False advertising

A person must not promote or advertise, or cause to be promoted or advertised, a supported residential facility as a nursing home unless—

- (a) the facility is approved as a nursing home under the *National Health Act 1953* of the Commonwealth; or
- (b) the facility complies with the requirements of these regulations that specifically relate to nursing homes.

Penalty: Division 7 fine.

Expiation fee: Division 7 fee.

28—Offences

If a provision of Part 3, Part 4, Part 5 or Part 6 of these regulations is not observed, the proprietor of the relevant supported residential facility is guilty of an offence.

Penalty: Division 7 fine.

Expiation fee: Division 7 fee.

Schedule 1—Fees

- | | | |
|---|---|-------|
| 1 | Inspection fee for inspection of premises (section 22(1)(a)(iii) of the Act) | \$180 |
| | Note— | |
| | This fee must be paid by the proprietor of the premises within 7 days after the completion of the inspection. | |
| 2 | Application fees— | |
| | Note— | |
| | The fee for an application must be paid at the time the application is lodged. | |
| | (a) on lodging an application for a licence (section 24(2) of the Act) | \$75 |
| | (b) on lodging an application for the renewal of a licence (section 27(1)(b) of the Act) | \$75 |
| | (c) on lodging a late application for the renewal of a licence (section 27(3) of the Act) | \$45 |
| | Note— | |
| | The fee under this paragraph is in addition to the fee under paragraph (b) | |
| | (d) on lodging an application for the transfer of a licence (section 30(2)(b) of the Act) | \$75 |
| | (e) on lodging an application in relation to a dispute (section 43(5)(c) of the Act) | \$45 |
| 3 | Licensing fees— | |
| | (a) on a decision to grant a licence | \$350 |
| | Notes— | |
| | (1) This fee must be paid within 7 days after the applicant receives written notification from the licensing authority that the application for a licence has been approved. | |
| | (2) If the term of the licence is less than 12 months, the licence fee is a proportion of the fee under this paragraph, being the proportion that the number of whole months in the period of the licence bears to 12. | |
| | (b) if the term of a licence exceeds 12 months, an annual licence fee is payable on the anniversary of the granting of the licence | \$350 |
| | Notes— | |
| | (1) This fee must be paid within 7 days after the anniversary of the granting of the licence. | |
| | (2) If the licence is due to expire before the second anniversary of the granting of the licence, the annual licence fee is a proportion of the fee under this paragraph, being the proportion that the number of whole months in the period between the first anniversary of the granting of the licence and the date on which the licence is due to expire bears to 12. | |
| | (c) on a decision to renew a licence | \$350 |
| | Notes— | |
| | (1) This fee must be paid within 7 days after the applicant receives written notification from the licensing authority that the application for renewal has been approved. | |
| | (2) If the term of a licence on renewal is less than 12 months, the licence fee is a proportion of the fee under this paragraph, being the proportion that the number of whole months in the period of the licence bears to 12. | |

Schedule 2—Form of notice to be displayed

Supported Residential Facilities Act 1992 (section 36)

These premises are licensed under the *Supported Residential Facilities Act 1992*.

The licence was issued on _____ (*insert relevant date*) and the relevant licensing authority for the facility is _____ (*insert relevant details*)

The proprietor(s) of the facility is/are: _____ (*insert full name, address and telephone number*)

The manager of the facility is: _____ (*insert full name of manager*)

The licence will expire on: _____ (*insert relevant date*)

Signature of Authorised Officer:

Date:

Schedule 3—Statement to be provided to a person before the execution of a resident contract

Supported Residential Facilities Act 1992 (section 38)

You should seek independent legal advice if you are unsure about any aspect of—

- this document; or
- any document which you are required to sign or which is provided to you,

in relation to your residency at a supported residential facility.

You have a period of 15 business days after—

- the date of any contract which you may sign; or
- the date of the supply of—
 - this statement; and
 - the rules and policies; and
 - your service plan,

(whichever is the later), in which you may withdraw from the contract.

You are advised to read and carefully consider any documents provided to you.

The following information is provided to you in relation to the facility and services:

1 The facility

1.1 The facility is situated at:

(*insert address*)

1.2 The name(s) and contact address(es) and telephone number(s) of the proprietor(s) of the facility is/are as follows:

(*insert details*)

2 Your accommodation

2.1 The type of accommodation that is available to you is as follows:

(*specify*)

- 2.2 A layout of the accommodation is attached to this document.
(attach a plan of the layout)
- 2.3 The location of the accommodation within the facility is noted on the attached plan.
(attach a plan of the facility showing location of the accommodation)

3 Services that may be provided to you

- 3.1 You will be provided with the following personal care services by the facility:
(provide details of the personal care services that will be provided)
- 3.2 The following services will also be available at the facility:
(specify other services that are available to residents of the facility)
- 3.3 The following equipment will be available to you at the facility:
(specify equipment available at the facility)
- 3.4 The following special (and additional) arrangements are being made for you, or on your behalf:
(provide details of any such arrangements)
- 3.5 The following restrictions may affect the provision of the above services:
(provide details of any such restrictions)

4 Your payments

- 4.1 You are required to pay the following amounts on the commencement of the resident contract (or on or before you commence to reside at the facility):
(insert a table containing a brief description of each such payment and the amount payable)

4.2 Recurrent charges

The following fees and charges are payable while you remain a resident of the facility:

(insert a brief description of each such fee or charge and the amounts payable)

This covers the following services/items:

(insert a list providing details of those services/items covered by the payments)

The fee or charge was last adjusted on the following date: *(insert relevant date)*

when it was adjusted by: *(insert amount in dollars)*

In respect of the last adjustment, residents were given *(insert relevant number of days, weeks or months)*

days/weeks/months *(delete whatever is not relevant)* notice of the adjustment.

The estimated date of the next adjustment will be on the following date:

(insert date)

- 4.3 The following fees or charges (not mentioned above) may become payable in the future:
(insert a brief description of each such fee or charge and the amount, if known, that may become payable)
- 4.4 You are entitled to the following amounts when you cease to be a resident of the facility:
(insert amounts to be refunded)
- 4.5 Before an amount is paid under 4.4, the following conditions must be met:
(insert details of the conditions)

5 Routines and times

5.1 The following routines apply at the facility:

(insert brief description)

5.2 You will be expected to observe the following time requirements while you are a resident of the facility:

(insert brief description)

6 Complaints

You may wish to make a complaint about the accommodation or services provided at the facility, or about any other aspect of the facility. If so, the following procedures should be observed:

(set out the procedures)

7 Your future position

7.1 Your contract must be terminated in writing. The contract requires you to take the following action to terminate the contract:

(set out the action)

7.2 It is proposed that the contract may require review or renegotiation in the following circumstances:

(insert brief description)

8 Your future obligations

You may be required to observe certain rules and policies. Please ensure that you read a copy of any rules or policies before you agree to sign any documents

Note—

In all sections, delete comments where not applicable and add comments where required.

For facilities under construction

It is not always possible for the proprietor to provide accurate information regarding the future of a facility that is under construction.

If necessary, the proprietor of the facility should provide the best available information and best estimates regarding work to be completed. Prospective residents considering residing in a facility that is not yet completed should treat the matter with caution.

In addition to facilities already completed at the time of this document, the following facilities are under construction or planned:

1 Facilities

1.1 Accommodation

Development Stage No: *(if applicable)*

Independent units—

No of units: Est completion date:

No of units: Est completion date:

No of units: Est completion date:

Serviced apartments (Hostel units)—

No of units: Est completion date:

No of units: Est completion date:

No of units: Est completion date:

Other *(specify)*

1.2 Communal facilities:

(specify the proposed communal facilities and the estimated completion date)

Development Stage No: (if applicable)

1.3 Gardens: (insert brief description)

1.4 Outdoor facilities: (insert brief description)

2 Proposed services

(insert information)

3 Development consents

The following information describes any conditions or requirements of development consent affecting the construction and/or services to be provided by the proprietor:

(insert information)

Note—

In all sections, delete comments where not applicable and add comments where required.

Schedule 4—Revocation of *Supported Residential Facilities Regulations 1994*

The *Supported Residential Facilities Regulations 1994* 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 23 July 2009

No 210 of 2009

DFCCS/08/018

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CITY OF BURNSIDE

Results of Supplementary Election for Councillor in Rose Park and Toorak Gardens Ward Conducted on Monday, 13 July 2009

Formal Ballot Papers: 1 498
Informal Ballot Papers: 3

Quota: 750

Candidates	First Preference Votes	Result after Distribution of Preferences
Henderson, Maurice	529	Elected
Wilkins, Di	293	
Green, Ron	270	
Hasenohr, Robert	224	
Lord, Felicity Anne	182	

K. MOUSLEY, Returning Officer

CITY OF CHARLES STURT

Change of Road Name

NOTICE is hereby given that the Council of the City of Charles Sturt at its meeting held on 13 July 2009, resolved that pursuant to section 219 (1) of the Local Government Act 1999, that the name of the section of St Johns Avenue, Renown Park between McQuillan Avenue and Gosport Street, be changed from St Johns Avenue, to St Johns Avenue South, Renown Park.

A plan which delineates the section of road which is subject to the change of name, together with a copy of the Council's resolution is available for inspection at the Council's Civic Centre, 72 Woodville Road, Woodville, S.A. 5011, during the hours of 9 a.m. and 5 p.m. on week days.

M. WITHERS, Chief Executive Officer

THE RURAL CITY OF MURRAY BRIDGE

Revocation of Land from Classification as Community Land

NOTICE is hereby given that the Rural City of Murray Bridge at its meeting held on 29 June 2009, resolved, pursuant to section 193 (4) of the Local Government Act 1999, to exclude the following parcel of land from Classification as Community Land:

Allotment A in the Road Plan 3037, commonly known as a portion of Murray Lane, Hundred of Mobilong.

D. MOLONEY, Chief Executive Officer

CITY OF NORWOOD PAYNEHAM & ST PETERS

Adoption of Valuation and Declaration of Rates

NOTICE is hereby given that the Council of the Corporation of the City of Norwood, Payneham & St Peters, at a meeting held on 6 July 2009 and for the 2009-2010 financial year:

- (1) adopted, for rating purposes and effective from 1 July 2009, the Valuer-General's valuation of capital values in the Council area totalling \$9 605 300 800;
- (2) declared differential general rates on rateable land within its area as follows:
 - for residential land use, 0.235210 cents in the dollar on the capital value of the land subject to the rate; and
 - for Commercial—Shop, Commercial—Office, Commercial—Other, Industrial—Light, Industrial—Other, Primary Production, Vacant Land and Other land uses, 0.282252 cents in the dollar on the capital value of the land subject to the rate;
- (3) fixed a minimum amount payable by way of general rates of \$694 in respect of all rateable land within its area;
- (4) declared a separate rate of 0.007384 cents in the dollar on the capital value of rateable land in its area within the area of the Adelaide and Mount Lofty Ranges Natural Resources Management Board to recover the levy payable to the Board; and

- (5) declared a differential separate rate of 0.05104 cents in the dollar on the capital value of all land classified as Category 2 (Commercial—Shop), Category 3 (Commercial—Office), Category 4 (Commercial—Other) and Category 5 (Industrial—Light) within the area defined to constitute the 'Parade Precinct' for these purposes.

M. BARONE, Chief Executive Officer

CITY OF PORT ADELAIDE ENFIELD

ERRATUM

Adoption of Valuations and Declaration of Rates

IN *Government Gazette* dated 16 July 2009 on page 3218, first notice appearing, Finnis Water Scheme *should* read as follows:

(2) Water Schemes:

(a) Finnis Water Scheme:

- (i) An access charge of \$160 for properties connected to the Scheme with an additional charge of \$1.60 per kilolitre for consumption.

J. COOMBE, Chief Executive Officer

[*]

DISTRICT COUNCIL OF BARUNGA WEST

PUBLIC CONSULTATION

Periodical Review of Elector Representation

NOTICE is hereby given that the Council has undertaken a review to determine whether alterations are required in respect to elector representation, including ward boundaries and the composition of Council.

As an outcome of this review Council proposes that:

- The principal member of Council be chosen by the elected members of Council from amongst their own number and the office bear the title of Mayor, pursuant to the provisions of section 51 of the Local Government Act 1999.
- The Council area not be divided into wards (i.e. retain 'no wards').
- The elected Council will comprise nine area councillors, to be elected at Council-wide elections by the community, (down from the current 10 members).

Report

Council has prepared a report which details the review process, public consultation undertaken and the proposal Council considers should be carried into effect. A copy of this report is available from the Council Offices, Bay Street, Port Broughton and Railway Terrace, Bute, and at Council's website at www.barungawest.sa.gov.au or by contacting Nigel Hand, District Manager.

Written Submissions

Written submissions are invited from interested persons and should be directed to Nigel Hand, District Manager, P.O. Box 3, Port Broughton, S.A. 5522, fax (08) 8635 2596 or email barunga@barungawest.sa.gov.au by Friday, 14 August 2009.

Any person(s) making a written submission will be given the opportunity to appear before a meeting of Council or Council Committee to be heard in support of their submission.

N. HAND, District Manager

DISTRICT COUNCIL OF THE COPPER COAST

ERRATUM

Renaming of Roads

IN *Government Gazette* on Thursday, 16 July 2009 at page 3220, under the heading 'DISTRICT COUNCIL OF THE COPPER COAST—Renaming of Roads' Jessica Court to Jessica Street *should* read Jessica Place to Jessica Street.

P. DINNING, Chief Executive Officer

THE FLINDERS RANGES COUNCIL

Adoption of Valuations and Declaration of Rates

NOTICE is hereby given at a meeting of the Council held on Tuesday, 14 July 2009 and for the year ending 30 June 2010, it resolved:

Adoption of Capital Valuations

In accordance with section 167 (2) (a) of the Local Government Act 1999 (the Act), adopts for rating purposes for the year ending 30 June 2010, the valuations made by the Valuer-General of capital values in relation to all land in the area of the Council, and hereby specifies 13 July 2009, as the day as and from which such valuations shall become and be the valuations of the Council with the total of the valuations being \$230 547 480 comprising \$221 747 240 in respect of rateable land and \$8 800 240 in respect of non-rateable land before alteration.

Declaration of Differential General Rates

Declares, having taken into account the general principles of rating contained in section 150 of the Act and the requirements of section 153 (2) of the Act, that pursuant to sections 152 (1) (a), 153 (1) (b) and 156 (1) (c) of the Act, and Regulation 10 (2) of the Local Government (General) Regulations 1999 (the Regulations), the following differential general rates based on the assessed capital values of all rateable land within the Council area for the year ending 30 June 2010, the said differential general rates to vary by reference to the predominant land use of the rateable land and the locality of the land.

The said differential general rates declared are as follows:

Locality of Quorn Township:

- (1) A differential general rate of 0.3900 cents in the dollar on rateable land in the Council's area of Category 1 (Residential) land use.
- (2) A differential general rate of 0.4800 cents in the dollar on rateable land in the Council's area of Category 2 (Commercial—Shop) land use.
- (3) A differential general rate of 0.5450 cents in the dollar on rateable land in the Council's area of Category 3 (Commercial—Office) land use.
- (4) A differential general rate of 0.5675 cents in the dollar on rateable land in the Council's area of Category 4 (Commercial—Other) land use.
- (5) A differential general rate of 0.5900 cents in the dollar on rateable land in the Council's area of Category 5 (Industry—Light) land use.
- (6) A differential general rate of 0.5350 cents in the dollar on rateable land in the Council's area of Category 6 (Industry—Other) land use.
- (7) A differential general rate of 0.5800 cents in the dollar on rateable land in the Council's area of Category 7 (Primary Production) land use.
- (8) A differential general rate of 0.3600 cents in the dollar on rateable land in the Council's area of Category 8 (Vacant Land) land use.
- (9) A differential general rate of 0.3800 cents in the dollar on rateable land in the Council's area of Category 9 (Other) land use.

Locality of Quorn Rural Area:

- (10) A differential general rate of 0.3500 cents in the dollar on rateable land in the Council's area of Category 1 (Residential) land use.
- (11) A differential general rate of 0.5050 cents in the dollar on rateable land in the Council's area of Category 2 (Commercial—Shop) land use.
- (12) A differential general rate of 0.5450 cents in the dollar on rateable land in the Council's area of Category 3 (Commercial—Office) land use.
- (13) A differential general rate of 0.5275 cents in the dollar on rateable land in the Council's area of Category 4 (Commercial—Other) land use.

- (14) A differential general rate of 0.5900 cents in the dollar on rateable land in the Council's area of Category 5 (Industry—Light) land use.
- (15) A differential general rate of 0.5350 cents in the dollar on rateable land in the Council's area of Category 6 (Industry—Other) land use.
- (16) A differential general rate of 0.5300 cents in the dollar on rateable land in the Council's area of Category 7 (Primary Production) land use.
- (17) A differential general rate of 0.3500 cents in the dollar on rateable land in the Council's area of Category 8 (Vacant Land) land use.
- (18) A differential general rate of 0.4050 cents in the dollar on rateable land in the Council's area of Category 9 (Other) land use.

Locality of Hawker Township:

- (19) A differential general rate of 0.4300 cents in the dollar on rateable land in the Council's area of Category 1 (Residential) land use.
- (20) A differential general rate of 0.5600 cents in the dollar on rateable land in the Council's area of Category 2 (Commercial—Shop) land use.
- (21) A differential general rate of 0.5100 cents in the dollar on rateable land in the Council's area of Category 3 (Commercial—Office) land use.
- (22) A differential general rate of 0.6000 cents in the dollar on rateable land in the Council's area of Category 4 (Commercial—Other) land use.
- (23) A differential general rate of 0.5350 cents in the dollar on rateable land in the Council's area of Category 5 (Industry—Light) land use.
- (24) A differential general rate of 0.6500 cents in the dollar on rateable land in the Council's area of Category 6 (Industry—Other) land use.
- (25) A differential general rate of 0.5800 cents in the dollar on rateable land in the Council's area of Category 7 (Primary Production) land use.
- (26) A differential general rate of 0.5300 cents in the dollar on rateable land in the Council's area of Category 8 (Vacant Land) land use.
- (27) A differential general rate of 0.4000 cents in the dollar on rateable land in the Council's area of Category 9 (Other) land use.

Locality of Hawker Rural Area:

- (28) A differential general rate of 0.4400 cents in the dollar on rateable land in the Council's area of Category 1 (Residential) land use.
- (29) A differential general rate of 0.6225 cents in the dollar on rateable land in the Council's area of Category 2 (Commercial—Shop) land use.
- (30) A differential general rate of 0.5450 cents in the dollar on rateable land in the Council's area of Category 3 (Commercial—Office) land use.
- (31) A differential general rate of 0.4950 cents in the dollar on rateable land in the Council's area of Category 4 (Commercial—Other) land use.
- (32) A differential general rate of 0.5900 cents in the dollar on rateable land in the Council's area of Category 5 (Industry—Light) land use.
- (33) A differential general rate of 0.6500 cents in the dollar on rateable land in the Council's area of Category 6 (Industry—Other) land use.
- (34) A differential general rate of 0.5400 cents in the dollar on rateable land in the Council's area of Category 7 (Primary Production) land use.
- (35) A differential general rate of 0.5300 cents in the dollar on rateable land in the Council's area of Category 8 (Vacant Land) land use.

- (36) A differential general rate of 0.3800 cents in the dollar on rateable land in the Council's area of Category 9 (Other) land use.

Residential General Rates Cap

Pursuant to section 153 (3) of the Act, that it is determined not to fix a maximum increase in the general rate to be charged on the principal place of residence of a principal ratepayer for the year ending 30 June 2010, because relief in the nature of a general maximum increase for all rateable land is provided by the Council pursuant to section 166 (1) (l) of the Act.

Declaration of Minimum Rate

Pursuant to section 158 (1) (a) of the Act, to fix a minimum amount of \$420 payable by way of rates for the year ending 30 June 2010.

Declaration of Garbage Annual Service Charge

Pursuant to and in accordance with section 155 of the Act, declares an Annual Service Charge for the year ending 30 June 2010, based on the level of usage of the service upon the land to which it provides the prescribed service of the collection and disposal of domestic and commercial waste. The said Annual Service Charge declared are as follows:

- (1) \$155 for occupied residential properties in Quorn.
- (2) \$155 for occupied residential properties in Hawker.
- (3) \$200 for occupied commercial properties in Quorn.
- (4) \$200 for occupied commercial properties in Hawker.
- (5) \$900 for the Hawker Memorial Hospital.
- (6) \$900 for the Minister for Education and Children's Services (Hawker Area School).
- (7) \$1 350 for the Quorn and District Memorial Hospital.
- (8) \$1 350 for the Minister for Education and Children's Services (Quorn Area School).

Declaration of Community Wastewater Management Systems Annual Service Charge

Pursuant to and in accordance with section 155 of the Act and in accordance with the Community Wastewater Management System Property Unit Code as provided at Regulation 9A of the Regulations declares an Annual Service Charge for the year ending 30 June 2010, based on the nature of the service and varying according to whether the land is vacant or occupied upon the land to which it provides or makes available the prescribed service of a Community Wastewater Management System, of:

- (a) \$390 per unit in respect of each piece of occupied land serviced by the Quorn Community Wastewater Management System;
- (b) \$360 per unit in respect of each piece of vacant land serviced by the Quorn Community Wastewater Management System;
- (c) \$240 per unit in respect of each piece of occupied land serviced by the Hawker Community Wastewater Management System; and
- (d) \$220 per unit in respect of each piece of vacant land serviced by the Hawker Community Wastewater Management System.

Declaration of Separate Rates (Regional Natural Resources Management Levy)

Pursuant to section 95 of the Natural Resources Management Act 2004 and section 154 of the Act and in order to reimburse the Council for amounts contributed to the Northern and Yorke Natural Resources Management Board, being \$28 945, declares a separate rate of 0.0131 cents in the dollar, based on the capital value of all rateable properties in the area of the Council and of the Northern and Yorke Natural Resources Management Board.

Declaration of Payment of Rates

Pursuant to section 181 (1) and (2) of the Act, declares that all rates for the year ending 30 June 2010, be payable by four equal or approximately equal instalments, with the:

- first instalment payable on 1 September 2009;
- second instalment payable on 1 December 2009;
- third instalment payable on 1 March 2010; and
- fourth instalment payable on 1 June 2010.

C. J. DAVIES, Chief Executive Officer

KANGAROO ISLAND COUNCIL

Councillor Casual Vacancy

NOTICE is hereby given in accordance with section 54 (6) of the Local Government Act 1999, that a vacancy has occurred in the office of Councillor for Kangaroo Island, due to the death of Councillor Milton Turner, to take effect from 8 July 2009.

D. ROWLEY, Acting Chief Executive Officer

DISTRICT COUNCIL OF KAROONDA EAST MURRAY

Adoption of Valuations and Declaration of Rates

NOTICE is hereby given that the District Council of Karoonda East Murray at its meeting held on Tuesday, 14 July 2009, resolved the following:

Adoption of Valuations

That in accordance with provision of section 167 (2) (a) of the Local Government Act 1999, the Council adopt the most recent valuation of the Valuer-General capital values that is to apply for rating purposes for the year ending 30 June 2010, being capital valuation totalling \$220 905 720 of which \$212 593 120 represents rateable land.

Adoption of 2009-2010 Annual Business Plan

That in accordance with section 123 of the Local Government Act 1999, the Council adopt the 2009-2010 Annual Business Plan.

Adoption of 2009-2010 Council Budget

That pursuant to section 123 of the Local Government Act 1999 and Regulation 5B of the Local Government (Financial Management) Regulations 1999, the Council adopt the Budget for the 2009-2010 financial year.

The Budget operating expenses including full cost attribution and depreciation for the 2009-2010 financial year total \$2 773 340 with income being \$2 809 780, net \$36 440. Total Net Capital Expenditure for 2009-2010 is \$1 679 500.

Declaration of General Rates

Pursuant to section 153 of the Local Government Act 1999, the Council declare a general rate of 0.3990 cents in the dollar on the capital value of all rateable land within the area for the 2009-2010 financial year.

Minimum Amount Payable

Pursuant to section 158 (1) (a) of the Local Government Act 1999, the Council declare a minimum rate of \$145 to be fixed for rateable land within the whole of the Council area for the 2009-2010 financial year.

Service Charge

Pursuant to section 155 of the Local Government Act 1999, the Council declare a service charge for the Community Waste Water Management System of \$200 per unit and \$175 for vacant allotment in Karoonda, for properties serviced by the system for the 2009-2010 financial year.

Payment of Rates

Pursuant to section 181 (2) (a) of the Local Government Act 1999, the Council declare that the Council rates for the financial year ending 30 June 2010, shall be payable in four equal instalments with instalments falling due on 18 September 2009, 18 December 2009, 18 March 2010 and 18 June 2010.

Natural Resources Management Levy—Declaration of Separate Rate

Pursuant to section 95 of the Natural Resources Management Act 2004 and section 154 of the Local Government Act 1999, in order to reimburse to the Council the amount contributed to the South Australian Murray Darling Basin Natural Resources Management Board being \$12 651, the District Council of Karoonda East Murray declare a separate rate of 0.0594 cents in the dollar, based on the capital value of all rateable land for the 2009-2010 financial year.

P. SMITHSON, Chief Executive Officer

DISTRICT COUNCIL OF LOXTON WAIKERIE

Adoption of Valuation, Annual Business Plan and Budget and Declaration of Rates for 2009-2010

NOTICE is hereby given that at its meeting held on 17 July 2009, the District Council of Loxton Waikerie for the financial year ending 30 June 2010 and in exercise of the powers contained in Chapter 10 of the Local Government Act 1999, resolved as follows:

Adoption of Valuation

1. To adopt, for rating purposes, the most recent valuations of the Valuer-General available to the Council of the capital value of land within the Council's area, totalling \$1 574 045 060.

Declaration of the Differential General Rates

2. To declare differential general rates by reference to both the locality and the land use of the rateable land, as follows:

(1) For all land uses located within the township of Loxton within the following planning zones under the Loxton Waikerie (DC) Development Plan:

- Residential;
- Town Centre;
- Public Purpose;
- Industry,

a rate of 0.4233 cents in the dollar.

(2) For all land uses located within the township of Waikerie within the following planning zones under the Loxton Waikerie (DC) Development Plan:

- Residential;
- Town Centre;
- Public Purpose;
- Industry,

a rate of 0.4233 cents in the dollar.

(3) For all other land of any land use in the Council area a rate of 0.4021 cents in the dollar.

Fixed Charge

3. To impose a fixed charge of \$175 as part of the general rate upon each separate piece of rateable land.

Service Charges

4. Declared the following annual service charges on rateable and non-rateable land where a common effluent connection point is provided:

- for the Waikerie Community Wastewater Management System—\$450 per unit on each occupied allotment and \$430 per unit on each vacant allotment.
- for the Loxton Community Wastewater Management System—\$400 per unit on each occupied allotment and \$380 per unit on each vacant allotment.
- for the Moorook Community Wastewater Management System—\$375 per unit on each occupied allotment and \$355 per unit on each vacant allotment.

- for the Kingston on Murray Community Wastewater Management System—\$400 per unit on each occupied allotment and \$380 per unit on each vacant allotment.

Separate Rate

5. In order to raise the amount of \$93 258 payable to the SA Murray Darling Basin Natural Resources Management Board declared a separate rate of 0.00702 cents in the dollar, on all rateable land in the Council area.

P. SELLAR, Acting Chief Executive Officer

DISTRICT COUNCIL OF TUMBAY BAY

Adoption of Valuations and Declaration of Rates

NOTICE is hereby given that the District Council of Tumby Bay at its meeting held on 13 July 2009, for the financial year ending 30 June 2010, in exercise of its powers contained in Chapters 8, 9 and 10 of the Local Government Act 1999 and the Natural Resources Management Act 2004, resolved as follows:

Adoption of Valuations

That the District Council of Tumby Bay in accordance with section 167 (2) (a) of the Local Government Act 1999, adopts for the financial year ending 30 June 2010, the most recent site valuations made by the Valuer-General and available to Council in respect of land within the area of Council totalling \$453 205 680 and hereby specifies 4 July 2009, as the day from which such valuations shall become and be the valuations of the Council.

General Rate

That having taken into account the general principles of rating in section 150 of the Local Government Act 1999 and the requirements of section 153 (2) of the Local Government Act 1999 and pursuant to section 152 (1) (c) of the Local Government Act 1999, Council declares that the General Rate for the financial year ending 30 June 2010, will be a rate that consists of two components as follows:

- (i) one being based on the value of the land subject to the rate; and
- (ii) the other being a fixed charge.

Differential General Rate

That pursuant to sections 153 (1) (b) and 156 (1) (b) of the Local Government Act 1999, Council declares Differential General Rates for the financial year ending 30 June 2010, based on the site value of rateable land varying according to the locality of the land as follows:

- 0.298856 cents in the dollar in respect of rateable land within the defined townships of Tumby Bay, Port Neill, Lipson and Ungarra other than rateable land within the Commercial Bulk Handling Zone, within the Ungarra Township as defined in Council's Development Plan.
- 7.576117 cents in the dollar in respect of rateable land within the Commercial Bulk Handling Zones as defined in Council's Development Plan.
- 0.376643 cents in the dollar for all other rateable land within the Council area.

Fixed Charge

That pursuant to section 152 (1) (c) (ii) of the Local Government Act 1999 and in accordance with the provisions of section 152 of the Local Government Act 1999, Council declares a fixed charge of \$345 in respect of all rateable land in the Council area for the financial year ending 30 June 2010.

Separate Rate

That pursuant to section 154 of the Local Government Act 1999, Council declares a Separate Rate for the financial year ending 30 June 2010 in respect of rateable land in the following parts of the Council area based on the site value of the land:

(a) For the purpose of making available and maintaining the Port Neill Soldiers Memorial Hall in respect of rateable land:

Within the Port Neill Township—0.015130 cents in the dollar;

Outside the Port Neill Township and within the Hundred of Dixon—0.013333 cents in the dollar.

- (b) For the purpose of making available and maintaining the Tumby Bay Oval in respect of rateable land:

Within the Tumby Bay Township—0.003523 cents in the dollar;

Outside the Tumby Bay Township and within the Hundred of Hutchison and Louth—0.001557 cents in the dollar.

Natural Resources Management Levy

That pursuant to section 95 of the Natural Resources Management Act 2004 and section 154 of the Local Government Act 1999, Council declares a fixed charge of \$60.50 in respect of rateable land in the area of the Eyre Peninsula Natural Resources Management Board ('the Board') in order to reimburse the Council the amount contributed to the Board for the financial year ending 30 June 2010.

Annual Service Charge—Refuse Collection

That pursuant to section 155 of the Local Government Act 1999, Council declares an Annual Service Charge based on the nature of the service for the collection and disposal of waste in respect of all land within the townships of Tumby Bay, Port Neill, Lipson and Ungarra to which it provides or makes available that service of \$135 per 140 litre Bin and \$230 per 240 litre Bin for the financial year ending 30 June 2010.

Tumby Bay CWMS Annual Service Charge

That pursuant to section 155 of the Local Government Act 1999 and Regulation 9A (3) (b) of the Local Government (General) Regulations 1999, Council declares an annual service charge based on the level of usage of the service in respect of all land to which it provides or makes available the Tumby Bay Common Effluent Drainage Scheme of \$405 per property unit for the financial year ending 30 June 2010.

Instalment Payment Dates

That pursuant to section 181 (1) of the Local Government Act 1999, Council declares that payment of all rates imposed in respect of the financial year ending 30 June 2010 shall fall due in four equal or approximately equal instalments on 11 September 2009, 11 December 2009, 12 March 2010 and 11 June 2010.

E. A. ROBERTS, District Clerk

WAKEFIELD REGIONAL COUNCIL

Adoption of Valuation and Declaration of Rates

NOTICE is hereby given that at its meeting held on 8 July 2009, Wakefield Regional Council, in exercise of its powers contained in Chapter 10 of the Local Government Act 1999, made the following resolutions:

Adoption of Valuation

In accordance with the provisions of section 167 of the Local Government Act 1999, Council adopts for the year ending 30 June 2010, the most recent valuation made by the Valuer-General of capital value in relation to the area of the Council, that being the valuation listing of 25 June 2009, showing a total assessment for the district of \$1 560 008 660.

Fixed Charge

In accordance with the provisions of sections 151 and 152 of the Local Government Act 1999, Council declares a fixed charge of \$280 on rateable property within its area for the financial year ending 30 June 2010.

Declaration of Differential General Rates

Pursuant to the provisions of sections 151 and 156 of the Local Government Act 1999, Council declares differential general rates on property within its area for the financial year ending 30 June 2010, based on land use as follows:

- 0.2336 cents in the dollar on rateable land of Category 1 (Residential), Category 7 (Primary Production) and Category 9 (Other);
- 0.3901 cents in the dollar on rateable land of Category 2 (Commercial—Shop), Category 3 (Commercial—Office), Category 4 (Commercial—Other), Category 5 (Industry—Light) and Category 6 (Industry—Other);

- 0.6494 cents in the dollar on rateable land of Category 8 (Vacant) use,

and further that pursuant to the provisions of section 166 (1) (l) of the Local Government Act 1999, rebates shall be granted to provide relief against what would otherwise amount to a substantial change in rates payable by individual ratepayers due to rapid changes in valuations or anomalies in valuations to the extent that the general rate raised on each assessment shall not incur an increase of greater than 20% on the previous year's (2008-2009) general rate amount so raised, except where an increase is the result of changes in rebates or concessions or is the result of valuation increases as a result of new building work or development activity or where a change of ownership has occurred in the previous 18 months or where there have been changes to adjoining properties or Single Farm Enterprise arrangements..

Community Wastewater Management Schemes Service Charges

Pursuant to the provisions of section 155 of the Local Government Act 1999, Council declares service charges for the year ending 30 June 2010, for the purposes of recovering from ratepayers who will be benefited by the authorised Community Wastewater Management Schemes for the disposal of sewerage effluent, the capital cost of the work and the cost of the maintenance and operation thereof, of \$300 for each occupied unit and \$240 for each unoccupied unit.

Waste Collection Charge

Pursuant to the provisions of section 155 of the Local Government Act 1999, Council declares a service charge for the year ending 30 June 2010, of \$220 for the purpose of recovering from ratepayers who will be benefited by the collection of waste, the full cost of providing that service.

Natural Resources Management Levy

In accordance with the provisions of section 154 of the Local Government Act 1999, Council declares a separate rate of 0.0150 cents in the dollar on rateable land within its area for the financial year ending 30 June 2010, for the purpose of raising its contribution to the Natural Resources Management Levy.

Payment of Rates

In accordance with the provisions of section 181 of the Local Government Act 1999, Council hereby determines that all rates imposed in respect of the year ending 30 June 2010, will fall due in four instalments and further that Council determines that the instalments will fall due on:

- Friday, 4 September 2009;
- Friday, 4 December 2009;
- Friday, 5 March 2010; and
- Friday, 4 June 2010.

P. J. BARRY, Chief Executive Officer

WATTLE RANGE COUNCIL

Adoption of Valuations and Declaration of Rates

NOTICE is hereby given that at a meeting of Wattle Range Council held on 7 July 2009, the Council in exercise of the powers contained in Part 1 of Chapter 10 of the Local Government Act, 1999:

Valuations

1. Adopted the valuations that are to apply in its area for rating purposes for the 2009-2010 financial year, being the capital valuations of the Valuer-General, totalling \$3 357 068 280 comprising \$3 281 043 300 in respect of rateable land and \$76 024 980 in respect of non-rateable land before alteration.

Differential Rates

2. Declared differential general rates on rateable land within its area for the year ending 30 June 2010 as follows:

Millicent:

In respect of land within the township of Millicent:

- (i) for land assigned land use Category 7 (Primary Production)—0.3914 cents in the dollar;
- (ii) for all other land—0.5321 cents in the dollar.

Rural Living:

For land outside the township of Millicent and within the Rural Living (Millicent) Zone:

- (i) for land assigned land use Category 7 (Primary Production)—0.3914 cents in the dollar;
- (ii) for all other land—0.4755 cents in the dollar.

Light Industry:

For land outside the township of Millicent and within the Light Industry Zone—0.5321 cents in the dollar.

General Industrial:

For land outside the township of Millicent and within the General Industrial Zone:

- (i) for land assigned land use Category 7 (Primary Production)—0.3914 cents in the dollar;
- (ii) for all other land—0.5321 cents in the dollar.

Penola:

In respect of land within the township of Penola:

- (i) for land assigned land use Category 7 (Primary Production)—0.3914 cents in the dollar;
- (ii) for all other land—0.5321 cents in the dollar.

Beachport:

In respect of land within the township of Beachport—0.5321 cents in the dollar.

Rural Living Zone and Light Industry Zone:

For land outside the township of Beachport and within the Rural Living Zone and Light Industry Zone—0.4755 cents in the dollar.

Coonawarra:

In respect of land within the township of Coonawarra—0.5321 cents in the dollar.

Kalangadoo:

In respect of land within the township of Kalangadoo—0.5321 cents in the dollar.

General Industry Zone:

For land outside the township of Kalangadoo and within the General Industry (Kalangadoo) Zone:

- (i) for land assigned land use Category 6 (Industrial—Other)—0.5321 cents in the dollar;
- (ii) for all other land—0.3914 cents in the dollar.

Nangwarry:

In respect of land within the township of Nangwarry—0.5321 cents in the dollar.

Southend:

In respect of land within the township of Southend—0.5321 cents in the dollar.

Rendelsham:

In respect of land within the township of Rendelsham—0.5321 cents in the dollar.

Tantanoola:

In respect of land within the township of Tantanoola—0.5321 cents in the dollar.

Mount Burr:

In respect of land within the township of Mount Burr—0.5321 cents in the dollar.

All Other Land:

In respect of all other land not hereinbefore referred to in the Council area—0.3914 cents in the dollar.

All Zones are described in Council's Development Plan consolidated 22 March 2007.

Minimum Rate

3. Declared a minimum amount payable by way of general rates on rateable land in its area of \$450.

Service Charges

4. Declared the following service charges:

(a) Garbage Collection Service:

On all occupied land within the Council area to which it provides or makes available a service for the collection, treatment and disposal of waste:

- (i) normal waste, recycling and green organics collection and disposal service of \$241; and
- (ii) normal waste and recycling collection and disposal service of \$184.

(b) Community Wastewater Management Systems:

On all properties serviced by community wastewater management systems within its area (Townships of Penola, Southend and Kalangadoo) as follows:

	\$
(i) Occupied Unit.....	456
(ii) Vacant Unit.....	342

Separate Rates

5. Declared the following separate rates:

(a) South East Natural Resources Management Board Levy:

Separate rate of \$37.40 on all rateable land in the area of the Council.

Discretionary Rebates of Rates

6. Declared that Discretionary Rebates of Rates be granted for the purposes of providing relief against what would otherwise amount to a substantial change in rates payable by a ratepayer due to rapid changes in valuations where:

- (a) the general rates increase by more than 3% from the previous year;
- (b) the Valuer-General has not increased the capital value on the assessment due to improvements valued at more than \$30 000 from last year;
- (c) this is not a new assessment;
- (d) the general rates raised this and last financial year are not less than or equal to the minimum general rate raised for that financial year; and
- (e) ownership of the property has not changed since July 2008.

Additional Remission of Rates

7. Declared that an additional remission of General Rates of \$50 be granted to all eligible pensioners and self funded retirees for the purpose of providing relief in recognition of increased costs in living.

Payment of Rates

8. Declared that all rates are payable in four equal or approximately equal instalments with the first instalment payable on or before 3 September 2009, second instalment on or before 3 December 2009, third instalment on or before 4 March 2010 and the fourth instalment on or before 3 June 2010.

F. N. BRENNAN, Chief Executive Officer

DISTRICT COUNCIL OF YORKE PENINSULA

Adoption of Valuations and Declaration of Rates

NOTICE is hereby given that at a meeting of the District Council of Yorke Peninsula held on 14 July 2009, the Council resolved for the 2009-2010 financial year:

Adoption of Valuations

The most recent valuations of the Valuer-General available to the Council of the capital value of land within the Council's area totalling \$4 492 450 940 be adopted for rating purposes.

Declaration of Differential General Rates

Differential general rates be declared on rateable land within the Council area as follows:

- (1) on land of Category 7 use (Primary Production), a rate of 0.146 cents in the dollar of the capital value of such land;
- (2) on all other land within the Council area, a rate of 0.172 cents in the dollar of the capital value of such land;
- (3) a fixed charge component of the general rate of \$300 be imposed.

Service Charges

Community Wastewater Management System Service Charges

Service charges be imposed as follows on each assessment of rateable and non-rateable land in the following areas to which land the Council makes available a Community Wastewater Management System:

	Per Unit
Ardrossan area:	\$
• occupied land	305
• vacant allotment	250
Maitland area:	
• occupied land	305
Tiddy Widdy Beach area:	
• occupied land	305
Black Point area:	
• occupied land	305
• vacant allotment	250
Yorke town and Port Victoria areas:	
• occupied land	325
• vacant allotment	260
Port Vincent Marina, Port Vincent Rise and Stansbury areas:	
• occupied land	325
• vacant allotment	260
Sultana Point area:	
• all land	375
Bluff Beach, Hardwicke Bay and Rogues Point areas:	
• all land	375
Chinaman Wells area:	
• all land	375
Foul Bay and Point Turton areas:	
• all land	375

Water Supply Service Charges

Service charges be imposed as follows on each assessment of rateable and non-rateable land in the following areas to which land the Council makes available a water supply service:

	\$
Black Point area	110
Balgowan area	360
Hardwicke Bay area	360

and that in recognition of the contributions of infrastructure and funding for future augmentation at Balgowan received from the developers of allotments created under Deposited Plan Numbers 60463, 64246, 66679, 75581, 75582 and 77943, these allotments be levied at a maintenance only component of \$85.

Waste and Recycling Service Charge

An annual service charge be imposed on both rateable and non-rateable land to which the Council provides the prescribed service of waste collection (the Waste and Recycling Service) which charge is based upon the nature and level of usage of the service and is declared at:

- \$178 for a two bin service; and
- \$193 for a three bin service.

Separate Rate

A separate rate of 0.01477 cents in the dollar be declared on all rateable land in the area of the Council to raise the amount of \$641 495 payable to the Northern and Yorke Natural Resources Management Board.

R. K. BRUHN, Chief Executive Officer

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

Ashton, Lynette Ellen, late of 1 Steele Street, Campbelltown, of no occupation, who died on 12 February 2009.

Breen, Roslyn Fay, late of 21 Marrington Circuit, Morphett Vale, of no occupation, who died on 15 January 2009.

Chiverton, Colin Michael, late of 18 McHarg Road, Happy Valley, retired chief project officer, who died on 17 April 2009.

Hilton, Richard, late of 1 Duffield Street, Gawler East, retired plumber, who died on 21 May 2009.

Jeffery, Elizabeth Mary Ockenden, late of 8 Fletcher Road, Mount Barker, home duties, who died on 28 May 2009.

Lee, Rosslyn Joyce, late of 1 Hospital Road, Quorn, home duties, who died on 24 May 2009.

Milczarek, Bronislaw, late of 26 Flinders Highway, Port Lincoln, retired storeman, who died on 12 May 2009.

Norman, Iris Gwendoline May, late of 50 Gulfview Road, Christies Beach, of no occupation, who died on 11 April 2009.

Pusser, Dennis, late of 55 Coral Sea Road, Fulham, retired seaman, who died on 3 June 2009.

Ross, Donald Stuart, late of 5 Tapp Street, Rosewater, retired merchant seaman, who died on 19 March 2009.

Vukovic, Marija, late of 367-379 Waterloo Corner Road, Burton, of no occupation, who died on 11 July 2008.

Wallace, Cora May, late of 20 Alpha Road, Prospect, widow, who died on 1 June 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 21 August 2009, 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 23 July 2009.

M. I. BODYCOAT, Public Trustee

ATTENTION

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