



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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ADELAIDE, THURSDAY, 23 AUGUST 2012

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## GOVERNMENT GAZETTE NOTICES

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

Department of the Premier and Cabinet  
Adelaide, 23 August 2012

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the Architectural Practice Board of South Australia, pursuant to the provisions of the Architectural Practice Act 2009:

Member: (from 23 August 2012 until 31 December 2013)  
Danielle Kym O'Dea

Deputy Member: (from 23 August 2012 until 31 December 2013)

Catherine Patricia Mayfield (Deputy to Elliott)

By command,

JOHN DAVID HILL, for Premier

MHUD/12/025

Department of the Premier and Cabinet  
Adelaide, 23 August 2012

HIS Excellency the Governor's Deputy in Executive Council has been pleased to appoint the undermentioned to the State Bushfire Coordination Committee, pursuant to the provisions of the Fire and Emergency Services Act 2005:

Member: (from 23 August 2012 until 30 June 2015)

Scott Justin Thompson

Ann De Piaz

Wayne Brian Thorley

Bronwyn Anne Killmier

Grant Anthony Pelton

Gregory Keith Saunder

Stephen Robert Pascale

Franco Crisci

Donna Louise Ferretti

Meredith Sophie Jenner

Suellen Margaret Lefebvre

Andrew Simon Watson

Katherine Stanley-Murray

Dennis Ray Mutton

William Raymond McIntosh

Graham John Gates

Peter Ross White

Timothy Ian Milne

Deputy Member: (from 23 August 2012 until 30 June 2015)

Glenn Paul Benham (Deputy to Thompson)

Fiona Dunstan (Deputy to De Piaz)

Suzanne Joy Mickan (Deputy to Thorley)

Michael John Cornish (Deputy to Killmier)

Tina Brew (Deputy to Pelton)

Justin David Munro Cook (Deputy to Saunder)

Susan Mary Filby (Deputy to Crisci)

Katie Taylor (Deputy to Ferretti)

John Badgery (Deputy to Jenner)

James Phillip Rishworth (Deputy to Lefebvre)

Kylie Marie Egan (Deputy to Watson)

Bruce William Hull (Deputy to Stanley-Murray)

Jayne Alison Bates (Deputy to Mutton)

Mark Robert Sutton (Deputy to McIntosh)

Joseph Lindsay Keynes (Deputy to Gates)

Donald Stuart Gilbertson (Deputy to White)

Timothy Michael Welch Kelly (Deputy to Milne)

By command,

JOHN DAVID HILL, for Premier

12MES/010SC

Department of the Premier and Cabinet  
Adelaide, 23 August 2012

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Tom Koutsantonis, MP, Minister for Manufacturing, Innovation and Trade, Minister for Mineral Resources and Energy and Minister for Small Business to be also Acting Treasurer, Acting Minister for Defence Industries and Acting Minister for Veterans' Affairs for the period from 26 August 2012 to 15 September 2012 inclusive, during the absence of the Honourable John James Snelling, MP.

By command,

JOHN DAVID HILL, for Premier

T&F12/064CS

Department of the Premier and Cabinet  
Adelaide, 23 August 2012

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Russell Paul Wortley, MLC, Minister for Industrial Relations and Minister for State/Local Government Relations to be also Acting Minister for Workers Rehabilitation for the period from 26 August 2012 to 15 September 2012 inclusive, during the absence of the Honourable John James Snelling, MP.

By command,

JOHN DAVID HILL, for Premier

T&F12/064CS

Department of the Premier and Cabinet  
Adelaide, 23 August 2012

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Grace Portolesi, MP, Minister for Education and Child Development to be also Acting Minister for Communities and Social Inclusion, Acting Minister for Social Housing, Acting Minister for Disabilities, Acting Minister for Youth and Acting Minister for Volunteers for the period from 10 December 2012 to 30 December 2012 inclusive, during the absence of the Honourable Ian Keith Hunter, MLC.

By command,

JOHN DAVID HILL, for Premier

DCSICS/12/013

Department of the Premier and Cabinet  
Adelaide, 23 August 2012

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Jennifer Mary Rankine, MP, Minister for Police, Minister for Correctional Services, Minister for Emergency Services, Minister for Road Safety and Minister for Multicultural Affairs to be also Acting Minister for Communities and Social Inclusion, Acting Minister for Social Housing, Acting Minister for Disabilities, Acting Minister for Youth and Acting Minister for Volunteers for the period from 31 December 2012 to 11 January 2013 inclusive, during the absence of the Honourable Ian Keith Hunter, MLC.

By command,

JOHN DAVID HILL, for Premier

DCSICS/12/013

Department of the Premier and Cabinet  
Adelaide, 23 August 2012

HIS Excellency the Governor in Executive Council has been pleased to designate Geraldine Davison SC, Paul Francis Muscat SC and Paul Vincent Slattery QC as Judges of the Environment, Resources and Development Court of South Australia from 23 August 2012, pursuant to Section 8 (6) of the Environment, Resources and Development Court Act 1993.

By command,  
JOHN DAVID HILL, for Premier

AGO0261/02CS

Department of the Premier and Cabinet  
Adelaide, 23 August 2012

HIS Excellency the Governor in Executive Council has been pleased to appoint the people listed as Justices of the Peace for South Australia for a period of ten years commencing from 23 August 2012 and expiring on 22 August 2022, it being a condition of appointment that the Justices of the Peace must take the oaths required of a Justice under the Oaths Act 1936 and return the oaths form to the Justice of the Peace Services within 3 months of the date of appointment, pursuant to Section 4 of the Justices of the Peace Act 2005:

Janice Elaine Alcock  
James Allan Appenzeller  
Joshua Samuel Baldwin  
Prasad Bandarlhalli  
Gregory Llewellyn Bassani  
Shari Ann Coggins  
Lynn Clyde Colls  
Mary Louise Comer  
Julie Patricia Cook  
Paul Douglas Coombs  
Tanya Cumerlato  
Phillip Michael Datson  
Robyn Ann Fuge  
Thomas Gaitatzis  
Michelle Lee Glazbrook  
Carolyn Marie Griggs  
Timothy Edward Hampton  
Rosilyn Faye Julianne Hart  
Nigel Ian Jamieson  
Steven Luke Jarman  
Denzil Jex  
Yvonne Joyce Jex  
Erin Louise Larner  
Melissa Jane McDonald  
Pasquale Marchetti  
Katie Marie Meadow  
Carole Elizabeth Migliarese  
Christine Maria Mossop  
Adrian Derek Nicholls  
Biljana Nikolic  
Kathryn Jean Pace  
Fiona Mary Pemberton  
Kym Patrick Peters  
Heather Jane Piro  
Gwendoline Mary Roberts  
Janine Louise Roberts  
Jeremy Rowlands  
Ada Maria Scalzi  
Jarrad Andrew Schwark  
Louise Helen Skull  
Teresa Violet Sleep  
Lynette Kay Sweet  
Mark David Taylor  
Janet Temby  
David Wayne Thatcher  
Rudolf Joseph Vernik  
Chad Andre Veron  
Barbara Elizabeth Walmsley  
David Darius Walton  
Robert Alan Winny

By command,  
JOHN DAVID HILL, for Premier

JP12/028CS

Department of the Premier and Cabinet  
Adelaide, 23 August 2012

HIS Excellency the Governor in Executive Council has been pleased to accept the 2011 Flinders University Annual Report, pursuant to Section 27 (1) of The Flinders University of South Australia Act 1966.

By command,  
JOHN DAVID HILL, for Premier

MEHES12/012CS

Department of the Premier and Cabinet  
Adelaide, 23 August 2012

HIS Excellency the Governor directs it to be notified that he has been pleased to approve retention of the title *Honourable* by:

The Honourable John Doyle, AC.

Dated 14 August 2012.

By command,  
JAY WILSON WEATHERILL, Premier

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

*Preamble*

1. The decision of the Governor under Section 48 of the Development Act 1993, to grant provisional development authorisation of the Beringer Blass Wine Bottling and Storage Facility at Nuriootpa was published in the *Gazette* on 23 September 2004.

2. The amended decision of the Governor under Section 48 of the Development Act 1993, to grant provisional development authorisation of the Beringer Blass Wine Bottling and Storage Facility at Nuriootpa, was published in the *Gazette* on 15 September 2005 and 8 June 2006.

3. Pursuant to Section 48 of the Development Act 1993 and Regulation 64 (1) of the Development Regulations 2008, the Governor reserved certain matters for further decision making.

4. Amendments to the development were granted by the Development Assessment Commission, as delegate of the Governor, on 14 October 2004, 16 December 2004, 3 March 2005, 28 April 2005, 9 June 2005, 18 August 2005, 15 September 2005, 8 June 2006, 5 October 2006, 21 December 2006, 17 October 2008 and 15 January 2009.

5. Decisions relating to Building Rules Certification were granted by the Development Assessment Commission, as delegate of the Governor, on 16 December 2004, 13 January 2005, 7 April 2005, 22 September 2005, 8 December 2005, 2 March 2006, 13 April 2006 and 8 June 2006.

6. Further application has been made to the Development Assessment Commission, as delegate of the Governor, for a variation of the development authorisation for the establishment of a Nitrogen Production and Storage Facility.

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

8. The Development Assessment Commission is satisfied that there is no requirement to prepare a further or amended Development Report.

*Decision*

PURSUANT to Section 48 of the Development Act 1993, the Development Assessment Commission, as delegate of the Governor, grants provisional development authorisation to the amended Beringer Blass Wine Bottling and Storage Facility subject to the Conditions and Notes to the applicant below:

- (a) reserve a decision on the following matters (upon application of further information) pursuant to Section 48 (6) and Regulation 64 (1):
  - (i) Further assessment and certification in respect of the Building Rules, for the Nitrogen Production and Storage Facility component of the development (refer to Conditions and Notes to Applicant below).

- (b) specify all matters relating to this provisional development authorisation as matters in respect of which conditions of this authorisation may be varied or revoked, or new conditions attached;
- (c) specify, for the purposes of Section 48 (11) (b) of the Development Act 1993, the period of two years from the date hereof, as the time within which substantial work must be commenced on the Nitrogen Production and Storage Facility, failing which I may cancel this authorisation.

## CONDITIONS OF APPROVAL

1. Except where minor amendments may be required by other legislation, or by conditions imposed herein, the proposed Major Development shall be undertaken in strict accordance with:

- (a) the following drawings contained within the Development Report, 'Proposed Wine Bottling and Storage Facility, Light Pass Road/Pipeline Road, Barossa Valley', lodged by Beringer Blass Wine Estates, dated May 2004:

- Drawing Titled: 'Proposed Bottling Facility, Landscape Plan'; Drawing Number: N080-SK01 A.
- Drawing Titled: 'Proposed Bottling Facility, Elevations'; Drawing Number: N080-SK02 A.

- (b) the following drawings contained within the letter from Nolan Rumsby Planners dated 11 November 2004 in so far as they are varied by the drawings indicated in paragraph (d):

- Drawing Titled: 'Wine Bottling and Storage Facility, Development Consent Amendment, Proposed Bottling, Storage and Winery Facility, Final Development Site Plan'; Drawing Number: WLF04-000-0265 A.
- Drawing Titled: 'Wine Bottling and Storage Facility, Development Consent Amendment, Proposed Bottling and Storage Facility Stage 1A Development Plan (2 Bottling Lines)'; Drawing Number: WLF04-000-0260 C.
- Drawing Titled: 'Wine Bottling and Storage Facility, Development Consent Amendment, Proposed Bottling and Storage Facility Stage 1B Development Plan (4 Bottling Lines)'; Drawing Number: WLF04-000-0262 B.
- Drawing Titled: 'Wine Bottling and Storage Facility, Development Consent Amendment, Proposed Bottling and Storage Facility Final Development Plan (8 Bottling Lines)'; Drawing Number: WLF04-000-0263 B.
- Drawing Titled: 'Wine Bottling and Storage Facility, Development Consent Amendment, Proposed Bottling and Storage Facility Final Development Plans Overlaid'; Drawing Number: WLF04-000-0266 B.
- Drawing Titled: 'Wine Bottling and Storage Facility, Development Consent Amendment, Proposed Bottling and Storage Facility Stage 1A and 1B Development Elevations'; Drawing Number: WLF04-000-0261 A.
- Drawing Titled: 'Wine Bottling and Storage Facility, Development Consent Amendment, Proposed Bottling and Storage Facility Final Development Elevations'; Drawing Number: WLF04-000-0264 A.
- Drawing Titled: 'Wine Bottling and Storage Facility, Development Consent Amendment, Proposed Bottling and Storage Facility Final Development Elevations Overlaid'; Drawing Number: WLF04-000-0267 A.

- (c) the following documents in so far as they are varied by the documents indicated in paragraphs (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (q), (r), (s), (t), (u), (v), (w) and (x):

- Development application, 'Proposed Wine Bottling and Storage Facility (in association with the existing Beringer Blass Winery Sturt Highway, Light Pass Road/Pipeline Road) at Light Pass Road/Pipeline Road, Barossa Valley', prepared by Nolan Rumsby Planners (for Beringer Blass Wine Estates), dated 3 December 2003 (except to the extent that it may be varied by a subsequent document in this paragraph).

- Development Report, 'Proposed Wine Bottling and Storage Facility, Light Pass Road/Pipeline Road, Barossa Valley', lodged by Beringer Blass Wine Estates, dated May 2004 (except to the extent that it may be varied by a subsequent document in this paragraph).
- Response to Submissions, 'Response Document: Proposed Wine Bottling and Storage Facility, Light Pass Road/Pipeline Road, Barossa Valley', lodged by Beringer Blass Wine Estates, dated July 2004 (contained within an appendix to the Assessment Report noted below) (except to the extent that it may be varied by a subsequent document in this paragraph).

- Correspondence from Nolan Rumsby Planners (for Beringer Blass Wine Estates) to Planning SA, dated 13 August 2004, confirming the storage volumes for the stormwater dam.

- Correspondence from Nolan Rumsby Planners (for Beringer Blass Wine Estates) to Planning SA, dated 19 August 2004, confirming details relating to finishing colour selections, landscaping, building layouts, and the establishment of a frost fan (except to the extent that it may be varied by a subsequent document in this paragraph).

- Correspondence from Nolan Rumsby Planners (for Beringer Blass Wine Estates) to Planning SA, dated 31 August 2004, confirming the relevant and revised plans for assessment and consideration by the Governor (except to the extent that it may be varied by a subsequent document in this paragraph).

- Assessment Report prepared by the Minister for Urban Development and Planning dated September 2004.

- (d) the following drawings:

- Drawing Titled: 'Wolf Blass Packaging Facility, Architectural Site Plan, Drawing Number WLF05-200-1001, 250401-00-1-101 Rev 0C.
- Drawing Titled: 'Wolf Blass Packaging Facility, Architectural General Arrangement, Drawing Number WLF05-200-1002, 250401-00-1-102 Rev 0E.
- Drawing Titled: 'Wolf Blass Packaging Facility, Architectural Elevations, Drawing Number WLF05-200-1003, 250401-00-1-103 Rev D.
- Drawing Titled: 'Wolf Blass Packaging Facility, Concrete Footing Plan, Drawing Number WLF05-200-3000, 250401-00-3-300 Rev A.
- Drawing Titled: 'Wolf Blass Packaging Facility, Footing Detail Sheet, Drawing Number WLF05-200-3005, 250401-00-3-305 Rev A.

- (e) The Environmental Management and Monitoring Plan prepared by Parsons Brinckerhoff on behalf of Beringer Blass Wine Estates Limited (Report No. 2102542A-04-0600-03) revised April 2005.

- (f) The letters from Nolan Rumsby Planners dated 11 November 2004 and 23 November 2004.

- (g) The letter from Nolan Rumsby Planners dated 13 December 2004, including Building Rules Certification by McKenzie Group Consulting.

- (h) The correspondence and plans from McKenzie Group Consulting dated 22 December 2004, including Building Rules Certification and plans, with the exception of the layout for the car park and administration building indicated on the plans.

- (i) The correspondence and plans from Nolan Rumsby Planners dated 7 February 2005.

- (j) The correspondence and plans from McKenzie Group Consulting dated 21 March 2005, including Building Rules Certification and plans dated 9 March 2005.

- (k) The correspondence and documents from Nolan Rumsby Planners dated 31 March 2005.

- (l) The correspondence and documents from Nolan Rumsby Planners dated 30 May 2005.

- (m) The correspondence and documents from Nolan Rumsby Planners dated 30 June 2005.

- (n) The Amended Development Report, Proposed Wine Bottling and Storage Facility Light Pass Road/Pipeline Road Barossa Valley dated June 2005.
- (o) The plans from McKenzie Group Consulting received 6 September 2005 and including Building Rules Certification dated 15 August 2005.
- (p) The plans from McKenzie Group Consulting received 24 November 2005 and including Building Rules Certification dated 5 September 2005.
- (q) The plans from McKenzie Group Consulting received 21 and 27 February 2006 and including Building Rules Certification dated 23 February 2006.
- (r) The plans from McKenzie Group Consulting received 5 April 2006 and including Building Rules Certification dated 30 March 2006.
- (s) The plans from McKenzie Group Consulting received 24 May 2006 and Building Rules Certification dated 1 June 2006.
- (t) The correspondence and documents from Nolan Rumsby Planners dated 18 July 2006.
- (u) The correspondence and documents from Nolan Rumsby Planners dated 4 September 2006 and as amended 9 October 2006.
- (v) The plans from McKenzie Group Consulting received 20 February 2007 and Building Rules Certification dated 19 January 2007.
- (w) The correspondence from the Foster's Group dated 9 October 2008 and Drawing Titled: Wolf Blass Packaging Centre—General Arrangement—Administration Building and Medical Centre Plans and Elevations, Drawing Number WLF09-099-1310 Rev A.
- (x) The document titled 'Planning Report—Amendment to Major Development Approval (Plant and Equipment for Nitrogen Production and Storage)' prepared by Nolan Rumsby Planners for Treasury Wine Estates dated 26 March 2012.

2. The applicant shall submit further information and application(s) in relation to the matters that have been reserved for further decision-making.

3. No building works on any part of the development shall commence until a favourable decision has been notified to the applicant by the Governor or the Governor's delegate in respect of those reserved matters referred to in subparagraph (i) in paragraph (a) of the Decision Section above.

4. No construction activities or building works shall commence until a heritage survey has been completed to identify any Aboriginal Sites, Objects or Remains in the site area, and monitoring shall be undertaken during construction to enable the development to proceed without a breach of the Aboriginal Heritage Act 1988.

5. Subject to condition 3 and 4, the applicant may commence a stage of building works before receiving the Governor's decision concerning building rules compliance for other stages (refer reserved matter (i) in paragraph (a) of the Decision Section above). No building works shall commence on a stage of the development, however, until a favourable decision in relation to building rules compliance in respect of that stage has been notified in writing to the applicant by the Governor or the Governor's delegate.

6. A decision on building rules compliance will only be made after a Building Rules assessment and certification has been undertaken and issued by the Barossa Council, or a private certifier, in accordance with the provisions of the Development Act 1993, and after the Minister for Planning receives a copy of all relevant certification documentation, as outlined in Regulation 64 of the Development Regulations 2008 (refer to 'Notes to Applicant' below for further information).

7. The management and monitoring of the pre-construction, construction and operational phases of the wine bottling and storage facility shall be undertaken in accordance with the Environmental Management and Monitoring Plan, prepared by Parsons Brinckerhoff on behalf of Beringer Blass Wine Estates

Limited (Report No. 2102542A-04-0600-02), dated October 2004, and as amended by the letter from Nolan Rumsby Planners dated 23 November 2004.

8. The wastewater collection and treatment system shall be designed to ensure that the general obligations of the Environment Protection (Water Quality) Policy 2003 are met, and to ensure that effluent does not overflow or escape from drains, pipes, sumps, tanks, storage/treatment basins into any watercourse, or into stormwater drains which do not drain into the effluent collection, treatment and disposal system, except where the effluent complies with criteria in the above Policy.

9. In accordance with commitments by the applicant, wastewater shall not be stored in open storage ponds until it is first treated to reduce the potential for odours to occur.

10. The applicant shall ensure that stormwater, which does not comply with the Environment Protection (Water Quality) Policy 2003 criteria, is not discharged from the site without prior effective treatment.

11. Noise from the development shall be in accordance with the following:

Construction Activities—Mondays to Saturdays:

- (a) not exceed 52 dB(A) between the hours of 7 a.m. and 10 p.m. measured and adjusted at the nearest existing residential property;
- (b) not exceed 45 dB(A) between the hours of 6 a.m. and 7 a.m. measured and adjusted at the nearest existing residential property;
- (c) shall be in accordance with the Environment Protection (Industrial Noise) Policy 1994;
- (d) site deliveries and other noisier construction activities shall be scheduled to minimise noise impacts;
- (e) all other aspects of construction activities shall be undertaken in accordance with the Environmental Management and Monitoring Plan.

Operation of the development:

- (a) shall not exceed 52 dB(A) between the hours of 7 a.m. and 10 p.m. measured and adjusted at the nearest existing residential property in accordance with the Environment Protection (Industrial Noise) Policy 1994;
- (b) shall not exceed 45 dB(A) between the hours of 10 p.m. and 7 a.m. measured and adjusted at the nearest existing residential property in accordance with the Environment Protection (Industrial Noise) Policy 1994;
- (c) a short term typical maximum noise level of 60 dB(A) when measured at the nearest existing residential property.

12. The proponent shall, within 12 months from the date of this notice and in accordance with the commitments given in the letter by the proponent dated 12 April 2006 and subject to obtaining the landowner's consent to access the land, supply and install two frost fans on the adjacent property located north of the proposed development site. Such fans are to be a 4 blade type as specified in the Acoustic Report in Appendix H of the Response Document and the fans shall be sited in accordance with the recommendations of the Frost Fan Report of Appendix I of the Development Report. If the landowner refuses access to the land or seeks to condition access in an unreasonable way that is not acceptable to the proponent, the proponent shall not be required to comply with the commitments in the letter dated 12 April 2006.

13. Landscaping of the site shall commence prior to construction of the proposed Major Development, and when established must be maintained in good health and condition at all times. A plant must be replaced if or when it dies or becomes seriously diseased within the first growing season after the plant dies or becomes seriously diseased.

14. In accordance with commitments by the applicant, building walls up to 3 m shall be clad in colorbond 'ironstone' (or similar), and walls above 3 metres shall be clad in colorbond 'paperbark' (or similar).

15. All lighting shall be directed and shielded in such a way as to prevent glare from the site, and any lighting that is not in use for operational or security reasons shall be switched off.

16. In accordance with EPA recommendations, no trucks or heavy vehicles shall access the site from the portion of Light Pass Road, south of the access point for the proposed Major Development.

17. The temporary concrete batching plant for on-site construction activities and associated infrastructure shall be decommissioned and removed from the site no later than 1 August 2005.

18. The applicant shall, prior to the commencement of operations, prepare an Irrigation Management Plan to the satisfaction of the Environment Protection Authority to demonstrate that the proposed development will:

- (a) minimise the risk of polluting surface and groundwater resources by preventing excessive wastewater runoff or infiltration;
- (b) minimise soil degradation and damage to crops by using sustainable irrigation application rates, based on soil limitations (determined by a soil survey), crop requirements and limiting wastewater constituents;
- (c) prevent environmental nuisance by identifying wastewater pre-treatment requirements and employing suitable separation distances for irrigation;
- (d) prevent public and animal health impacts by using appropriate irrigation equipment and implementing training and awareness programs for staff;
- (e) maximise organic carbon, nutrient and salt removal by selecting suitable land, viable and tolerant crops and suitable cropping practices;
- (f) maintain a 50 metre buffer between irrigation areas and the Council stormwater collection system.

19. The Irrigation Management Plan shall contain contingency measures for the disposal of any excess wastewater that cannot be irrigated during the winter periods.

20. The proponent must provide adequate safeguards or control provisions to prevent the escape or overflow of wastewater to the adjacent road arising from power failure, pump breakdown and pipe blockages, which could result in potential contamination of stormwater.

21. The proponent must ensure that:

- (a) any underground pipelines are marked clearly to prevent accidental damage;
- (b) stormwater and wastewater drains are marked distinctly to prevent accidental discharges to the stormwater detention dam.

22. The health centre shall be connected to an approved effluent disposal system.

23. The cladding and colours of the health centre shall match the existing buildings.

#### NOTES TO APPLICANT

- Pursuant to Development Regulation 64, the applicant is advised that the Barossa Council or private certifier conducting a Building Rules assessment must:
  - (a) provide to the Minister a certification in the form set out in Schedule 12A of the Development Regulations 2008 in relation to the building works in question; and
  - (b) to the extent that may be relevant and appropriate:
    - (i) issue a Schedule of Essential Safety Provisions under Division 4 of Part 12; and
    - (ii) assign a classification of the building under these regulations; and
    - (iii) ensure that the appropriate levy has been paid under the Construction Industry Training Fund 1993.
- Regulation 64 of the Development Regulations 2008 provides further information about the type and quantity of all Building Rules certification documentation for Major Developments required for referral to the Minister for Planning.

- The Barossa Council or private certifier undertaking Building Rules assessments must ensure that the assessment and certification are consistent with this provisional development authorisation (including any Conditions or Notes that apply in relation to this provisional development authorisation).
- Should the applicant wish to vary the Major Development or any of the components of the Major Development, an application may be submitted, provided that the development application variation remains within the ambit of the Development Report and Assessment Report referred to in this provisional development authorisation. If an application variation involves substantial changes to the proposal, pursuant to Section 47 of the Development Act 1993, the applicant may be required to prepare an amended Development Report for public inspection and purchase. An amended Assessment Report may also be required to assess any new issues not covered by the original Assessment Report and a decision made by the Governor pursuant to Section 48 of the Development Act 1993.
- It is recommended that the applicant finalise the required water licence arrangements pursuant to the Water Resources Act 1997, for the construction of the proposed water storage dam and subsequent reuse of water, prior to construction of the proposed Major Development (in order for operations to proceed). The applicant is also advised to submit information on the water licence arrangements to Planning SA, together with final details on the design of the stormwater dam and associated release mechanism(s) and infrastructure.
- The proponent is advised of the General Environmental Duty under Section 25 of the Environment Protection Act 1993, which requires that a person must not undertake any activity, which pollutes, or may pollute; without taking all reasonable and practical measures to prevent or minimise harm to the environment.
- The applicant's EMMP should be prepared taking into consideration, and with explicit reference to, relevant EPA policies and guideline documents, including, but not limited to: the Environment Protection (Air Quality) Policy 1994, the Environment Protection (Water Quality) Policy 2003, the Occupational Health and Safety Regulations, EPA Guidelines on Odour Assessment, using odour source modelling 2003, EPA Handbook for Pollution Avoidance on Commercial and Residential Building Sites 2004, and the EPA Stormwater Pollution Prevention Code of Practice for the Building and Construction Industry, in addition to other legislative requirements and Guidelines/Australian Standards requiring compliance.
- The applicant is reminded of its obligations under the Aboriginal Heritage Act 1988 whereby any 'clearance' work, which may require permission to disturb damage or destroy Aboriginal Sites, must be undertaken with the full authorisation of the Minister for Aboriginal Affairs and Reconciliation, according to Section 23 of the Aboriginal Heritage Act 1988.
- It is recommended that the applicant ensure there are measures in place to promote staff vehicle access to the site from the northern end of Light Pass Road.
- The applicant is advised that a further development application and authorisation will be required pursuant to Part 4, Division 2 of the Development Act 1993, for the following matters:
  - prior to commencement of Stage 2, if the applicant proposes to treat wastewater at the existing Wolf Blass winery wastewater treatment system;
  - for the establishment of any additional frost fans that may be required as part of Stage 2;
  - if the external advertising signage is amended from that indicated in the Development Report, or additional advertising signage is proposed.
- The applicant is advised that any construction activities proposed to be undertaken on Sundays shall be subject to EPA requirements and further approval.
- The Minister has a specific power to require testing, monitoring and auditing under Section 48C of the Development Act 1993.

- The Environment Protection Authority has advised that an authorisation (licence) will be required for the temporary concrete batching plant.
- Wastewater dams shall be constructed in accordance with EPA Guidelines for Wastewater and Evaporation Lagoon Construction (March 2004).
- The applicant is advised to lodge a waste system application pursuant to the Public and Environment Health Act for the underfloor plumbing design and septic tank or the connection to a previously approved affluent disposal system.

Dated 10 August 2012.

T. BYRT, Presiding Member, Development Assessment Commission

#### ENVIRONMENT PROTECTION AUTHORITY

##### *Granting of an Exemption*

THE Environment Protection Authority has issued an Exemption to Southern Region Waste Resource Authority (SRWRA) to be exempted from Section 34 of the Environment Protection Act 1993, in respect of the requirements of Clause 11 (4) of the Environment Protection (Waste to Resources) Policy 2010 ('the Policy').

SRWRA is granted an extension of 12 months to comply with the requirements of Clause 11 of the Policy, specifically to establish a Resource Recovery Facility at the Premises in accordance with Clause 11 (4) of the Policy.

In carrying out the Prescribed Activity of a Waste or Recycling Depot, SRWRA is authorised to receive waste to which Clause 11 of the Policy applies for disposal without the waste resulting from, or being subject to, resource recovery processes.

This Exemption is granted subject to the situations described above and general conditions imposed in this Authorisation.

K. VOGELSANG, Delegate, Environment Protection Authority

#### FISHERIES MANAGEMENT ACT 2007: SECTION 44

##### *Notice*

TAKE notice that pursuant to Section 44 (9) and (10) of the Fisheries Management Act 2007, I hereby declare that I have adopted the Commercial Abalone Fishery Management Plan to take effect on 1 September 2012.

Dated 8 August 2012.

GAIL GAGO, Minister for Agriculture, Food and Fisheries

#### GEOGRAPHICAL NAMES ACT 1991

##### *Notice of Declaration of Names of Places*

NOTICE is hereby given pursuant to Section 11A of the Geographical Names Act 1991, that the names of those places set out in The Schedule hereunder shall be the geographical names of those said places. Precise location of the said features can be obtained from the *South Australian Government Gazette* at [www.placenames.sa.gov.au](http://www.placenames.sa.gov.au) or by contacting the Geographical Names Unit, DPTI on (08) 8204 8539.

##### THE SCHEDULE

<i>Mapsheets</i>	<i>Feature</i>
1:50 000 Mapsheet 6627-2 (Milang)	Clayton Bay
1:250 000 Mapsheet S153-06 (Elliston)	Top-Gallant Isles
1:250 000 Mapsheet SH53-16 (Torrens)	Eucolo Creek
1:50 000 Mapsheet 6227-1 (Pondalowie)	Point Margaret
1:50 000 Mapsheet 6735-4 (Bendieuta)	Mudlunha Vambata (hill)
1:50 000 Mapsheet 6628-2 (Onkaparinga)	Tabor Valley

NOTE: Words shown in parentheses are not part of the name.

Certified that the above names have been examined in line with the policies of the Geographical Names Unit, and that they comply with Section 11A of the Geographical Names Act 1991.

Dated 16 August 2012.

P. M. KENTISH, Surveyor-General, Department of Planning, Transport and Infrastructure

DTEI.2009/29925/01

#### LIQUOR LICENSING ACT 1997

##### *Notice of Application*

NOTICE is hereby given, pursuant to Section 52 (2) (b) of the Liquor Licensing Act 1997, that Damon Ashley John Nagel has applied to the Licensing Authority for the removal of a Producer's Licence in respect of premises situated at 17 High Street, Willunga, S.A. 5172 and to be situated at 111 Bishop Road, Hope Forest, S.A. 5172 and known as Brackenwood Vineyard.

The application has been set down for hearing on 24 September 2012 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 applicant at the applicant's address, at least seven days before the hearing date (viz: 17 September 2012).

The applicant's address for service is c/o Damon Ashley John Nagel, Level 6, 431-439 King William Street, Adelaide, S.A. 5000.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 8226 8655. Facsimile: 8226 8512. Email: [olgc@agd.sa.gov.au](mailto:olgc@agd.sa.gov.au).

Dated 21 August 2012.

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 Liquorland (Australia) Pty Ltd has applied to the Licensing Authority for an order to amend a certificate granted to it for approval to remove the Retail Liquor Merchant's Licence to premises situated within the West Lakes Shopping Centre, 111 West Lakes Boulevard, West Lakes, S.A. 5021 (at the north-west portion of the shopping centre near the junction of West Lakes Boulevard and Turner Drive) such that the certificate relates to other premises situated within the shopping centre (at the south-east portion of the shopping centre near the junction of Brebner Drive and Turner Drive) and to be known as First Choice Liquor Superstore.

The application has been set down for hearing on 18 September 2012 at 11.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 11 September 2012).

The applicant's address for service is c/o Rick Harley, Hunt & Hunt Lawyers, G.P.O. Box 439, Adelaide, S.A. 5001.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 8226 8655. Facsimile: 8226 8512. Email: [olgc@agd.sa.gov.au](mailto:olgc@agd.sa.gov.au).

Dated 17 August 2012.

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 Busibarz Pty Ltd has applied to the Licensing Authority to vary conditions of the Special Circumstances Licence in respect of premises situated at 258A Hindley Street, Adelaide, S.A. 5000 and known as White Rabbit Lounge.

The application has been set down for hearing on 25 September 2012 at 10.30 a.m.

*Conditions*

The following licence conditions are sought—to amend Condition 11:

- From:  
Four security persons shall be provided although staggered starting times to suit demand is permissible.
- To:  
Security will be provided to suit demand.

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: 18 September 2012).

The applicant's address for service is c/o Tony Bayles, 258A Hindley Street, Adelaide, S.A. 5000.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 8226 8655. Facsimile: 8226 8512. Email: [olgc@agd.sa.gov.au](mailto:olgc@agd.sa.gov.au).

Dated 21 August 2012.

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 Vintage Palate Wines Pty Ltd has applied to the Licensing Authority for the removal of a Wholesale Liquor Merchant's Licence in respect of premises situated at 34C Tapleys Hill Road, Royal Park, S.A. 5014 and to be situated at Unit 4, 21 Beafield Road, Para Hills West, S.A. 5096 and known as Vintage Palate Wines Pty Ltd.

The application has been set down for hearing on 24 September 2012 at 10.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Liquor and Gambling Commissioner and serving a copy of the notice on the applicant at the applicant's address, at least seven days before the hearing date (viz: 17 September 2012).

The applicant's address for service is c/o Vintage Palate Wines Pty Ltd, 34C Tapleys Hill Road, Royal Park, S.A. 5014 (Attention: Vito Pollina).

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 8226 8655. Facsimile: 8226 8512. Email: [olgc@agd.sa.gov.au](mailto:olgc@agd.sa.gov.au).

Dated 20 August 2012.

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 Colton Vineyards Pty Ltd as trustee for The Colton Vineyard Joint Venture, 1980 Lobethal Road, Lobethal, S.A. 5241 has applied to the Licensing Authority for a Direct Sales Licence in respect of the business to be known as The Colton Vineyard Joint Venture.

The application has been set down for hearing on 19 September 2012 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 September 2012).

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

The application and certain documents and material relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 8226 8655. Facsimile: 8226 8512. Email: [olgc@agd.sa.gov.au](mailto:olgc@agd.sa.gov.au).

Dated 16 August 2012.

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 Richard Brian Evans and Janice Christina Evans have applied to the Licensing Authority for a Producer's Licence in respect of premises situated at 210 Delabole Road, Willunga, S.A. 5172 and known as Rolling Hills Vineyard.

The application has been set down for hearing on 18 September 2012 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 applicants at the applicants' address, at least seven days before the hearing date (viz: 11 September 2012).

The applicants' address for service is c/o Richard and Janice Evans, P.O. Box 361, Willunga, S.A. 5172.

The application and certain documents and material (including Plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner, Chesser House, 3rd Floor, 91-97 Grenfell Street, Adelaide, S.A. 5000. Telephone: 8226 8655. Facsimile: 8226 8512. Email: [olgc@agd.sa.gov.au](mailto:olgc@agd.sa.gov.au).

Dated 14 August 2012.

Applicants

## MINING ACT 1971

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

Applicant: Red Metal Ltd

Location: Watson area—Approximately 270 km west of Tarcoola.

Term: 2 years

Area in km<sup>2</sup>: 721

Ref: 2009/00385

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

J. MARTIN, Mining Registrar



## MINING ACT 1971

NOTICE is hereby given in accordance with Section 35A (1) of the Mining Act 1971 and the Regulations thereunder that an application for an extractive minerals lease over the undermentioned mineral claim has been received. Details of the

proposal may be inspected at the Department for Manufacturing, Innovation, Trade, Resources and Energy, Resources and Energy Group, Level 7, 101 Grenfell Street, Adelaide, S.A. 5000:

Applicant: Greg Bell

Claim No.: 3643

Location: In Sections 402, 403 and Lot 116, FP 215139, Hundred of Mount Muirhead, approximately 9 km north-east of Millicent.

Area: 238.2 hectares

Purpose: For the recovery of extractive minerals (limestone/sand/gravel).

Ref: T02588

The Minister for Mineral Resources and Energy is required to have regard to any representations received from owners of the land (including native title holders) to which the application relates and/or any interested members of the public in determining the application or in fixing the conditions to be attached to the lease if granted.

Written submissions in relation to the granting of the mining lease are invited to be received at the Department for Manufacturing, Innovation, Trade, Resources and Energy, Resources and Energy Group, Level 7, 101 Grenfell Street, Adelaide, S.A. 5000 or G.P.O. Box 1264, Adelaide, S.A. 5001 no later than 20 September 2012.

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

J. MARTIN, Mining Registrar

## NATIONAL GAS LAW

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

Under Section 308, the making of a draft determination and draft *National Gas Amendment (Price and Revenue Regulation of Gas Services rule change request) Rule 2012* (Project Ref. GRC0011). In relation to the draft determination:

- requests for a pre-determination hearing must be received by **30 August 2012**;
- submissions must be received by **4 October 2012**; and
- submissions and requests for a hearing should be forwarded to [submissions@aemc.gov.au](mailto:submissions@aemc.gov.au) and must cite the Project Ref. in its title.

Submissions on this proposal can be lodged online via the AEMC's website at [www.aemc.gov.au](http://www.aemc.gov.au). Before submitting your submission, you must review the AEMC's privacy 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 confidentiality. All documents in relation to the above matter are published on the AEMC's website and are available for inspection at the offices of the AEMC.

Australian Energy Market Commission

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

Telephone: (02) 8296 7800

Facsimile: (02) 8296 7899

23 August 2012.

## NATIONAL ELECTRICITY LAW

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

Under Section 99, the making of a draft determination and draft *National Electricity Amendment (Economic regulation of network service providers) Rule 2012* (Project Ref ERC0134). In relation to the draft determination:

- requests for a pre-determination hearing must be received by **30 August 2012**;
- submissions must be received by **4 October 2012**; and
- requests for a hearing should be forwarded to [submissions@aemc.gov.au](mailto:submissions@aemc.gov.au) and must cite the Project Ref. in its title.

Under Section 95, International Power GDF Suez has requested the *Changes to normal voltage* Rule proposal (Project Ref. ERC0148). The proposal seeks to require Network Service Providers follow the processes set out under rule 5.3 of the National Electricity Rules for establishing or modifying a connection, in the event that a change to the normal voltage at a connection point is requested. Submissions must be received by **20 September 2012**.

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

Australian Energy Market Commission

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

Telephone: (02) 8296 7800

Facsimile: (02) 8296 7899

23 August 2012.

## NATIONAL PARKS AND WILDLIFE (NATIONAL PARKS) REGULATIONS 2001

*Closure of Tallaringa Conservation Park*

PURSUANT to Regulations 8 (3) (a) and 8 (3) (d) of the National Parks and Wildlife (National Parks) Regulations 2001, I, Grant Anthony Pelton, Director of Public Land Management and Operational Support, Regional Services, authorised delegate of the Director of National Parks and Wildlife, close to the public, the whole of Tallaringa Conservation Park from 6 p.m. on Sunday, 19 August 2012 until 6 a.m. on Monday, 3 September 2012.

The purpose of the closure is to ensure the safety of the public during the operation of an exclusion period over the Woomera Prohibited Area: Amber Zone—Centre Line Corridor (Defence Periodic Use Zone 2) within the reserve during the period indicated.

*Exemption for Department of Defence Personnel and Limited Exemption for Licensees under the Mining Act 1971 or Petroleum and Geothermal Energy Act 2000*

Pursuant to Regulations 8 (4), 11 (1) and 41 of the National Parks and Wildlife (National Parks) Regulations 2001, I, Grant Anthony Pelton, Director, Public Land Management and Operational Support, Regional Services, authorised delegate of the Director of National Parks and Wildlife, grant permission to Department of Defence personnel or their agents to enter and remain in the whole of Tallaringa Conservation Park from 6 p.m. on Sunday, 19 August 2012, until 6 a.m. on Monday, 3 September 2012, for the purposes of conducting activities within the Woomera Prohibited Area: Amber Zone—Centre Line Corridor (Defence Periodic Use Zone 2).

Pursuant to Regulations 8 (4), and 41 of the National Parks and Wildlife (National Parks) Regulations 2001, I further grant permission to holders of Exploration Licences under the Mining Act 1971 or Petroleum and Geothermal Energy Act 2000 to enter and remain in Tallaringa Conservation Park, excluding the area covered by the Woomera Prohibited Area: Amber Zone—Centre Line Corridor (Defence Periodic Use Zone 2), from 6 p.m. on Sunday, 19 August 2012, until 6 a.m. on Monday, 3 September 2012, for the purposes of undertaking activities in accordance with their licence and subject to accompanying Department for Manufacturing, Innovation, Trade, Resources and Energy approvals and Department of Defence approvals.

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

Dated 17 August 2012.

G. A. PELTON, Director, Public Land Management and Operational Support, Regional Services, Department of Environment and Natural Resources

#### OUTBACK COMMUNITIES AUTHORITY

##### *Declaration of Community Contribution (Andamooka) for 2012-2013*

NOTICE is hereby given that at its meeting on 17 August 2012, the Outback Communities Authority for the financial year ending 30 June 2013 and in exercise of the powers contained in Division 2, Part 3 of the Outback Communities (Administration and Management) Act 2009, resolved as follows:

##### *Declaration of the Community Contribution*

To declare a community contribution for the rateable land over:

- the township of Andamooka; and
- portion of Section 1500, Out of Hundreds (Andamooka) in the area known as White Dam and covering the land comprised in licences to occupy granted under the Crown Land Management Act 2009, being OL022710, OL018878, OL018887, OL0018888, OL0018889, OL0018890, OL018891, OL018909, OL018910, OL018923 and OL0018992.

##### *Purpose of Community Contribution*

Declare a fixed charge of \$400 per property unit on rateable land for the purposes of raising revenue for the provision of services and support to the community of Andamooka.

##### *Payment of Community Contribution*

Pursuant to Section 181 (2) of the Local Government Act 1999, that the community contribution is payable in four equal or approximately equal instalments as follows:

- first instalment, payable on 30 September 2012;
- second instalment, payable on 30 December 2012;
- third instalment, payable on 30 March 2013; and
- fourth instalment, payable on 30 June 2013.

M. R. SUTTON, General Manager

#### RADIATION PROTECTION AND CONTROL ACT 1982

##### APPROVAL PURSUANT TO PART 2, DIVISION 4 OF THE RADIATION PROTECTION AND CONTROL (IONISING RADIATION) REGULATIONS 2000— PERSONAL RADIATION MONITORING DEVICES

##### *Notice by Delegate of the Minister for Sustainability Environment and Conservation*

PURSUANT to Part 2, Division 4, of the Radiation Protection and Control (Ionising Radiation) Regulations 2000, I, Graeme Robert Palmer, Manager of the Radiation Protection Branch of the

Environment Protection Authority (EPA), being a person to whom the powers of the Minister under that section have been delegated under the Act, approve the Personal Alpha Dosimeter (PAD) monitoring device issued by the Radiation Safety Institute of Canada (RSIC) for detecting and measuring exposure to radon and thoron decay products, subject to the following conditions:

1. Continuation of the licence held by RSIC in relation to the PAD system, issued by the Canadian Nuclear Safety Commission.

2. Submission to the EPA of the RSIC annual report detailing the results of independent testing of the PADs.

3. The approved personal monitoring device must be used in accordance with any instructions given by the RSIC or the EPA.

This approval supersedes the approval of the Personal Alpha Dosimeter granted on 14 February 2005.

Dated 21 August 2012.

G. R. PALMER, Delegate of the Minister for Sustainability Environment and Conservation

#### PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

##### *Suspension of Petroleum Exploration Licence—PEL 132*

PURSUANT to Section 90 of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the abovementioned Petroleum Exploration Licence has been suspended for the period from and including 20 August 2012 until 19 February 2013, under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 21 March 2012.

The expiry date of PEL 132 is now determined to be 23 February 2014.

Dated 20 August 2012.

B. A. GOLDSTEIN,  
Executive Director,  
Energy Resources Division  
Department for Manufacturing, Innovation,  
Trade, Resources and Energy  
Delegate of the Minister for Mineral  
Resources and Energy

#### PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

##### *Temporary Cessation of Suspension of Petroleum Exploration Licence—PEL 103*

PURSUANT to Section 90 of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the suspension of PEL 103 dated 11 May 2012 has been temporarily ceased under the provisions of the Petroleum and Geothermal Energy Act 2000, with effect from 10 September 2012, pursuant to delegated powers dated 21 March 2012.

The expiry date of PEL 103 is now determined to be 14 June 2014.

Dated 15 August 2012.

B. A. GOLDSTEIN,  
Executive Director,  
Energy Resources Division  
Department for Manufacturing, Innovation,  
Trade, Resources and Energy  
Delegate of the Minister for Mineral  
Resources and Energy

#### PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

##### *Suspension of Petroleum Exploration Licence—PEL 183*

PURSUANT to Section 90 of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the abovementioned Petroleum Exploration Licence has been suspended for the period from and including 18 June 2012 until 17 June 2013, under the

provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 21 March 2012.

The expiry date of PEL 183 is now determined to be 3 February 2015.

Dated 16 August 2012.

B. A. GOLDSTEIN,  
Executive Director,  
Energy Resources Division  
Department for Manufacturing,  
Innovation, Trade, Resources and Energy  
Delegate of the Minister for Mineral  
Resources and Energy

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PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Application for Grant of Associated Activities Licence—AAL 186*

PURSUANT to Section 65 (6) of the Petroleum and Geothermal Energy Act 2000 (the Act) and Delegation dated 21 March 2012, notice is hereby given that an application for the grant of an Associated Activities Licence within the area described below has been received from:

Springfield Oil and Gas Pty Ltd  
Impress (Cooper Basin) Pty Ltd  
Victoria Oil Exploration (1977) Pty Ltd  
Permian Oil Pty Ltd

The application will be determined on or after 20 September 2012.

*Description of Application Area*

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

Commencing at a point being the intersection of latitude 27°34'40"S GDA94 and longitude 139°29'30"E GDA94, thence east to longitude 139°30'00"E AGD66, south to latitude 27°35'00"S AGD66, east to longitude 139°31'10"E GDA94, south to latitude 27°35'30"S GDA94, west to longitude 139°30'30"E GDA94, south to latitude 27°36'05"S GDA94, west to longitude 139°29'45"E GDA94, south to latitude 27°36'40"S GDA94, west to longitude 139°28'55"E GDA94, south to latitude 27°39'15"S GDA94, west to longitude 139°28'20"E GDA94, south to latitude 27°42'15"S GDA94, west to longitude 139°23'10"E GDA94, north to latitude 27°40'55"S GDA94, east to longitude 139°27'10"E GDA94, north to latitude 27°39'20"S GDA94, east to longitude 139°27'20"E GDA94, north to latitude 27°38'40"S GDA94, east to longitude 139°27'40"E GDA94, north to latitude 27°35'45"S GDA94, east to longitude 139°28'45"E GDA94, north to latitude 27°34'55"S GDA94, east to longitude 139°29'30"E GDA94 and north to the point of commencement.

Area: 49.81 km<sup>2</sup> approximately.

Dated 21 August 2012.

B. A. GOLDSTEIN,  
Executive Director,  
Energy Resources Division  
Department for Manufacturing,  
Innovation, Trade, Resources and Energy  
Delegate of the Minister for Mineral  
Resources and Energy

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## PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Grant of Associated Activities Licence—AAL 183**(Adjunct to Petroleum Exploration Licence PEL 106)*

NOTICE is hereby given that the undermentioned Associated Activities Licence has been granted under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 21 March 2012.

No. of Licence	Licensee	Locality	Reference
AAL 183	Great Artesian Oil and Gas Pty Ltd	Cooper Basin	F2012/000535

*Description of Area*

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

Commencing at a point being the intersection of latitude 27°46'37"S GDA94 and longitude 139°40'00"E AGD66, thence east to longitude 139°41'05"E GDA94, south to latitude 27°51'05"S GDA94, west to longitude 139°40'00"E AGD66 and north to the point of commencement.

Area: 13.64 km<sup>2</sup> approximately

Dated 15 August 2012.

B. A. GOLDSTEIN,  
Executive Director,  
Energy Resources Division  
Department for Manufacturing, Innovation, Trade, Resources and Energy  
Delegate of the Minister for Mineral Resources and Energy

## PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Grant of Petroleum Production Licence—PPL 240*

PURSUANT to Section 92 (1) of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the undermentioned Petroleum Production Licence has been granted under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 21 March 2012.

No. of Licence	Licenseses	Locality	Area in km <sup>2</sup>	Reference
PPL 240	Victoria Oil Exploration (1977) Pty Ltd Permian Oil Pty Ltd Springfield Oil and Gas Pty Ltd Impress (Cooper Basin) Pty Ltd	Cooper Basin	2.76	F2012/371

*Description of Area—PPL 240*

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

Commencing at a point being the intersection of latitude 27°24'55"S GDA94 and longitude 139°42'25"E GDA94, thence east to longitude 139°42'45"E GDA94, south to latitude 27°25'00"S GDA94, east to longitude 139°42'50"E GDA94, south to latitude 27°25'25"S GDA94, east to longitude 139°42'55"E GDA94, south to latitude 27°25'30"S GDA94, east to longitude 139°43'05"E GDA94, south to latitude 27°25'40"S GDA94, east to longitude 139°43'15"E GDA94, south to latitude 27°25'45"S GDA94, east to longitude 139°43'20"E GDA94, south to latitude 27°25'55"S GDA94, east to longitude 139°43'25"E GDA94, south to latitude 27°26'10"S AGD66, west to longitude 139°42'50"E AGD66, south to latitude 27°26'20"S AGD66, west to longitude 139°42'40"E AGD66, south to latitude 27°26'30"S GDA94, west to longitude 139°42'35"E GDA94, north to latitude 27°26'10"S GDA94, west to longitude 139°42'30"E GDA94, north to latitude 27°25'40"S GDA94, west to longitude 139°42'15"E GDA94, north to latitude 27°25'05"S GDA94, east to longitude 139°42'20"E GDA94, north to latitude 27°25'00"S GDA94, east to longitude 139°42'25"E GDA94 and north to the point of commencement.

Area: 2.76 km<sup>2</sup> approximately.

Dated 15 August 2012.

B. A. GOLDSTEIN,  
Executive Director,  
Energy Resources Division,  
Department for Manufacturing, Innovation, Trade, Resources and Energy  
Delegate of the Minister for Mineral Resources and Energy

## PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Grant of Petroleum Production Licence—PPL 241*

PURSUANT to Section 92 (1) of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the undermentioned Petroleum Production Licence has been granted under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 21 March 2012.

No. of Licence	Licensee	Locality	Area in km <sup>2</sup>	Reference
PPL 241	Stuart Petroleum Pty Ltd	Cooper Basin of South Australia	0.53	F2012/382

*Description of Area*

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

Commencing at a point being the intersection of latitude 28°30'05"S GDA94 and longitude 140°41'35"E GDA94, thence east to longitude 140°41'40"E AGD66, south to latitude 28°30'40"S AGD66, east to longitude 140°41'50"E GDA94, south to latitude 28°30'40"S GDA94, west to longitude 140°41'45"E GDA94, south to latitude 28°30'45"S GDA94, west to longitude 140°41'35"E GDA94, north to latitude 28°30'40"S GDA94, west to longitude 140°41'30"E GDA94, north to latitude 28°30'35"S GDA94, west to longitude 140°41'25"E GDA94, north to latitude 28°30'20"S GDA94, east to longitude 140°41'30"E GDA94, north to latitude 28°30'10"S GDA94, east to longitude 140°41'35"E GDA94 and north to the point of commencement.

Area: 0.53 km<sup>2</sup> approximately.

Dated 16 August 2012.

B. A. GOLDSTEIN,  
Executive Director,  
Energy Resources Division  
Department for Manufacturing, Innovation, Trade, Resources and Energy  
Delegate of the Minister for Mineral Resources and Energy

## PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Grant of Associated Activities Licence—AAL 184**(Adjunct to Petroleum Exploration Licence PEL 111)*

NOTICE is hereby given that the undermentioned Associated Activities Licence has been granted with effect from 20 August 2012, under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 21 March 2012.

No. of Licence	Licensees	Locality	Reference
AAL 184	Victoria Oil Exploration (1977) Pty Ltd Permian Oil Pty Ltd Springfield Oil and Gas Pty Ltd Impress (Cooper Basin) Pty Ltd	Cooper Basin	F2012/000543

*Description of Area*

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

Commencing at a point being the intersection of latitude 27°26'10"S AGD66 and longitude 139°42'50"E AGD66, thence east to longitude 139°44'20"E GDA94, south to latitude 27°26'57"S GDA94, west to longitude 139°42'40"E AGD66, north to latitude 27°26'20"S AGD66, east to longitude 139°42'50"E AGD66 and north to the point of commencement.

Area: 4.14 km<sup>2</sup> approximately.

Dated 20 August 2012.

B. A. GOLDSTEIN,  
Executive Director,  
Energy Resources Division  
Department for Manufacturing, Innovation, Trade, Resources and Energy  
Delegate of the Minister for Mineral Resources and Energy

## PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Grant of Associated Activities Licence—AAL 180**(Adjunct to Petroleum Exploration Licence PEL 91)*

NOTICE is hereby given that the undermentioned Associated Activities Licence has been granted under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 21 March 2012.

No. of Licence	Licensees	Locality	Reference
AAL 180	Beach Energy Limited Great Artesian Oil and Gas Pty Ltd	Cooper Basin	F2012/000441

*Description of Area*

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

A corridor 150 m wide centred on a line between co-ordinates:

337115.65mE	6927746.43mN
337091.41mE	6927522.41mN
337299.50mE	6926465.79mN
337407.82mE	6925944.75mN
337471.68mE	6925013.06mN
337484.00mE	6924784.00mN
337509.75mE	6922508.75mN
337565.45mE	6922132.83mN
337826.28mE	6921065.72mN
337945.07mE	6920422.24mN
337966.56mE	6919899.14mN
337969.43mE	6919516.29mN
337994.58mE	6919418.67mN
337999.05mE	6919143.90mN
338003.38mE	6919004.99mN
337976.42mE	6918885.28mN
337970.88mE	6918740.03mN
338008.65mE	6918421.05mN
337993.12mE	6918234.99mN
338017.03mE	6917701.50mN
338030.16mE	6917324.68mN
338064.02mE	6917105.93mN
338048.22mE	6917050.43mN
338071.27mE	6915539.05mN
338046.66mE	6915244.71mN
337988.90mE	6915146.42mN
337880.34mE	6914936.52mN
338076.02mE	6914078.30mN
338233.38mE	6913856.78mN
338451.34mE	6913683.28mN
338444.60mE	6913223.62mN
338238.48mE	6912230.13mN
338246.06mE	6911255.90mN
338129.47mE	6910123.32mN
338287.00mE	6909900.14mN
338730.04mE	6909084.58mN
338968.42mE	6908350.38mN
339024.18mE	6907882.47mN
339055.21mE	6907659.47mN
339052.67mE	6907562.92mN
339057.70mE	6907459.14mN
339042.21mE	6907381.02mN
339086.86mE	6907265.60mN
339131.19mE	6906799.19mN
339161.82mE	6906723.03mN
339143.01mE	6906555.22mN
339324.88mE	6906251.56mN
339334.88mE	6906210.36mN
339267.13mE	6905883.21mN
339263.55mE	6905569.87mN
339318.45mE	6905348.97mN
339314.56mE	6905221.02mN
339379.30mE	6904933.98mN
339407.30mE	6904878.06mN
339312.79mE	6904676.98mN
339321.40mE	6904334.78mN
339353.18mE	6904172.53mN
339416.33mE	6903908.73mN
339406.11mE	6903783.15mN
339322.62mE	6903632.76mN
339284.75mE	6903353.53mN
339727.79mE	6902811.45mN
340275.04mE	6902685.32mN
340509.92mE	6902687.11mN
340584.35mE	6902660.28mN
340753.95mE	6902667.41mN
340795.02mE	6902655.66mN
340850.10mE	6902671.01mN
341001.82mE	6902668.15mN
341138.34mE	6902580.08mN
341252.35mE	6902364.94mN
341434.08mE	6902272.26mN
341585.67mE	6902233.93mN
341655.84mE	6902238.73mN
341713.40mE	6902215.56mN
341741.88mE	6902188.89mN
341839.17mE	6902166.35mN

342564.34mE	6901961.45mN
342665.07mE	6901955.31mN
342875.99mE	6901868.57mN
343065.07mE	6901264.43mN
343118.04mE	6901080.39mN
343205.34mE	6900865.21mN
343453.04mE	6900431.93mN
343630.87mE	6900302.81mN
343798.33mE	6900146.31mN
343816.58mE	6900089.04mN
343950.13mE	6899930.31mN
344005.18mE	6899842.26mN
344114.23mE	6899745.16mN
344192.60mE	6899654.54mN
344237.44mE	6899564.24mN
344314.96mE	6899493.77mN
344416.93mE	6899358.35mN
344464.40mE	6899322.28mN
344902.59mE	6899331.51mN
345008.85mE	6899312.16mN
345137.20mE	6899295.42mN
345237.24mE	6899293.50mN
345533.28mE	6899320.70mN
346313.70mE	6899328.18mN
347154.76mE	6899307.91mN
347409.91mE	6899303.08mN
347451.72mE	6899293.63mN
347515.07mE	6899300.31mN
347577.13mE	6899298.77mN
347636.19mE	6899302.52mN
347653.31mE	6899317.15mN
347818.00mE	6899318.90mN
347876.30mE	6899304.79mN
347954.56mE	6899251.49mN
347975.13mE	6899250.97mN
348468.03mE	6899131.21mN
348649.79mE	6899292.20mN
348691.34mE	6899303.92mN
349156.29mE	6899286.72mN
349237.86mE	6899267.48mN
349531.23mE	6899296.20mN
349682.74mE	6899282.92mN
349788.74mE	6899259.43mN
349916.58mE	6899251.28mN
350117.48mE	6899259.12mN
350251.61mE	6899275.63mN
350945.69mE	6899281.52mN
351025.07mE	6899263.78mN
351493.28mE	6899277.23mN
352302.18mE	6899253.43mN
352490.21mE	6899252.31mN
352674.82mE	6899224.66mN
352800.14mE	6899238.28mN
353094.83mE	6899223.06mN
353113.46mE	6899203.79mN
353248.87mE	6898873.89mN
353610.64mE	6897762.31mN
353644.00mE	6897687.70mN
353775.22mE	6897271.98mN
353998.75mE	6896711.12mN
354093.62mE	6896485.99mN
354401.20mE	6896035.73mN
355251.35mE	6895507.93mN
355987.69mE	6895070.80mN
356085.05mE	6894903.97mN
356162.97mE	6894873.22mN
356224.89mE	6894873.74mN

All co-ordinates in GDA94, Zone 54.

Area: 7.02 km<sup>2</sup> approximately.

Dated 20 August 2012.

B. A. GOLDSTEIN,  
Executive Director,  
Energy Resources Division  
Department for Manufacturing, Innovation, Trade, Resources and Energy  
Delegate of the Minister for Mineral Resources and Energy

**ROAD TRAFFIC ACT 1961****EXEMPTION FROM THE PROHIBITION ON USING FLASHING YELLOW LIGHTS**

*Pursuant to Section 163AA of the Road Traffic Act 1961*

(Rule 118 (3) of the Road Traffic (Vehicle Standards) Rules 1999)

**1. EXEMPTION**

In accordance with the powers delegated to me by the Minister for Transport and Infrastructure under Section 163AA of the *Road Traffic Act 1961*, I hereby grant an exemption from Rule 118 (3) of the *Road Traffic (Vehicle Standards) Rules 1999*, for vehicles engaged in the mining, construction and manufacturing industries and at airports if the vehicle is used at a site where a condition of entry to that site imposed under the *Occupational Health, Safety and Welfare Act 1986* or the *Civil Aviation Act 1988* (Commonwealth), is that all vehicles on or entering the site shall be fitted with a flashing yellow light.

**2. CONDITIONS AND LIMITATIONS APPLYING TO THIS NOTICE**

This exemption is subject to the conditions and limitations specified in this Notice.

When operating under this Notice you must ensure:

- 2.1 Only yellow flashing lights are fitted to the vehicle.
- 2.2 The lights are mounted on top of the vehicle and are visible from all sides.
- 2.3 The lights are not to operate when the vehicle is driven or standing on a road or road-related area as defined in Section 5 of the *Road Traffic Act 1961* except in an emergency situation.
- 2.4 The vehicle is clearly marked as a vehicle that is used at airports or in the mining, construction or manufacturing industries; or if the vehicle is not so marked, you must carry a legible, current and complete certificate from the registered operator of the vehicle within the vehicle either in hardcopy or in an electronic format which can be read from a device having a visual display (e.g., smart phone, tablet or laptop PC in-vehicle unit) and that is accessible to a DPTI Authorised Officer appointed under the *Road Traffic Act 1961* or a Police Officer from outside the vehicle, which states:
  - (a) the name and address of the vehicle's registered operator;
  - (b) the sites entered and the frequency with which the vehicle enters the sites;
  - (c) that entry to the sites is conditional upon the display of a flashing yellow light at all times when on the site under the *Occupational Health, Safety and Welfare Act 1986* or the *Civil Aviation Act 1988* (Commonwealth); and
  - (d) the name and authority of the person issuing the certificate.
- 2.5 You must carry a legible, current and complete copy of this Notice within the vehicle either in hardcopy or in an electronic format which can be read from a device having a visual display (e.g., smart phone, tablet or laptop PC in-vehicle unit) and that is accessible to a DPTI Authorised Officer appointed under the *Road Traffic Act 1961* or a Police Officer from outside the vehicle.
- 2.6 The vehicle complies with all other requirements of the *Road Traffic Act 1961* and regulations made under it.

Note: The registered operator of the vehicle is advised to retain a record of the certificate issued under Clause 2.4 and ensure the driver of the vehicle carries a copy.

**3. COMMENCEMENT OF THIS NOTICE**

This Notice will commence on the date it is published. This Notice shall cease to have effect if operations at the site for which it is issued are discontinued prior to this Notice being revoked.

**4. AUTHORISATION**

S. GOLDSWORTHY, Acting Executive Director  
National Policy and Intergovernment Relations  
Department of Planning, Transport and Infrastructure  
Delegate of the Minister for Transport and Infrastructure

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

BY Road Process Order made on 9 July 2012, The District Council of Yorke Peninsula ordered that:

1. The whole of the unnamed Public Road situated between Yorke Highway and Allotment 6 in Deposited Plan 44470, more particularly delineated and lettered 'B' on the Preliminary Plan No. 12/0009 be closed.

2. Transfer the whole of the land subject to closure to Kym Andrew Correll in accordance with Agreement for Transfer dated 9 July 2012 entered into between The District Council of Yorke Peninsula and K. A. Correll.

On 31 July 2012 that order was confirmed by the Minister for Transport and Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 89899 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 August 2012.

P. M. KENTISH, Surveyor-General

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

BY Road Process Order made on 9 July 2012, The District Council of Yorke Peninsula ordered that:

1. The whole of the unnamed Public Road situated between Green Plains and Holman Roads and adjoining Section 443, Hundred of Clinton, more particularly delineated and lettered 'A' on the Preliminary Plan No. 12/0008 be closed.

2. Transfer the whole of the land subject to closure to Layton John Holman and Kyle Phillip Holman in accordance with Agreement for Transfer dated 13 June 2012 entered into between The District Council of Yorke Peninsula and L. J. and K. P. Holman.

On 31 July 2012 that order was confirmed by the Minister for Transport and Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 89898 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 August 2012.

P. M. KENTISH, Surveyor-General

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

BY Road Process Order made on 27 March 2012, The Corporation of the City of Adelaide ordered that:

1. The whole of Bowen Street generally situated between Franklin and Andrew Streets and the greater portion of Bowen Street between Andrew and Grote Streets, more particularly delineated and lettered 'A' and the greater portion of 'B' (respectively) on the Preliminary Plan No. 06/0105 be closed.

2. Issue Certificates of Title to The Corporation of the City of Adelaide for the whole of the land subject to closure which land is being retained by the Council for merging with the adjoining Council owned lands.

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

Grant to the Envestra (SA) Limited an easement for gas supply purposes.

Grant to the South Australian Water Corporation easements for water supply and sewerage purposes.

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

On 4 June 2012 that order was confirmed by the Minister for Transport and Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 76198 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 August 2012.

P. M. KENTISH, Surveyor-General

**WATER MAINS AND SEWERS**

Office of the South Australian Water Corporation  
Adelaide, 23 August 2012

**SEWERS LAID**

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

**ADELAIDE DRAINAGE AREA**

## CITY OF MARION

Woodfield Avenue, Warradale. FB 1219 p45

## CITY OF MITCHAM

Stephen Street, Melrose Park. FB 1219 p44

## CITY OF ONKAPARINGA

Alexander Terrace, Port Noarlunga. FB 1219 p39  
Across Coachwood Drive, Aberfoyle Park. FB 1219 p40  
Easement in lot 200 in LTRO DP 76238, Tamarind Walk, Aberfoyle Park. FB 1219 p40  
Easements in lot 735 in LTRO DP 86650, Maluka Drive, Happy Valley. FB 1219 p42

## CITY OF PORT ADELAIDE ENFIELD

Nixon Street, Northgate. FB 1220 p49 and 50  
In and across Nepean Lane, Northgate. FB 1220 p49 and 50  
Cornet Lane, Northgate. FB 1220 p49 and 50  
Palmer Street, Northgate. FB 1220 p51-53  
Across and in Piccadilly Way, Northgate. FB 1220 p51-53  
Dragoon Lane, Northgate. FB 1220 p51-53  
Easements in lot 4515 in LTRO DP 88390, Cityside Drive. Northgate. FB 1220 p51-53  
Cornet Lane, Northgate. FB 1220 p51-53  
McNicol Terrace, Gillman. FB 1219 p38  
Workman Street, Birkenhead. FB 1219 p43

## CITY OF PROSPECT

Murray Street, Prospect. FB 1219 p37

## CITY OF SALISBURY

Moss Street, Parafield Gardens. FB 1220 p47 and 48  
Across Warburton Road, Valley View. FB 1219 p41  
Easement in lots 3 and 2 in LTRO DP 71852, Flinders Drive, Valley View. FB 1219 p41

**PORT LINCOLN COUNTRY DRAINAGE AREA**

## CITY OF PORT LINCOLN

In and across Flinders Highway, Port Lincoln. FB 1219 p46

A. J. RINGHAM, Chief Executive Officer,  
South Australian Water Corporation.

South Australia

## Motor Vehicles (Conditional Registration—Recognition of Motor Vehicle Clubs) Notice 2012

under the *Motor Vehicles Act 1959*

### 1—Short title

This notice may be cited as the *Motor Vehicles (Conditional Registration—Recognition of Motor Vehicle Clubs) Notice 2012*.

### 2—Commencement

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

### 3—Interpretation

In this notice—

*Act* means the *Motor Vehicles Act 1959*;

*Code of Practice* means the ‘Code of Practice for Historic Vehicles, Prescribed Left Hand Drive Vehicles and Street Rod Vehicles’ published by the Department of Planning, Transport and Infrastructure;

*Conditional Registration Scheme* or *Scheme* means the scheme for conditional registration of historic, prescribed left hand drive and street rod motor vehicles under section 25 of the Act and regulations 15 and 16 of the Motor Vehicles Regulations 2010;

*Federation* means the Federation of Historic Motoring Clubs Inc;

*MR334 form* means an ‘Approval for Conditional Registration of a Historic, Prescribed Left Hand Drive or Street Rod Vehicle MR334 Form’;

*Registrar* means the Registrar of Motor Vehicles;

*Regulations* means the Motor Vehicles Regulations 2010.

### 4—Recognition of motor vehicles clubs

The motor vehicle clubs specified in Schedule 1 are, subject to the conditions set out in clause 5, recognised for the purposes of regulation 16 of the Regulations.

### 5—Conditions of recognition

A motor vehicle club specified in Schedule 1 must comply with the following conditions:

- (a) the club must maintain a constitution approved by the Registrar;
- (b) the club must nominate and have members authorised by the Registrar (*authorised persons*) to approve motor vehicles for registration under the Scheme; to inspect members’ vehicles; and to issue prescribed log books to club members for each of their vehicles to record vehicle use;

- (c) the club must obtain from each member before the end of each year a statutory declaration made by the member verifying the eligibility of their motor vehicle to be registered under section 25 of the Act for the Scheme and detailing any modifications made to the vehicle during that year;
- (d) the club's authorised persons must undertake inspections of members' motor vehicles and ensure that the vehicles are eligible, in keeping with the requirements in regulations 15 and 16 of the Regulations and the criteria set out in the Code of Practice, to be registered under section 25 of the Act—
  - (i) on entry to the Conditional Registration Scheme;
  - (ii) when requested to do so by the Registrar;
  - (iii) when members' annual statutory declarations disclose that their vehicles have been modified since the entry inspection and/or previous inspection;
  - (iv) periodically at least once every 3 years;
- (e) the club's authorised persons must validate a member's log book annually and must not do so unless a member's statutory declaration has been received for the purposes of paragraph (c) and the relevant vehicle inspection requirements of paragraph (d) have been met;
- (f) the club must cancel a member's log book when a member resigns, must record all approved variations to a vehicle's condition in a member's log book for that vehicle, must ensure that a statutory declaration is provided when a member's log book is lost or destroyed and must forward copies of log book return sheets to the Federation annually;
- (g) the club must create and maintain records detailing all its financial members, its authorised persons, all members' motor vehicles for which a MR334 form has been issued, all motor vehicle inspections undertaken for the purposes of paragraph (d), all statutory declarations received and log books issued;
- (h) the club must keep records for a period of 5 years from the date of the document and these records include all duplicate MR334 forms, all records of motor vehicle inspections undertaken in accordance with paragraph (d), all statutory declarations provided by members for the purposes of paragraphs (c) and (f), all log books issued by reference to their serial number, the member's name and the vehicle for which it was issued, all copy exemption documents issued to members for their motor vehicles in accordance with section 163AA of the *Road Traffic Act 1961* and to make all such records available for inspection or provide copies of the records at the request of the Registrar for audit purposes;
- (i) the club must ensure, as far as practicable, that all members comply with the Code of Practice and all members' motor vehicles continue to meet the eligibility requirements set out in the Regulations and Code of Practice;
- (j) the club, as far as practicable, must report to the Registrar or the Federation details of members and motor vehicles not complying with the conditions and criteria set out in the Code of Practice for the Scheme;
- (k) the club must provide to the Registrar, within 2 months after the end of the club's financial year, an annual report detailing members from that financial year with vehicles registered under the Scheme who are no longer financial members of the club;
- (l) the club must notify the Registrar within 14 days on official club letterhead of resolution to cease operation as a club and must provide the club records specified in paragraph (h) to the Registrar within 7 days of its dissolution.

**Note—**

Under regulation 16(3)(c) of the *Motor Vehicles Regulations 2010*, the Registrar may, by notice in the Gazette, withdraw the recognition of a motor vehicle club if satisfied that the club has contravened or failed to comply with a condition applying to its recognition by the Registrar, or if there is other good cause to withdraw the recognition.

**Schedule 1—Recognised motor vehicle clubs****Historic motor vehicle clubs**

Rebels Hot Rod Club

Adelaide Hot Rodders

**Prescribed left-hand drive motor vehicle clubs**

Rebels Hot Rod Club

Adelaide Hot Rodders

**Street rod motor vehicle clubs**

Rebels Hot Rod Club

Adelaide Hot Rodders

Road Rats Rods and Customs Inc

**Made by the Registrar of Motor Vehicles**

on 20 August 2012.

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## GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 July 2012

	\$		\$
Agents, Ceasing to Act as.....	47.00	Firms:	
Associations:		Ceasing to Carry on Business (each insertion) .....	31.25
Incorporation .....	23.80	Discontinuance Place of Business .....	31.25
Intention of Incorporation .....	59.00	Land—Real Property Act:	
Transfer of Properties .....	59.00	Intention to Sell, Notice of.....	59.00
Attorney, Appointment of.....	47.00	Lost Certificate of Title Notices .....	59.00
Bailiff's Sale .....	59.00	Cancellation, Notice of (Strata Plan).....	59.00
Cemetery Curator Appointed.....	34.75	Mortgages:	
Companies:		Caveat Lodgement .....	23.80
Alteration to Constitution .....	47.00	Discharge of .....	24.90
Capital, Increase or Decrease of .....	59.00	Foreclosures.....	23.80
Ceasing to Carry on Business .....	34.75	Transfer of .....	23.80
Declaration of Dividend.....	34.75	Sublet.....	12.00
Incorporation .....	47.00	Leases—Application for Transfer (2 insertions) each.....	12.00
Lost Share Certificates:		Lost Treasury Receipts (3 insertions) each.....	34.75
First Name.....	34.75	Licensing.....	69.50
Each Subsequent Name.....	12.00	Municipal or District Councils:	
Meeting Final.....	39.25	Annual Financial Statement—Forms 1 and 2 .....	657.00
Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20.....	467.00
Conduct of Winding Up (equivalent to 'Final		Default in Payment of Rates:	
Meeting')		First Name .....	93.50
First Name.....	47.00	Each Subsequent Name.....	12.00
Each Subsequent Name.....	12.00	Noxious Trade .....	34.75
Notices:		Partnership, Dissolution of.....	34.75
Call.....	59.00	Petitions (small) .....	23.80
Change of Name.....	23.80	Registered Building Societies (from Registrar-General) .....	23.80
Creditors.....	47.00	Register of Unclaimed Moneys—First Name .....	34.75
Creditors Compromise of Arrangement .....	47.00	Each Subsequent Name .....	12.00
Creditors (extraordinary resolution that 'the Com-		Registers of Members—Three pages and over:	
pany be wound up voluntarily and that a liquidator		Rate per page (in 8pt) .....	299.00
be appointed').....	59.00	Rate per page (in 6pt) .....	395.00
Release of Liquidator—Application—Large Ad .....	93.50	Sale of Land by Public Auction.....	59.50
—Release Granted .....	59.00	Advertisements .....	3.30
Receiver and Manager Appointed .....	54.00	¼ page advertisement .....	139.00
Receiver and Manager Ceasing to Act .....	47.00	½ page advertisement .....	279.00
Restored Name .....	44.00	Full page advertisement.....	546.00
Petition to Supreme Court for Winding Up.....	81.50	Advertisements, other than those listed are charged at \$3.30 per	
Summons in Action.....	69.50	column line, tabular one-third extra.	
Order of Supreme Court for Winding Up Action .....	47.00	Notices by Colleges, Universities, Corporations and District	
Register of Interests—Section 84 (1) Exempt.....	105.00	Councils to be charged at \$3.30 per line.	
Removal of Office.....	23.80	Where the notice inserted varies significantly in length from	
Proof of Debts .....	47.00	that which is usually published a charge of \$3.30 per column line	
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South Australia

## **Correctional Services (Miscellaneous) Amendment Act (Commencement) Proclamation 2012**

### **1—Short title**

This proclamation may be cited as the *Correctional Services (Miscellaneous) Amendment Act (Commencement) Proclamation 2012*.

### **2—Commencement**

- (1) Subject to subclause (2), the *Correctional Services (Miscellaneous) Amendment Act 2012* (No 24 of 2012) will come into operation on 31 August 2012.
- (2) The operation of the following provisions of the Act is suspended until a day or time or days or times to be fixed by subsequent proclamation or proclamations:
  - (a) section 21(1), (2) and (5);
  - (b) section 42(1) and (2);
  - (c) section 51;
  - (d) section 64(3);
  - (e) Schedule 1 Part 2.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 23 August 2012

12MCS/020CS

South Australia

## **Adelaide Cemeteries Authority (Designation of Employing Authority) Proclamation 2012**

under section 3 of the *Adelaide Cemeteries Authority Act 2001*

### **1—Short title**

This proclamation may be cited as the *Adelaide Cemeteries Authority (Designation of Employing Authority) Proclamation 2012*.

### **2—Commencement**

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

### **3—Designation of employing authority**

The person for the time being holding or acting in the position of Chief Executive of the Department of the Premier and Cabinet is designated as being the employing authority for the purposes of the definition of *employing authority* in section 3(1) of the *Adelaide Cemeteries Authority Act 2001*.

## **Schedule 1—Revocation of proclamations**

The following proclamations are revoked:

- (a) Adelaide Cemeteries Authority (Designation of Employing Authority) Proclamation 2007 (*Gazette 29.3.2007 p932*);
- (b) Adelaide Cemeteries Authority (Designation of Employing Authority) Variation Proclamation 2008 (*Gazette 25.9.2008 p4577*).

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 23 August 2012

DPC12/038CS



South Australia

## **Forestry (Forest Reserve—Mount Gambier Forest District) Variation Proclamation 2012**

under section 3(3) of the *Forestry Act 1950*

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### **Preamble**

- 1 The following land is forest reserve under the *Forestry Act 1950* (see proclamation, *Gazette 19.3.1992 p877*, as varied) and forms part of the Mount Gambier Forest District:
    - Portion of Section 131, Hundred of Gambier, now identified as Allotment 14 of approved plan No. DP 89459, Hundred of Gambier, lodged in the Lands Titles Registration Office at Adelaide;
    - Portion of Section 713, Hundred of Gambier, now identified as Allotments 9 and 11 of approved plan No. DP 89459, Hundred of Gambier, lodged in the Lands Titles Registration Office at Adelaide;
    - Portion of Allotment 501 of Deposited Plan 80574, Hundred of Gambier, now identified as Allotment 6 of approved plan No. DP 89459, Hundred of Gambier, lodged in the Lands Titles Registration Office at Adelaide.
  - 2 It is now intended that this land cease to be forest reserve.
- 

### **Part 1—Preliminary**

#### **1—Short title**

This proclamation may be cited as the *Forestry (Forest Reserve—Mount Gambier Forest District) Variation Proclamation 2012*.

#### **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 proclamation under *Forestry Act 1950*  
declaring forest reserve (*Gazette 19.3.1992 p877*) as varied**

**4—Variation of Schedule**

- (1) Schedule, clause 5(d)—delete "131,"
- (2) Schedule, clause 5(d)—delete "713,"
- (3) Schedule, clause 5(d)—delete ", Lot 501 of approved plan No. DP 80574, lodged in the Lands Titles Registration Office at Adelaide" and substitute:  
    , Lots 5, 7, 8, 10, 12 and 13 of approved plan No. DP 89459, lodged in the Lands  
    Titles Registration Office at Adelaide

**Made by the Governor**

with the advice and consent of the Executive Council  
on 23 August 2012

12MFOR0004CS

South Australia

## **Co-operatives Regulations 2012**

under the *Co-operatives Act 1997*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Co-operatives Regulations 2012*.

### 2—Commencement

These regulations will come into operation on 1 September 2012.

### 3—Definitions

In these regulations, unless the contrary intention appears—

*Act* means the *Co-operatives Act 1997*;

*financial institution* has the same meaning as in the *Financial Institutions Duty Act 1983*.

### 4—Definition of debenture

The following classes of documents are prescribed as exempt documents for the purposes of paragraph (c) of the definition of *debenture* in section 4(1) of the Act:

- (a) a passbook or other document—
  - (i) that contains all or some of the terms and conditions pursuant to which deposits are accepted by, or withdrawn from, a co-operative; and
  - (ii) that acknowledges the receipt of a deposit with a co-operative; and

- (iii) that enables further deposits to be made at any time adding to the balance of an existing deposit; and
  - (iv) that enables the withdrawal of the whole or part of the balance of a deposit, whether at call or on the giving of a fixed period of notice; and
  - (v) that acknowledges the amount of the withdrawal and the balance remaining;
- (b) a document acknowledging a debt incurred by a co-operative—
- (i) in the ordinary course of carrying on so much of a business as neither comprises, nor forms part of, a business of borrowing money and providing finance; and
  - (ii) in respect of money that is or may be deposited with or lent to the co-operative by a person in the ordinary course of a business carried on by the co-operative;
- (c) a document that is issued by a company and that constitutes evidence of a debt owed by the company to a co-operative that is a holding company (within the meaning of the Corporations Act) of the company;
- (d) a document that is issued by a co-operative and that constitutes evidence of a debt owed by the co-operative to a body corporate that is a subsidiary of the co-operative.

### **5—Implied application of Part 9.4B of Corporations Act**

A reference in Part 9.4B of the *Corporations Act 2001* to a corporation is, insofar as that Part applies for the purposes of the *Co-operatives Act 1997*, taken to be a reference to a co-operative.

## **Part 2—Rules**

### **6—Maximum fine that may be imposed on a member**

For the purposes of section 102(7) of the Act, the maximum fine that may be fixed by the rules of a co-operative is—

- (a) in the case of a trading co-operative—\$1 000;
- (b) in the case of a non-trading co-operative—\$100.

## **Part 3—Active membership**

### **7—Factors and considerations for determining primary activities**

- (1) For the purposes of section 119(2)(c) of the Act, the following factors and considerations are relevant in determining the matter referred to in section 119(1)(a) of the Act:
- (a) in the case of a co-operative whose activities include the provision of a taxi radio network facility—whether the co-operative actually carries out that activity;
  - (b) in the case of a co-operative whose activities include the disposal of produce or livestock on behalf of its members—whether the co-operative actually carries out that activity;

- (c) in the case of a co-operative whose activities include the acquisition of particular goods or services for its members—whether the co-operative actually carries out that activity.
- (2) For the purposes of section 119 of the Act, the following matters may be taken into account in determining whether an activity makes a significant contribution to the business of the co-operative:
- (a) if the activity contributes at least 10% of the co-operative's—
    - (i) turnover; or
    - (ii) income; or
    - (iii) expenses; or
    - (iv) surplus; or
    - (v) business; or
  - (b) if the failure by the co-operative to conduct that activity would result in a reduction of 10% or more in the business conducted by the co-operative.

## **8—Register of cancelled memberships**

For the purposes of section 136 of the Act, a register of cancelled memberships must specify the particulars set out in Schedule 1 clause 5.

## **Part 4—Shares and voting**

### **9—Notice in respect of bonus shares**

For the purposes of section 153(c) of the Act, a prescribed person is—

- (a) in relation to the valuation of land—a person who carries on the business of valuing land;
- (b) in relation to the valuation of any other kind of assets—a person who is in the business of valuing assets of that kind.

### **10—Postal ballots**

For the purposes of section 194 of the Act, a postal ballot must be conducted in accordance with Schedule 2.

## **Part 5—Management and administration of co-operatives**

### **11—Disqualified persons**

For the purposes of section 209(3) of the Act, each of the following authorities is a prescribed authority:

- (a) the Governor of the prison in Victoria in which the person was detained in custody on the date of release;
- (b) the Corrective Services Commission of New South Wales;
- (c) the Manager of the prison in Queensland in which the person was detained in custody on the date of release;
- (d) the permanent head of the Department of Corrective Services of Western Australia;

- (e) the Chief Executive, Department for Correctional Services of South Australia;
- (f) the Director of Corrective Services in Tasmania;
- (g) the Director of Correctional Services of the Northern Territory.

## **12—Application of Corporations Act concerning officers of co-operatives and related duties**

- (1) Pursuant to section 223(c) of the Act, section 592(1)(a) of the Corporations Act is modified in its application under that section as if "before 23 June 1993" were omitted and "before the commencement of section 52 of the *Co-operatives (Miscellaneous) Amendment Act 2002*" were substituted.
- (2) Pursuant to section 333(c) of the Act, section 588G of the Corporations Act is modified in its application under that section as if paragraph (d) of subsection (1) were omitted and the following paragraph substituted:
  - (d) that time is at or after the commencement of section 52 of the *Co-operatives (Miscellaneous) Amendment Act 2002*.

## **13—Requirements for financial records, statements and reports**

- (1) A co-operative is declared to be an applied Corporations legislation matter for the purposes of Part 3 of the *Corporations (Ancillary Provisions) Act 2001* in relation to the provisions of section 198F, Part 2F.3, sections 249K, 249V and 250T and Parts 2M.2, 2M.3, 2M.4 and 2M.7 of the Corporations Act, subject to the following modifications:
  - (a) the modifications specified in the *Co-operatives Act 1997* and Schedule 3 of these regulations;
  - (b) sections 247A and 300(14) and (15) of the Corporations Act are modified in their application under this regulation as if any reference to section 237 of that Act were a reference to section 95 of the *Co-operatives Act 1997*.
- (2) For the purposes of section 233(1) of the Act, a co-operative must—
  - (a) keep financial records and prepare financial statements and reports as required by the provisions of the Corporations Act applied by this regulation (as modified); and
  - (b) ensure that those financial statements and financial reports are audited in accordance with the provisions of the Corporations Act applied by this regulation (as modified).

## **14—Registers to be kept by co-operatives**

- (1) The registers that a co-operative is required to keep under section 239 of the Act must—
  - (a) be kept in written or electronic form; and
  - (b) contain the particulars specified in Schedule 1.
- (2) A register may include—
  - (a) any document in the English language in which the required particulars are recorded; and
  - (b) any disc, tape, soundtrack or other device in which the required particulars are recorded, so long as they are capable (with or without the aid of some other equipment) of being reproduced in a document in the English language.



- (3) For the purposes of section 239(1)(g) of the Act, a co-operative must keep—
- (a) a register of fixed assets containing the particulars specified in clause 6 of Schedule 1; and
  - (b) a register of subordinated debt containing the particulars specified in clause 7 of Schedule 1.

### **15—Inspection of registers etc**

- (1) For the purposes of section 241(1)(g) of the Act, the following registers are prescribed:
- (a) the register of any loans made by or guaranteed by the co-operative, and of any securities taken by the co-operative, required to be kept under section 239(1)(d) of the Act;
  - (b) the register of memberships cancelled under Part 6 of the Act required to be kept under section 239(1)(e) of the Act;
  - (c) the register of subordinated debt required to be kept under section 239(1)(g) of the Act;
  - (d) the register of notifiable interests required to be kept under section 280 of the Act.
- (2) For the purposes of section 241(7) of the Act, the following documents are prescribed:
- (a) a copy of the Act and these regulations;
  - (b) a copy of the rules of the co-operative;
  - (c) a copy of the last annual report of the co-operative under section 244 of the Act.

### **16—Notice of appointment etc of directors and officers**

For the purposes of section 243(2)(c) of the Act, the prescribed particulars are—

- (a) the name of the co-operative or subsidiary; and
- (b) the name and position of the person giving notice of the appointment or cessation of appointment; and
- (c) in respect of any person being appointed to act as a director, principal executive officer or secretary—
  - (i) full name (family and given names); and
  - (ii) any former names; and
  - (iii) address; and
  - (iv) date and place of birth; and
  - (v) office held and date appointed; and
- (d) in respect of any person ceasing to hold that office—
  - (i) name (family and given names); and
  - (ii) date and place of birth; and
  - (iii) office held and date appointment ceased; and
- (e) in respect of any change of name of a director, principal executive officer or secretary—
  - (i) name previously notified; and

- (ii) new name; and
  - (iii) date of change; and
  - (iv) date of birth; and
  - (v) office held; and
- (f) in respect of any change of address of a director, principal executive officer or secretary—
- (i) new address; and
  - (ii) date of change; and
  - (iii) date of birth; and
  - (iv) office held.

### **17—Advertising change of name of co-operative**

For the purposes of section 250(2) of the Act, the prescribed manner of advertising the change of name of a co-operative is for the co-operative to cause the change of name to be advertised in at least 1 newspaper circulating in the locality or localities in which the co-operative carries on business within 28 days after the change of name has been registered by the Commission.

## **Part 6—Funds and property**

### **18—Fund raising to be in accordance with Act and regulations**

- (1) This regulation applies to a co-operative that is a deposit taking co-operative.
- (2) For the purposes of section 253 of the Act, a deposit taking co-operative is restricted from accepting money on deposit from persons other than its members and employees.
- (3) Subregulation (2) does not apply to persons who had a current deposit or deposits with a deposit taking co-operative at the commencement of this regulation for as long as they continue to be a depositor with that co-operative.
- (4) A deposit taking co-operative must provide a depositor with a copy of a current disclosure statement prior to the first deposit made by the depositor after the commencement of this regulation and, thereafter, at least once in each period of 12 months.
- (5) A current disclosure statement is a disclosure statement that—
  - (a) has been submitted to and registered by the Commission; and
  - (b) has not, within 23 days after the date on which it was submitted to the Commission, been the subject of a direction by the Commission under section 256 of the Act; and
  - (c) complies with any such direction given by the Commission; and
  - (d) complies with any conditions imposed by the Commission under subregulation (7); and
  - (e) is not more than 12 months old.
- (6) A disclosure statement that is submitted to the Commission under subregulation (5) must contain—
  - (a) a statement of the assets and liabilities of the co-operative; and
  - (b) a statement of the financial position of the co-operative; and

- (c) a profit and loss statement for the co-operative; and
  - (d) such other information as the Commission directs.
- (7) The Commission may register a disclosure statement submitted under this regulation with or without conditions.
- (8) The Commission may require a deposit taking co-operative to give to a depositor, within such time as the Commission may determine, a document of a kind referred to in regulation 4(a).
- (9) This regulation does not apply to the acceptance of money in connection with the issue by the co-operative of debentures.
- (10) This regulation does not apply to the acceptance by a co-operative of a deposit of money in connection with goods or services to be supplied by the co-operative in the ordinary course of business.

### **19—Compulsory loan by member to co-operative**

For the purposes of section 262(2) of the Act, the prescribed term is 10 years.

### **20—Limited dividend**

For the purposes of section 268 of the Act, the prescribed amount is 20 cents per dollar invested in the shares of the co-operative.

## **Part 7—Restrictions on the acquisitions of interests in co-operatives**

### **21—Notice of relevant interest in a member's right to vote**

For the purposes of section 272 of the Act, the prescribed particulars to be specified when giving notice of having or ceasing to have a relevant interest in the right to vote of a member of a co-operative are—

- (a) the name of the co-operative to whom notice is being given; and
- (b) the full name and address of the person giving notice; and
- (c) the date on which the relevant interest was acquired or ceased; and
- (d) the name of the member whose right to vote was so affected; and
- (e) the date of giving notice.

### **22—Notice of substantial share interest**

For the purposes of section 273(1) of the Act, the prescribed particulars to be specified when giving notice of a substantial share interest are—

- (a) the name of the co-operative to whom notice is being given; and
- (b) the name and address of the person giving notice; and
- (c) the date on which the relevant interest was acquired; and
- (d) in respect of each holder of a relevant interest—
  - (i) the name and address of the holder; and
  - (ii) the number and description of the shares in which each relevant interest is held; and

- (iii) the name and address of each person registered as the holder of the shares in which the relevant interest is held; and
  - (iv) the name and address of each person entitled to become registered as the holder of the shares in which the relevant interest is held; and
  - (v) the date of each acquisition of a relevant interest within the previous 12 months and the number of shares acquired at that date (if any); and
  - (vi) the valuable consideration for each acquisition in the previous 12 months, including the nature of any part that did not consist of money; and
  - (vii) the total number of shares in which the holder has a substantial interest; and
- (e) particulars of any contract, scheme, arrangement or other circumstance by reason of which the holder of the relevant interest acquired the relevant interest (not including interests acquired more than 12 months previously) where the holder has, throughout the period of 12 months immediately preceding the date of the notice, been the registered shareholder of those shares; and
  - (f) particulars of the nature of the relevant interest; and
  - (g) particulars of any qualification of the power of a person to exercise, control the exercise of, or influence the exercise of, the voting powers of the relevant shares; and
  - (h) particulars of any additional benefit that any person from whom a relevant interest was acquired has, or may, become entitled to receive, whether on the happening of a contingency or not, in relation to that acquisition, other than the valuable consideration referred to in paragraph (d); and
  - (i) the date on which notice is given.

### **23—Notice of change in substantial share interest**

For the purposes of section 273(2) of the Act, the prescribed particulars to be specified when giving notice of a change in a substantial share interest are—

- (a) the name of the co-operative to whom notice is being given; and
- (b) the full name and address of the person giving notice; and
- (c) the following particulars applicable before the change:
  - (i) the name and address of the holder of the relevant interest;
  - (ii) the number and description of the shares in which the relevant interest was held;
  - (iii) the name and address of the person registered as the holder of the shares;
  - (iv) the name and address of the person entitled to become registered as the holder of the shares;
  - (v) the total number of shares in which the holder of the relevant interest held the relevant interest; and
- (d) the following particulars relating to the change:
  - (i) the date of the change in the relevant interest;

- (ii) particulars of the valuable consideration given in relation to the change, including the nature of that part that did not consist of money;
  - (iii) particulars of any contract, scheme, arrangement or other circumstance by reason of which the change in the relevant interest occurred;
  - (iv) particulars of any qualification of the power of a person to exercise, control the exercise of, or influence the exercise of, the voting powers of those shares in which the relevant interest in which the change occurred is held;
  - (v) particulars of any additional benefit that a person has, or may, become entitled to receive, whether on the happening of a contingency or not, as a consequence of a change in a relevant interest; and
- (e) the following particulars applicable after the change:
- (i) the name and address of the holder of the relevant interest;
  - (ii) the number and description of the shares in which the relevant interest is held;
  - (iii) the name and address of the person entitled to become registered as the holder of the shares; and
- (f) the date on which notice is given.

#### **24—Notice of cessation of substantial share interest**

For the purposes of section 273(3) of the Act, the prescribed particulars to be specified when giving notice of a cessation of a substantial share interest in a co-operative are—

- (a) the name of the co-operative to whom notice is being given; and
- (b) the name and address of the person giving notice; and
- (c) the name and address of the person ceasing to have a substantial share interest in the co-operative; and
- (d) the date on which the person ceased to have a substantial share interest in the co-operative; and
- (e) details of any agreement or other circumstances because of which the person ceased to hold a substantial interest in the co-operative; and
- (f) in relation to each change in a substantial share interest of the person since the person was last required to give notice of such a change to the co-operative—
  - (i) the date of the change; and
  - (ii) the nature of the change; and
  - (iii) the consideration given in relation to the change; and
  - (iv) the class and number of shares affected by the change; and
- (g) the date on which notice is given.

### **Part 8—Merger, transfer of engagements, winding up**

#### **25—Application for transfer of incorporation**

For the purposes of section 301(b) of the Act, the *Associations Incorporation Act 1985* is prescribed.

## 26—Application of Corporations Act to winding up

Pursuant to section 311 of the Act, the following modifications are prescribed:

- (a) a reference in any of the applied provisions of the Corporations Act to a special resolution or an extraordinary resolution is to be read as a reference to a special resolution within the meaning of the *Co-operatives Act 1997*;
- (b) a reference in any of the applied provisions of the Corporations Act to ASIC is to be read as a reference to the Commission;
- (c) section 461(1)(h) of the Corporations Act applies as if, for "ASIC has stated in a report prepared under Division 1 of Part 3 of the ASIC Act that, in its opinion:" there were substituted "the Commission has, as the result of an inquiry conducted under Part 15 of the Act, stated that—";
- (d) section 464 of the Corporations Act applies as if—
  - (i) subsection (1) was struck out and the following subsection substituted:
    - (1) Where the Commission is investigating, or has investigated, under Part 15 of the Act—
      - (a) matters being, or connected with, the affairs of a co-operative; or
      - (b) matters including such matters,the Commission may apply to the Court for the winding up of the co-operative; and
  - (ii) subsection (3) was struck out and the following subsection substituted:
    - (3) The Commission must give a copy of an application made under subsection (1) to the co-operative;
- (e) section 513B of the Corporations Act applies as if the following paragraph were inserted after paragraph (d):
  - (da) if the winding up is on the certificate of the Commission—on the date that the certificate is given; or
- (f) section 516 of the Corporations Act applies as if the words "together with any charges payable by him or her to a co-operative in accordance with the rules" were inserted after "past member";
- (g) section 532 of the Corporations Act applies as if—
  - (i) subsection (1) was struck out and the following subsection substituted:
    - (1) Subject to this section, a person must not consent to be appointed, and must not act, as liquidator of a co-operative unless he or she—
      - (a) is a registered liquidator; or
      - (b) is or is to be appointed or nominated for appointment as the liquidator of a co-operative under section 310 of the Act; and
  - (ii) subsection (4) was struck out;

- (h) section 542 of the Corporations Act applies as if after subsection (3)(c) there were inserted—
  - and
    - (d) in the case of a winding up on the certificate of the Commission under section 309 of the *Co-operatives Act 1997*—with the consent of the Commission;
- (i) the applied provisions of the Corporations Act are to be read as if the following provision were inserted in Part 9.7 before section 1339:

### **1338D—Co-operatives Liquidation Account**

- (1) The *Co-operatives Liquidation Account* established under Division 3 of Part 6 of the *Co-operatives Act 1983* of South Australia continues in existence under this Part.
- (2) The Account must continue to be kept in a separate account at the Treasury;
- (j) the applied provisions of the Corporations Act are to be read as if a reference to an unclaimed money account were a reference to the Co-operatives Liquidation Account;
- (k) section 1341 of the Corporations Act applies as if references to the Companies and Unclaimed Moneys Special Account were references to the Consolidated Account of the State;
- (l) a reference in any of the applied provisions of the Corporations Act to a registered liquidator includes a reference to a person approved by the Commission as a liquidator of a co-operative;
- (m) a reference in any of the applied provisions of the Corporations Act to section 233 of that Act is to be read as a reference to Part 2F.1 of that Act;
- (n) for the purposes of the application of the applied provisions of the Corporations Act to winding up on the certificate of the Commission, such a winding up is to be considered to be a voluntary winding up (but section 490 of the Corporations Act does not apply);
- (o) the applied provisions of the Corporations Act are to be read subject to sections 71 and 317 of the *Co-operatives Act 1997* for the purposes of determining the liability of members and past members to contribute on a winding up of a co-operative.

## **Part 9—Arrangements and reconstructions**

### **27—Commission to be given notice and opportunity to make submissions**

For the purposes of sections 336(2)(b)(i) and 344(3)(b)(i) of the Act, the prescribed information which must be included in a draft explanatory statement or explanatory statement (as the case may be) is set out in Schedule 4.

### **28—Compulsory acquisition notice**

For the purposes of section 350(1) of the Act, a compulsory acquisition notice must be in the form set out in Form 1 of Schedule 5.

**29—Notice to remaining shareholders**

For the purposes of section 352(1)(a) of the Act, a notice to a remaining shareholder must be in the form set out in Form 2 of Schedule 5.

**Part 10—Foreign co-operatives****30—Application for registration of participating co-operative as a foreign co-operative**

- (1) An application under section 364 of the Act by a participating co-operative for registration as a foreign co-operative must be made in writing to the Commission.
- (2) For the purposes of section 364(2)(d) of the Act, the statement must be verified by a statement by a director or the secretary of the applicant co-operative.

**31—Application for registration of non-participating co-operative as a foreign co-operative**

- (1) An application under section 365 of the Act by a non-participating co-operative for registration as a foreign co-operative must be made in writing to the Commission.
- (2) For the purposes of section 365(2)(b) of the Act, the statement must be verified by a statement by a director or the secretary of the applicant co-operative.

**32—Registration of foreign co-operative**

For the purposes of section 368 of the Act, if the Commission has registered a foreign co-operative under that section, the Commission must send to the co-operative a certificate of registration at the address notified under section 364(2)(d)(ii) or section 365(2)(b)(ii) of the Act (as the case may be).

**33—Application of Act and regulations to foreign co-operatives**

- (1) For the purposes of section 369 of the Act—
  - (a) the following provisions of the Act and these regulations are prescribed in relation to a participating co-operative:
    - (i) Division 4 of Part 1;
    - (ii) section 249;
    - (iii) section 256;
    - (iv) section 311 in relation to an insolvent participating co-operative (but only to the extent that it applies Parts 5.4, 5.4B and 5.6 of the Corporations Act);
    - (v) section 420;
    - (vi) section 451;
    - (vii) regulation 44;
  - (b) the following provisions of the Act and these regulations are prescribed in relation to a non-participating co-operative:
    - (i) Divisions 3 and 4 of Part 1;
    - (ii) sections 13(2), 14 and 15;



- (iii) Part 3 except Division 5;
  - (iv) Division 5 of Part 4;
  - (v) sections 101, 103 and 109;
  - (vi) sections 245, 246 and 249;
  - (vii) Division 1 of Part 10;
  - (viii) Part 12 except Divisions 1 and 2;
  - (ix) Part 13;
  - (x) Part 17;
  - (xi) section 451;
  - (xii) regulation 44.
- (2) For the purposes of section 369 of the Act, section 249 of the Act is modified in its application to a foreign co-operative to require the name of the foreign co-operative, when appearing as required by section 249(1)(b) or (c) of the Act, to indicate the State, Territory or country in which the foreign co-operative was originally registered or incorporated.

### **34—Notification by foreign co-operative of certain changes**

When a foreign co-operative lodges with the Commission particulars of an alteration under section 370 of the Act, the particulars must be accompanied by the following documents:

- (a) in the case of a change of name resulting in the issue of a new or amended certificate of registration in the participating State—a copy of the new or amended certificate, certified by the Registrar of the participating State;
- (b) in the case of an alteration or change affecting the rules of the foreign co-operative—
  - (i) if the foreign co-operative is a participating co-operative—a copy of the new or amended rules, certified by the Registrar of the participating State; or
  - (ii) if the foreign co-operative is a non-participating co-operative—a copy of the new or amended rules.

### **35—Co-operative proposing to register as a foreign co-operative**

- (1) For the purposes of section 373(1) of the Act, the following provisions of the Act are prescribed:
- (a) Part 5;
  - (b) Part 6;
  - (c) Divisions 5, 6 and 7 of Part 9;
  - (d) Division 1 of Part 10.
- (2) For the purposes of section 373(3) of the Act, the prescribed documents are—
- (a) a copy, certified by the Commission, of the co-operative's certificate of registration; and
  - (b) a copy, certified by the Commission, of the co-operative's rules; and

- (c) a copy, certified by the Commission, of the last audited balance sheet of the co-operative lodged with the Commission; and
- (d) a list containing the full name, date and place of birth, and residential address of each director of the co-operative.

## **Part 11—Supervision and protection of co-operatives**

### **36—Inspectors may require certain persons to appear, answer questions and produce documents**

For the purposes of section 388(1) of the Act, a notice must be in the form set out in Form 3 of Schedule 5.

### **37—Investigator's notice to involved person**

For the purposes of section 400(1) of the Act, a notice must be in the form set out in Form 4 of Schedule 5.

### **38—Examination of involved person—allowance and expenses**

For the purposes of section 401(4) of the Act, the prescribed expenses to which an involved person is entitled are—

- (a) for persons ordinarily receiving wages, salary, remuneration or fees—for each hour, or part of an hour, of attendance—the amount of wages, salary, remuneration or fees actually lost because of the person's attendance, but not exceeding \$217 for any 1 day;
- (b) in any other case—the actual expenditure incurred (other than expenses under paragraphs (c) and (d)), but not exceeding \$59 for any one day;
- (c) for travelling expenses to and from a person's usual place of residence or business and the place of attendance—
  - (i) the amount actually paid; or
  - (ii) an amount calculated at 18 cents per kilometre travelled,whichever is the lesser;
- (d) for accommodation and meals, if a person is required to be absent over night from the person's usual place of residence—
  - (i) the amount actually paid; or
  - (ii) an amount not exceeding \$150 for any one night,whichever is the lesser.

## **Part 12—The Schedules of the Act**

### **39—Minimum number of shares to be subscribed for**

For the purposes of clause 2(9) of Schedule 1 of the Act, the rules of a co-operative with a share capital must make provision for—

- (a) the minimum number of shares to which a member of the co-operative must subscribe; and

- (b) the manner in which the minimum number may be determined, which may be by reference to the use made by the member of the co-operative.

#### **40—Charges required to be registered**

For the purposes of clause 8 of Schedule 3 of the Act, each of the following laws is a prescribed law of a State or Territory:

- (a) Part 2 Divisions 1 and 2 of the *Security Interests in Goods Act 2005* of New South Wales;
- (b) Parts 7 and 8 of the *Instruments Act 1958* of Victoria;
- (c) Part 2 (to the extent to which it relates to the registration of stock mortgages, liens on crops and liens on wool) and Part 4 (excluding section 24) of the *Bills of Sale and Other Instruments Act 1955* of Queensland;
- (d) the *Liens on Crops of Sugar Cane Act 1931* of Queensland;
- (e) sections 7 and 8 and Parts 9, 10 and 11 of the *Bills of Sale Act 1899* of Western Australia;
- (f) the *Liens on Fruit Act 1923* of South Australia;
- (g) the *Stock Mortgages and Wool Liens Act 1924* of South Australia;
- (h) section 36 of the *Bills of Sale Act 1900* of Tasmania;
- (i) the *Stock, Wool and Crop Mortgages Act 1930* of Tasmania;
- (j) Parts 4 and 5 of the *Instruments Act 1933* of the Australian Capital Territory;
- (k) the *Instruments Act 1966* of the Northern Territory.

#### **41—Inspection of register of charges**

For the purposes of clause 41(3)(b) of Schedule 3 of the Act, the prescribed amount is \$10.

#### **42—Copies of register of charges**

For the purposes of clause 41(5)(a) of Schedule 3 of the Act, the prescribed amount is \$1 per page, to a maximum of \$20.

### **Part 13—Fees**

#### **43—Fees**

The fees set out in Schedule 6 are prescribed for the purposes of the Act.

#### **44—Waiver of fees**

The Commission may waive, reduce or refund any fee payable under the Act or the regulations by—

- (a) a co-operative that, in the opinion of the Commission, is constituted primarily for a charitable purpose; or
- (b) a co-operative that, in the opinion of the Commission, is constituted primarily for the purpose of advancing the welfare of a class of disadvantaged persons,

if, in the opinion of the Commission, there are special circumstances that justify payment being waived, reduced or refunded.

## **Part 14—Miscellaneous**

### **45—General requirements for documents lodged with Commission**

- (1) A document lodged with the Commission must—
  - (a) be on paper of international sheet size A4; and
  - (b) be clearly printed or typewritten in a manner that is permanent and is capable of reproduction by photographic means; and
  - (c) be an original or a photocopy; and
  - (d) if it consists of 2 or more sheets, be fastened together securely in the top left-hand corner; and
  - (e) have written on the first sheet—
    - (i) the registered number of the co-operative to which the document relates; and
    - (ii) the name of that co-operative; and
    - (iii) the title of the document (being, if the document is a form prescribed by these regulations, the same as the heading to the form); and
    - (iv) the name, address and telephone number of the person by whom or on whose behalf the document is lodged; and
    - (v) the words "Lodged with the Commission on [the date of lodgement to be filled in by the Commission]".
- (2) If the address of a person is required in a document to be lodged with the Commission, the person—
  - (a) must specify his or her residential address; and
  - (b) may specify a postal address.

### **46—Director or secretary to swear and lodge documents**

Unless otherwise provided in the Act or these regulations—

- (a) an affidavit or statutory declaration of a co-operative that is required under the Act or these regulations must be sworn or made by a director or secretary of the co-operative; and
- (b) a document relating to a co-operative that is required to be lodged by or on behalf of the co-operative must be signed by a director or secretary of the co-operative.

## **Schedule 1—Particulars to be included in registers**

### **1—Register of members, directors and shares**

- (1) The register of members, directors and shares of a co-operative must contain the following particulars for each member:
  - (a) the name and address of each member;
  - (b) the date on which each member was admitted to the co-operative;
  - (c) if the co-operative has share capital, a statement in respect of each member by whom shares are held of—

- (i) the number of shares held beneficially and non-beneficially; and
  - (ii) the identifying number of each share held (if applicable); and
  - (iii) the date on which the shares were allotted; and
  - (iv) the amount paid or agreed to be considered as having been paid on the shares;
- (d) if applicable, the date of and circumstances under which the member's membership ceased;
- (e) if shares are purchased pursuant to section 171(1) of the Act—a statement of the number of shares purchased and the date on which the shares were purchased;
- (f) if shares are forfeited pursuant to section 276 of the Act—a statement of the number of shares forfeited and the date on which forfeiture was effected;
- (g) if there is a conversion to a co-operative without share capital—the date of the repayment of the share capital or the date of disposal and the name and address of the person or body to whom the share capital was repaid.
- (2) The register of members, directors and shares of a co-operative must contain the following particulars for each director:
- (a) the name, any former names, date and place of birth, and address of each director;
  - (b) the date of that person's election or appointment as a director;
  - (c) whether the director is a non-member director;
  - (d) the date of termination of office (if applicable);
  - (e) the mode of termination of office (if applicable).

## **2—Register of loans to, securities given by, debentures issued by and deposits received by a co-operative**

- (1) The register of loans to, securities given by, debentures issued by and deposits received by a co-operative is required to contain the following particulars for each loan:
- (a) the name of the person by whom the loan is made;
  - (b) the amount of the loan;
  - (c) the date on which the loan was received by the co-operative;
  - (d) a reference identifying the account created for the loan;
  - (e) the date of each payment made in relation to the loan and the amount of each payment so made;
  - (f) if the loan is secured by way of mortgage of real property—the address and particulars of title of the property and a reference identifying the mortgage agreement;
  - (g) if the loan is secured otherwise than by way of a mortgage of real property—particulars of the security given and a reference identifying the agreement that evidences that security;
  - (h) the location of the documents relating to the security given in respect of the loan;
  - (i) particulars of any movement of those documents from that location;
  - (j) the date of the final repayment made in relation to the loan.

- (2) The register of loans to, securities given by, debentures issued by and deposits received by a co-operative must contain the following particulars for each debenture issued:
- (a) the name and address of each person to whom a debenture is payable;
  - (b) the number and series of the debenture;
  - (c) the date of its issue;
  - (d) the amount of the debenture;
  - (e) the rate of interest;
  - (f) the dates of payment of principal;
  - (g) the place of payment;
  - (h) the name of the trustee (if applicable);
  - (i) the name, address and occupation of any transferor;
  - (j) the date of any transfer.
- (3) The register of loans to, securities given by, debentures issued by and deposits received by a co-operative must contain the following particulars for each deposit received by the co-operative:
- (a) the name and address of the depositor;
  - (b) the date of receipt;
  - (c) the amount deposited;
  - (d) the rate of interest (if any);
  - (e) the amount repaid;
  - (f) the date of conversion to shares or debentures (if applicable);
  - (g) the due date for repayment;
  - (h) the balance.

### **3—Register of names of persons who have given loans or deposits to or hold securities or debentures given or issued by a co-operative**

The register of names of persons who have given loans or deposits to or hold securities or debentures given or issued by a co-operative must contain the following particulars for each person:

- (a) the full name and any former names of the person;
- (b) the address of the person;
- (c) whether the person—
  - (i) has given a loan or deposit to the co-operative; or
  - (ii) holds securities given by the co-operative; or
  - (iii) holds debentures issued by the co-operative;
- (d) a reference to the relevant entry in the register of loans to, securities given by, debentures issued by and deposits received by the co-operative.

#### **4—Register of loans made by or guaranteed by a co-operative and of any securities taken by a co-operative**

- (1) The register of loans made by or guaranteed by a co-operative and of any securities taken by a co-operative must contain the following details for each loan made:
  - (a) the name of each person to whom a loan is made;
  - (b) the amount of the loan;
  - (c) the date on which the loan was approved;
  - (d) a reference identifying the account created for the loan;
  - (e) the date of each advance made in relation to the loan and the amount of each advance so made;
  - (f) if the loan is secured by way of mortgage of real property the address and particulars of title of the property and a reference identifying the mortgage agreement;
  - (g) if the loan is secured otherwise than by way of a mortgage of real property—particulars of the security taken and a reference identifying the agreement that evidences that security;
  - (h) the location of the documents relating to the security taken in respect of the loan;
  - (i) particulars of any movement of those documents from that location;
  - (j) the date of the final repayment made in relation to the loan.
- (2) The register of loans made by or guaranteed by a co-operative and of any securities taken by a co-operative must contain the following particulars for each loan guaranteed by the co-operative:
  - (a) the name of the member;
  - (b) the name of the lender;
  - (c) the amount of the loan;
  - (d) the date of the guarantee;
  - (e) if the loan is secured by way of mortgage of real property—the address and particulars of title of the property and a reference identifying the mortgage agreement;
  - (f) if the loan is secured otherwise than by way of a mortgage of real property—particulars of the security taken and a reference identifying the agreement that evidences that security;
  - (g) the location of the documents relating to the security taken in respect of the loan;
  - (h) particulars of any movement of those documents from that location;
  - (i) the due date for repayment.

#### **5—Register of memberships cancelled under Part 6 of the Act**

- (1) The register of memberships cancelled under Part 6 of the Act must contain the following particulars for each member whose membership is cancelled:
  - (a) the name of the member;
  - (b) if the whereabouts of the member are known—

- (i) the date of the member's last active dealing with the co-operative; and
    - (ii) the date of giving the required notice to the member;
  - (c) the date of the board's resolution cancelling membership.
- (2) The register of memberships cancelled under Part 6 of the Act must, if the co-operative has a share capital, contain the following additional particulars for each member whose membership is cancelled:
- (a) the amount subscribed in respect of the shares forfeited;
  - (b) if the whereabouts of the member are unknown—
    - (i) the date when the required period of the member's whereabouts being unknown commenced; and
    - (ii) if the amount required to be repaid to the member in respect of the cancelled membership exceeds \$50—the date of publication of the required notice in a newspaper and the name of the newspaper;
  - (c) the date of the board's resolution forfeiting the shares;
  - (d) if the date fixed by the board resolution for repayment of the amount paid up on shares is within 12 months of forfeiture—
    - (i) the date of repayment; or
    - (ii) the date and nature of the application of the amount under section 133(2) of the Act;
  - (e) if the amount due is to be transferred to a debenture or deposit account—
    - (i) the date of repayment; and
    - (ii) the date of transfer to such an account.

## 6—Register of fixed assets

The register of fixed assets of a co-operative must contain the following particulars in respect of each fixed asset:

- (a) a short description of the fixed asset;
- (b) the method of financing any fixed asset that is leased;
- (c) the physical location of the asset;
- (d) the date of its purchase or installation;
- (e) the manner in which depreciation is calculated;
- (f) the annual percentage at which depreciation is calculated;
- (g) the annual amount of depreciation or amortisation;
- (h) the total amount of depreciation or amortisation;
- (i) the revaluation increment;
- (j) the sale price;
- (k) the date sold.



## **7—Register of subordinated debt**

The register of subordinated debt must contain the following particulars for each subordinated debt incurred:

- (a) the name and address of the person to whom the debt is owed;
- (b) the amount of the debt;
- (c) the date on which the debt was incurred;
- (d) a reference identifying the account created for the debt;
- (e) the date of each payment made in relation to the debt and the amount of each payment made;
- (f) the date of the final repayment made in relation to the debt.

## **Schedule 2—Postal ballots**

### **1—Ballots**

- (1) The board must—
  - (a) cause the details of the proposal on which the ballot is to be held to be set out in a statement; and
  - (b) fix the dates for—
    - (i) the forwarding of ballots to members; and
    - (ii) the closing of the ballot; and
  - (c) appoint a returning officer for the ballot.
- (2) Every ballot must be conducted by the returning officer appointed by the board.

### **2—Returning officers**

- (1) A director of the co-operative may not be appointed as a returning officer.
- (2) The returning officer may be assisted in the performance of his or her duties by any person (who would be eligible to be a returning officer) appointed by the returning officer.

### **3—Preparation of the voting roll and the ballot papers**

- (1) The returning officer must prepare a roll of the full names and addresses of the members of the co-operative, as disclosed by the register of members, directors and shares, together with particulars of the number of votes each member would be entitled to exercise on a poll.
- (2) A person whose name is on the roll is entitled to vote in the ballot, and no person is otherwise so entitled.
- (3) The returning officer must cause ballot papers to be prepared in or to the effect of Form 1 of this Schedule.
- (4) Each ballot paper must be initialled by the returning officer or an appointed assistant.
- (5) The returning officer must, at least 21 days prior to the date fixed for the closing of the ballot, send by post or otherwise deliver to every member entitled to vote in the ballot 1 set of the following materials:
  - (a) 1 ballot paper;

- (b) an envelope (the *outer envelope*) addressed to the returning officer;
- (c) a smaller envelope (the *middle envelope*), the reverse side of which must be printed in or to the effect of Form 2 of this Schedule;
- (d) a small envelope (the *inner envelope*) into which the ballot paper is to be enclosed;
- (e) a copy of the statement prepared by the board setting out the details of the proposal on which the decision of the members is to be sought.

#### **4—Duplicate ballot papers**

The returning officer may send a duplicate ballot paper to a voter if the returning officer is satisfied—

- (a) that the voter has not received a ballot paper; or
- (b) that the ballot paper received by the voter has been lost, spoilt or destroyed and that the voter has not already voted.

#### **5—Voting**

A member casts a vote in the ballot by—

- (a) completing the details on the reverse side of the middle envelope; and
- (b) marking his or her vote on the ballot paper according to the instructions on the ballot paper; and
- (c) sending the ballot paper, in the envelopes provided, to the returning officer.

#### **6—Safe keeping of ballot papers**

- (1) The returning officer must provide a ballot box which must be locked immediately before the ballot papers are delivered to members in accordance with clause 3(5) and must remain locked until the close of the ballot.
- (2) The returning officer must place the outer envelopes in the ballot box not later than noon on the date fixed for the closing of the ballot.

#### **7—Counting of the votes**

- (1) Ballot papers received after noon on the date fixed for the closing of the ballot must not be taken into account at the ballot.
- (2) As soon as practicable after noon on the date fixed for the closing of the ballot, the returning officer must, in the presence of such scrutineers as may be appointed by the board, open the ballot box and deal with the contents in accordance with subclause (3).
- (3) The returning officer must—
  - (a) remove the middle envelope from the outer envelope; and
  - (b) if a duplicate outer envelope has been issued and the original outer envelope is received, reject the original envelope and mark it "rejected"; and
  - (c) according to the information on the middle envelope, for each set of voting papers returned, mark the voter's name on the roll by drawing a line through the name; and
  - (d) if a member's name has already been crossed out on the roll, reject the postal vote and mark it "rejected"; and

- (e) if the middle envelope has not been signed, or if the details shown on the envelope are not sufficient to disclose by whom the vote is being exercised, reject the envelope and mark it "rejected"; and
  - (f) extract the inner envelopes containing the ballot papers from all unrejected middle envelopes, separating the contents from the middle envelopes in such a way that no inner envelope could subsequently be identified with any particular voter; and
  - (g) when all the middle envelopes have been dealt with in the above manner, open all unrejected inner envelopes and take the ballot papers from them.
- (4) The ballot papers must be scrutinised by the returning officer who must reject as informal any ballot paper that—
- (a) is not duly initialled by the returning officer; or
  - (b) is so imperfectly marked that the intention of the voter cannot be ascertained by the returning officer; or
  - (c) has any mark or writing not authorised by this Schedule which, in the opinion of the returning officer, will enable the voter to be identified; or
  - (d) has not been marked as prescribed on the ballot paper itself.

### **8—Statement by returning officer**

- (1) The returning officer must count all votes cast and make out and sign a statement of—
- (a) the number of formal votes cast in favour of the proposal; and
  - (b) the number of formal votes cast against the proposal; and
  - (c) the number of informal votes cast; and
  - (d) the number of middle envelopes marked "rejected"; and
  - (e) the proportion of the formal votes polled which were in the affirmative.
- (2) On the declaration of the returning officer of the result of the postal ballot, the board of the co-operative must cause an entry to be made in the minute book showing the particulars referred to in clause 8(1)(a) to (c).
- (3) The returning officer must forward a copy of the statement to the chairperson of the board of the co-operative who must announce the result of the ballot at the next general meeting.

### **9—Notification of the result of the ballot**

- (1) A co-operative must give notification of the result of a ballot (other than a ballot conducted to alter the rules of a co-operative) by displaying the result on the notice board at the registered office of the co-operative.
- (2) In the case of a postal ballot conducted to alter the rules of a co-operative, the co-operative must cause the result of the ballot to be notified in writing to its members as soon as practicable after the alteration takes effect and, in any event, not later than the date on which notice is given to the members of the next annual general meeting of the co-operative following the date on which the alteration takes effect.

**10—Retention of ballot papers etc**

The returning officer must retain all ballot papers and outer envelopes used for a postal ballot until the board authorises their destruction (and the board must not authorise their destruction earlier than 12 months after the day on which notification of the result of the ballot is given under clause 9).

**11—Forms**

**Form 1**

<p><b>Postal ballot</b></p> <p><b>Ballot of members to determine the following proposal:</b></p> <p>.....</p> <p>.....</p> <p>.....</p> <p><b>Do you support the above proposal? (Please mark YES or NO)</b> .....</p> <p>The ballot will close at noon on.....</p> <p><b>How to vote</b></p> <ol style="list-style-type: none"> <li>1 Read these directions and the ballot paper carefully.</li> <li>2 Complete and sign the details on the reverse side of the middle envelope.</li> <li>3 Mark the ballot paper in the space provided above to indicate your intention regarding the proposal.</li> <li>4 After marking the ballot paper, fold it and place it in the small envelope provided and seal the envelope. Then place the small envelope in the completed middle envelope and place the middle envelope in the envelope addressed to the returning officer. Forward this envelope either by post or personal delivery so as to reach the returning officer not later than noon on .....</li> <li>5 Unless the ballot paper is marked as indicated in 3 above and the details referred to in 2 above are completed in full and the middle envelope signed, your vote may be rejected as informal.</li> </ol> <p style="text-align: right;">..... Initials of returning officer</p>
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**Form 2**

<p><b>Member details</b></p> <p>..... (Full Name)</p> <p>..... (Address)</p> <p>..... (Signature)</p> <ol style="list-style-type: none"> <li>1 Please use capital letters for your name and address.</li> <li>2 If the vote is being cast on behalf of a co-operative or other body corporate also indicate the name of such co-operative or body corporate.</li> </ol>
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## Schedule 3—Modification of applied provisions

(Regulation 13)

### 1—Interpretation of modified provisions

- (1) The following definitions replace the corresponding definitions under the Corporations Act for the purposes of interpreting provisions of that Act applied or modified by these regulations, as modified by the Act and this Schedule:

*Act* means the *Co-operatives Act 1997*;

*Commission* means the Corporate Affairs Commission;

*consolidated entity* means a co-operative together with all the entities it is required by the accounting standards to include in consolidated financial statements;

*Court* means the Supreme Court of South Australia;

*debenture*, in relation to a co-operative, has the same meaning as in section 4 of the Act;

*director*, in relation to a co-operative, has the same meaning as in section 4 of the Act;

*disclosing entity*—see section 258 of the Act (which applies Part 1.2A of the Corporations Act);

*financial year* means a financial year of a co-operative as determined in accordance with section 238 of the Act;

*inspector* means an inspector appointed under Part 15 of the Act;

*member* of a co-operative—see Part 4 of the Act;

*officer*, in relation to a co-operative, has the same meaning as in section 4 of the Act;

*related*, in the context of related bodies corporate, has the meaning given by Part 3 of Schedule 2 of the Act.

- (2) Expressions used in the applied provisions of the Corporations Act, as modified, that are not defined in the Corporations Act have the same meaning as in the Act.
- (3) For the purposes of the applied provisions of the Corporations Act, as modified, the accounting standards in force under the Corporations Act are to apply with any modifications that may be necessary or appropriate for the effectual application of the standards to co-operatives.

### 2—Specific modifications

The applied provisions of the Corporations Act apply as if all notes (other than those modified by the table below) were struck out and they were further amended as set out in the table below.

Provision of Corporations Act amended	How amended
section 198F	Strike out "company" wherever occurring and substitute in each case "co-operative".
<i>Part 2F.3 (Inspection of books)</i>	
section 247A(1)	Strike out "company or registered managed investment scheme" and substitute "co-operative".
section 247A(1)(a)	Strike out "company or scheme" and substitute "co-operative".

<b>Provision of Corporations Act amended</b>	<b>How amended</b>
section 247A(1)(b)	Strike out "company or scheme" and substitute "co-operative".
section 247C(2)(a)	Strike out "ASIC" and substitute "the Commission or an officer of the Commission".
section 247D	Strike out this section.
section 249K(1)	Strike out "company" wherever occurring and substitute in each case "co-operative".
section 249V(1)	Strike out "company's" and substitute "co-operative's".
section 250T(1)	Strike out "company's" and substitute "co-operative's".
<i>Part 2M.2 (Financial records)</i>	
section 286(1)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 287	Insert after subsection (3) the following subsection: <ul style="list-style-type: none"> <li>(4) An inspector may, by notice in writing, specify a period within which the translation must be made available to the inspector.</li> </ul>
section 288	Insert after subsection (2) the following subsection: <ul style="list-style-type: none"> <li>(3) An inspector may, by notice in writing, specify a period within which the hard copy must be made available to the inspector.</li> </ul>
section 289	Strike out this section and substitute: <p style="text-align: center;"><b>289—Place where records are kept</b></p> <p style="text-align: center;">The financial records must be kept within South Australia but the co-operative may decide where within South Australia to keep them.</p>
section 290(1)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 291	Strike out this section.
<i>Part 2M.3 (Financial reporting)</i>	
section 292	Strike out this section and substitute: <p style="text-align: center;"><b>292—Who has to prepare annual financial reports and directors' reports</b></p> <p style="text-align: center;">A financial report and a directors' report must be prepared for each financial year by all co-operatives.</p>
sections 293 and 294	Strike out these sections.
section 295(4)(c)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 297(a)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 298(1)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 298(3)	Strike out this subsection.

<b>Provision of Corporations Act amended</b>	<b>How amended</b>
section 299(2)(a)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 299(3)(a)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 299(3)(b)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative, company or registered scheme".
section 300(1)(c)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 300(1)(ca)(i)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 300(1)(ca)(ii)	Strike out "company, disclosing entity or registered scheme" and substitute "co-operative".
section 300(1)(ca)(iii)	Strike out "company" wherever occurring and substitute in each case "co-operative".
section 300(1)(d)(ii)	Strike out "company" and substitute "co-operative".
section 300(1)	Strike out the sentence commencing "Public companies".
section 300(2)	Strike out "company's" and substitute "co-operative's".
section 300(3)(a)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 300(3)(b)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative, company or registered scheme".
section 300(5)(a)	Strike out "company, registered scheme or disclosing entity" and substitute "entity".
section 300(6)(a)	Strike out "company, registered scheme or disclosing entity" and substitute "entity".
section 300(6)(e)	Strike out "company, registered scheme or disclosing entity" and substitute "entity".
section 300(7)(a)	Strike out "company, registered scheme or disclosing entity" and substitute "entity".
section 300(7)(c)	Strike out "company, registered scheme or disclosing entity" and substitute "entity".
section 300(8)	Strike out "company" and substitute "co-operative".
section 300(8)(a)	Strike out "and that is covered by subsection 199A(2) or (3)". Strike out "of that kind".
section 300(9)	Strike out "company" wherever occurring and substitute, in each case, "co-operative".
section 300(10)	Strike out "public company that is not a wholly-owned subsidiary of another company" and substitute "co-operative that is not a wholly-owned subsidiary of another co-operative".
section 300(11)	Strike out "company" wherever occurring and substitute, in each case, "co-operative".
section 300(12) and (13)	Strike out these subsections.
section 300(14)	Strike out "company" wherever occurring and substitute in each case "co-operative".

<b>Provision of Corporations Act amended</b>	<b>How amended</b>
section 300(15)	Strike out "company" wherever occurring and substitute in each case "co-operative".
section 300A(1)	Strike out "company" first occurring and substitute "co-operative that is included in an official list of the Exchange".
section 300A(1)(a)	Strike out "company" and substitute "co-operative".
section 300A(1)(b)	Strike out "company's" and substitute "co-operative's".
section 300A(1)(ba)(iv)	Strike out "company" wherever occurring and substitute in each case "co-operative".
	Strike out "companies" wherever occurring and substitute in each case "co-operatives".
section 300A(1)(c)	Strike out "company" and substitute "co-operative".
section 300A(1AA)	Strike out "company's" wherever occurring and substitute in each case "co-operative's".
section 300A(1AB)	Strike out "company's" and substitute "co-operative's".
	Strike out "company" wherever occurring and substitute in each case "co-operative".
section 300A(2)	Strike out this subsection.
section 300A(3)	Strike out "company's constitution" and substitute "co-operative's rules".
section 301(1)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 301(2)	Strike out this subsection.
section 302	Insert "co-operative that is a" after "A".
section 302(c)	Strike out "ASIC" and substitute "the Commission".
section 307(c)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 307(d)	Strike out this paragraph and substitute: <ul style="list-style-type: none"> <li>(d) whether the co-operative has kept registers as required by section 239 of the Act and other records as required by the Act (including provisions of this Law adopted by or under the Act).</li> </ul>
section 307B(1)(c)(ii)	Strike out "ASIC" and substitute "the Commission".
section 307B(3)(b)(ii)	Strike out "ASIC" and substitute "the Commission".
section 307B(6)	Strike out "ASIC" and substitute "The Commission".
section 307B(7)	Strike out "ASIC" wherever occurring and substitute in each case "the Commission".
section 307C(1)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 307C(1)(c)(i)	Strike out "this Act" and substitute "the Act (including provisions of the Corporations Act adopted by or under the Act)".
section 307C(1)(d)(i)	Strike out "this Act" and substitute "the Act (including provisions of the Corporations Act adopted by or under the Act)".



<b>Provision of Corporations Act amended</b>	<b>How amended</b>
section 307C(3)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 307C(3)(c)(i)	Strike out "this Act" and substitute "the Act (including provisions of the Corporations Act adopted by or under the Act)".
section 307C(3)(d)(i)	Strike out "this Act" and substitute "the Act (including provisions of the Corporations Act adopted by or under the Act)".
section 307C(5)(a)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 310(a)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 311(1)(a)(i)	Strike out "this Act" and substitute "the Act (including provisions of the Corporations Act adopted by or under the Act)".
section 311(1)(c)	Strike out "ASIC" and substitute "the Commission".
section 311(2)(a)(i)	Strike out "this Act" and substitute "the Act (including provisions of the Corporations Act adopted by or under the Act)".
section 311(2)(c)	Strike out "ASIC" and substitute "the Commission".
section 311(3)(b)(i)	Strike out "this Act" and substitute "the Act (including provisions of the Corporations Act adopted by or under the Act)".
section 311(3)(d)	Strike out "ASIC" and substitute "the Commission".
section 311(4)	Strike out "this Act" and substitute "the Act (including provisions of the Corporations Act adopted by or under the Act)".
section 311(4)(b)	Strike out "company, registered scheme or disclosing entity" wherever occurring and substitute in each case "co-operative".
section 312	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 312(1)(a)	Strike out "company, scheme or entity" and substitute "co-operative".
section 314(1)	Strike out "either".
section 314(1)(c)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
	Insert after paragraph (b) the following word and paragraph:
	or
	(c) in the case of a non-trading co-operative—
	(i) giving members notice—
	<ul style="list-style-type: none"> <li>• that the reports referred to in paragraph (a) may be inspected at the registered office of the co-operative; or</li> <li>• that a concise report of the kind referred to in paragraph (b) may be inspected at the registered office of the co-operative; and</li> </ul>
	(ii) making the report or reports (as the case requires) available for inspection.

Provision of Corporations Act amended	How amended
section 315	Strike out this section and substitute: <p style="text-align: center;"><b>315—Deadline for reporting to members</b></p> <p style="text-align: center;">A co-operative must report to members under section 314 by the earlier of—</p> <p style="text-align: center;">(a) 21 days before the next AGM after the end of the financial year; or</p> <p style="text-align: center;">(b) 21 days less than 5 months after the end of the financial year.</p>
section 316(1)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 316(1A)	Insert after subsection (1) the following subsection: <p style="text-align: center;">(1A) Paragraph (1)(b) does not apply to a member of a non-trading co-operative.</p>
section 317	Strike out "public company" and substitute "co-operative".
section 318(1)	Strike out "company or disclosing entity" and substitute "co-operative".
	Insert "prescribed" before "debenture holders".
section 318(2)	Strike out "company or disclosing entity" and substitute "co-operative".
	Insert "prescribed" before "debenture holder".
section 318(2)(a)	Insert "or made available" after "provided to".
section 318(3)	Strike out this subsection and substitute: <p style="text-align: center;">(3) The co-operative must, as soon as practicable after the request—</p> <p style="text-align: center;">(a) if the terms of the debenture issue so provide—make the copies available for inspection free of charge at the registered office of the co-operative;</p> <p style="text-align: center;">(b) in any other case—give the prescribed debenture holder the copies free of charge.</p>
section 318(4)	Insert "prescribed" before "debenture holders".
section 318	Insert after subsection (5) the following subsection: <p style="text-align: center;">(6) In this section—</p> <p style="text-align: center;"><i>prescribed debenture holder</i> means a person who holds debentures of a co-operative but is not a member of the co-operative.</p>
Division 5 heading	Strike out "ASIC" and substitute "Commission".

<b>Provision of Corporations Act amended</b>	<b>How amended</b>
section 319	Strike out this section and substitute: <p style="text-align: center;"><b>319—Lodgment of annual reports with Commission</b></p> <p style="text-align: center;">Under the regulations made under the Act, a co-operative that has to prepare or obtain a report for a financial year under this Law (as adopted by or under the Act) must include in its annual report to the Commission for that year a copy of each such report.</p>
section 320	Insert "co-operative that is a" after "A". Strike out "ASIC" and substitute "the Commission".
section 321(1)	Strike out this subsection and substitute: <p style="text-align: center;">(1) The Commission may give a co-operative a direction to lodge with the Commission a copy of reports prepared or obtained by it under Division 1 or 2.</p>
section 322(1)	Strike out "ASIC, the company, registered scheme or disclosing entity" and substitute "the Commission, the co-operative".
section 322(1)(a)	Strike out "ASIC" and substitute "the Commission".
section 322(1)(b)	Strike out this paragraph and substitute the following paragraphs: <p style="text-align: center;">(b) in the case of a non-trading co-operative—make a copy of the amended report available for inspection at the registered office of the co-operative and inform any member who asks of its availability; and</p> <p style="text-align: center;">(c) in any other case—give a copy of the amended report free of charge to any member who asks for it.</p>
section 322(2)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 322(2)(b)	Insert "or inspect" after "obtain".
section 323(1)	Strike out "company, registered scheme or disclosing entity" twice occurring and substitute, in each case, "co-operative".
section 323A(2)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 323B	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 323B(1)(a)	Strike out "company, scheme or entity" and substitute "co-operative".
section 323C	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 323D(1) and (2)	Strike out these subsections.
section 323D(3)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".
section 323D(5)	Strike out "company, registered scheme or disclosing entity" and substitute "co-operative".

<b>Provision of Corporations Act amended</b>	<b>How amended</b>
Division 8 (section 323DA)	Strike out this Division.
Division 9 (section 323EA to 323EM)	Strike out "ASIC" wherever occurring and substitute in each case "the Commission" or "The Commission" (as the case requires).  Strike out "ASIC's" wherever occurring and substitute in each case "the Commission's".
section 323EA(1)	Strike out "company, disclosing entity or registered scheme" and substitute "co-operative".
section 323EA(2)	Strike out "company, the disclosing entity or the responsible entity of the registered scheme" and substitute "co-operative".
<i>Part 2M.4 (Auditor)</i>	
Division 1 heading	Strike out "company or registered scheme" and substitute "co-operative".
section 324AA	Strike out "company or a registered scheme" and substitute "co-operative".  Strike out "company or registered scheme" and substitute "co-operative".
section 324AB	Strike out "company or registered scheme" wherever occurring and substitute in each case "co-operative".
section 324AB(2)	Strike out "company or scheme" and substitute "co-operative".
section 324AB(4)	Strike out "the Corporations legislation" and substitute "the Act (including provisions of the Corporations Act adopted by or under the Act)".
section 324AC	Strike out "company or registered scheme" wherever occurring and substitute in each case "co-operative".
section 324AC(2)	Strike out "company" wherever occurring and substitute in each case "co-operative".
section 324AD(1)	Strike out "company or registered scheme" and substitute "co-operative".
section 324AE	Strike out "company or registered scheme" and substitute "co-operative".
section 324AE(b)(iii)	Strike out "this Act" and substitute "the Act (including provisions of the Corporations Act adopted by or under the Act)".
section 324AF	Strike out "company or registered scheme" wherever occurring and substitute in each case "co-operative".
section 324BA	Strike out "company or registered scheme" wherever occurring and substitute in each case "co-operative".
section 324BA(a)(iii)	Strike out "this Act" and substitute "the provisions of the Corporations Act adopted by or under the Act".
section 324BB	Strike out "company or registered scheme" wherever occurring and substitute in each case "co-operative".
section 324BB(1)(a)(iii)	Strike out "this Act" and substitute "the provisions of the Corporations Act adopted by or under the Act".
section 324BB(2)(a)(iii)	Strike out "this Act" and substitute "the provisions of the Corporations Act adopted by or under the Act".

<b>Provision of Corporations Act amended</b>	<b>How amended</b>
section 324BB(6)	Strike out subsection (6) and substitute: <ul style="list-style-type: none"> <li>(6) The firm satisfies this subsection if—               <ul style="list-style-type: none"> <li>(a) the business name under which the firm is carrying on business is registered under the <i>Business Names Act 1996</i> of South Australia; or</li> <li>(b) a return (in a form approved by the Commissioner for the purpose) has been lodged showing, in relation to each member of the firm, the member's full name and address as at the time when the firm so consents, acts or prepares a report.</li> </ul> </li> </ul>
section 324BC	Strike out "company or registered scheme" wherever occurring and substitute in each case "co-operative".
section 324BC(1)(a)(iii)	Strike out "this Act" and substitute "the provisions of the Corporations Act adopted by or under the Act".
section 324BC(2)(a)(iii)	Strike out "this Act" and substitute "the provisions of the Corporations Act adopted by or under the Act".
section 324BC(3)(a)(iii)	Strike out "this Act" and substitute "the provisions of the Corporations Act adopted by or under the Act".
section 324BD(1)	Strike out subsection (1) and substitute: <ul style="list-style-type: none"> <li>(1) An individual who is not a registered auditor may be appointed as an auditor of a co-operative if the Commission—               <ul style="list-style-type: none"> <li>(a) is satisfied that the individual is suitably qualified or experienced; and</li> <li>(b) approves the individual for the purposes of the provisions of the Corporations Act adopted by or under the Act in relation to the audit of the co-operative's financial reports.</li> </ul> </li> <li>(1a) An appointment under subsection (1) is subject to such terms and conditions as are specified in the approval under subsection (1)(b).</li> </ul>
section 324BD(2)(a)	Strike out "company's" and substitute "co-operative's".
section 324BD(2)(b)	Strike out "this Act" and substitute "the Act (including provisions of the Corporations Act adopted by or under the Act)".
section 324BD(3) and (4)	Strike out "company" wherever occurring and substitute in each case "co-operative"
section 324BD(3)	Strike out "ASIC" wherever occurring and substitute in each case "the Commission".
section 324CA	Strike out "ASIC" wherever occurring and substitute in each case "the Commission".

<b>Provision of Corporations Act amended</b>	<b>How amended</b>
section 324CA(1A), Note 2	Strike out "public company or a registered scheme" and substitute "co-operative".  Strike out "(public company) or 331AAA(2A) or (2C) (registered scheme)".
section 324CA(6)(a)	Strike out "this Act" and substitute "the Act (including provisions of the Corporations Act adopted by or under the Act)".
section 324CB	Strike out "ASIC" wherever occurring and substitute in each case "the Commission".
section 324CB(1A), Note 2	Strike out "public company or a registered scheme" and substitute "co-operative".  Strike out "(public company)".  Strike out "(registered scheme)".
section 324CB(7)(a)	Strike out "this Act" and substitute "the Act (including provisions of the Corporations Act adopted by or under the Act)".
section 324CC	Strike out "ASIC" wherever occurring and substitute in each case "the Commission".
section 324CC(1A), Note 2	Strike out "public company or a registered scheme" and substitute "co-operative".  Strike out "(public company)".  Strike out "(registered scheme)".
section 324CC(7)	Strike out "this Act" and substitute "the Act (including provisions of the Corporations Act adopted by or under the Act)".
section 324CD(2), table	Strike out "company" wherever occurring and substitute in each case "co-operative".
section 324CE	Strike out "ASIC" wherever occurring and substitute in each case "the Commission".
section 324CE(1A), Note	Strike out "public company or a registered scheme" and substitute "co-operative".  Strike out "(public company)".  Strike out "(registered scheme)".
section 324CF	Strike out "ASIC" wherever occurring and substitute in each case "the Commission".
section 324CF(1A), Note	Strike out "public company or a registered scheme" and substitute "co-operative".  Strike out "(public company)".  Strike out "(registered scheme)".
section 324CG	Strike out "ASIC" wherever occurring and substitute in each case "the Commission".
section 324CG(1A), Note	Strike out "public company or a registered scheme" and substitute "co-operative".  Strike out "(public company)".  Strike out "(registered scheme)".

<b>Provision of Corporations Act amended</b>	<b>How amended</b>
section 324CH(1), table, item 6	Strike out "company" first and second occurring and substitute in each case "co-operative".
section 324CL	Strike out "company" wherever occurring and substitute in each case "co-operative".
section 324CL(2)	Strike out "ASIC" first and third occurring and substitute in each case "the Commission".  Strike out "ASIC" second occurring and substitute "The Commission".
section 324CM(1)(a)	Strike out "company or registered scheme" and substitute "co-operative".
section 324CM(1)(c)	Strike out "company or scheme" and substitute "co-operative".
section 324CM(2)(a)	Strike out "company or a registered scheme" and substitute "co-operative".
section 324CM(2)(c)	Strike out "company or scheme" and substitute "co-operative".
section 324CM(3)(d)	Strike out "company or a registered scheme" and substitute "co-operative".
section 324CM(3)(f)	Strike out "company or scheme" and substitute "co-operative".
Division 6 heading	Strike out "companies" and substitute "co-operatives".
Division 6 Subdivision A heading	Strike out "company" and substitute "co-operative".
section 325	Strike out this section.
section 327A(1)	Strike out "public company" and substitute "co-operative".  Strike out "company" second, third and fourth occurring and substitute in each case "co-operative"
section 327A(2)	Strike out "company's" and substitute "co-operative's".
section 327A(3)	Strike out "company" and substitute "co-operative".
section 327B(1)	Strike out "public company" and substitute "co-operative".
section 327B(1)(a) and (b)	Strike out "company" wherever occurring and substitute in each case "co-operative".
section 327B(2A), (2B), (2C), (3) and (4)	Strike out "company" wherever occurring and substitute in each case "co-operative".
section 327B	Strike out "ASIC" wherever occurring and substitute in each case "the Commission".
section 327C(1)	Strike out "public company" and substitute "co-operative".  Strike out "company" second and third occurring and substitute in each case "co-operative".
section 327C(2)	Strike out "company's" and substitute "co-operative's".
section 327C(3)	Strike out "public company" and substitute "co-operative".
section 327D(1)	Strike out "company" and substitute "co-operative".
section 327D(2)	Strike out "company" first and third occurring and substitute in each case "co-operative".
section 327D(3)	Strike out "company" second, fourth, fifth, sixth and eighth occurring and substitute in each case "co-operative".

<b>Provision of Corporations Act amended</b>	<b>How amended</b>
section 327D(5)	Strike out "company's" and substitute "co-operative's".
section 327E(1)	Strike out "public company" and substitute "co-operative".
section 327E(2), (3), (4) and (5)	Strike out "company" wherever occurring and substitute in each case "co-operative".
section 327E(6)	Strike out "company's" and substitute "co-operative's".
section 327E	Strike out "ASIC" wherever occurring and substitute in each case "the Commission".
section 327F(1)	Strike out "ASIC" first occurring and substitute "The Commission". Strike out "company" wherever occurring and substitute in each case "co-operative". Strike out "ASIC" second occurring and substitute "the Commission".
section 327F(2)	Strike out "company" second and third occurring and substitute "co-operative".
section 327G(1)	Strike out "ASIC" and substitute "The Commission". Strike out "company" second occurring and substitute "co-operative".
section 327G(2)	Strike out "ASIC" first occurring and substitute "The Commission". Strike out "company" wherever occurring and substitute in each case "co-operative". Strike out "ASIC" second occurring and substitute "the Commission".
section 327G(3)	Strike out "ASIC" first occurring and substitute "The Commission". Strike out "company" wherever occurring and substitute in each case "co-operative". Strike out "ASIC" second and third occurring and substitute in each case "the Commission".
section 327H	Strike out "public company" and substitute "co-operative".
section 327H(a)	Strike out "company" wherever occurring and substitute in each case "co-operative".
section 327I	Strike out "company" wherever occurring and substitute in each case "co-operative".
section 328A(1)	Strike out "company, the directors of a company or the responsible entity of a registered scheme" and substitute "co-operative or the directors of a co-operative". Strike out "company" fourth occurring and substitute "co-operative". Strike out "the company, the directors or the responsible entity of the scheme" and substitute "the co-operative or the directors of the co-operative".
section 328A(3)	Strike out "company" wherever occurring and substitute in each case "co-operative". Strike out "company's" and substitute "co-operative's".
section 328A(4)	Strike out "company, the directors of a company or the responsible entity of a registered scheme appoints" and substitute "co-operative or the directors of a co-operative appoint". Strike out "company" fourth occurring and substitute "co-operative".



<b>Provision of Corporations Act amended</b>	<b>How amended</b>
section 328A(4)(b)	Strike out "company or responsible entity" wherever occurring and substitute in each case "co-operative".
section 328B(1)	Strike out subsection (1) and substitute: <ol style="list-style-type: none"> <li>(1) Subject to this section, a co-operative may appoint an individual, firm or company as auditor of the co-operative at its AGM only if a member of the co-operative gives the co-operative written notice of the nomination of the individual, firm or company for appointment as auditor—               <ol style="list-style-type: none"> <li>(a) before the meeting is convened; or</li> <li>(b) not less than 21 days before the meeting.</li> </ol> <p style="margin-left: 40px;">This subsection does not apply if an auditor is removed from office at the AGM.</p> </li> </ol>
section 328B(2)	Strike out "company" first, third, fourth and fifth occurring and substitute in each case "co-operative".
section 328B(3)	Strike out "company" first, third and fourth occurring and substitute in each case "co-operative".
section 328B(3)(b) and (c)	Strike out "company" wherever occurring and substitute in each case "co-operative".
section 329	Strike out "company" wherever occurring and substitute, in each case, "co-operative".
section 329(1A)	Striking out the note at the foot of this subsection.
section 329(1B)	Insert after subsection (1A) of section 329 the following subsection: <ol style="list-style-type: none"> <li>(1B) Despite subsection (1A), it is still necessary to give at least 21 days notice of a meeting of a co-operative at which a resolution will be moved to remove an auditor under this section.</li> </ol>
section 329(8)	Strike out "Subject to subsection (9), the" and substitute "The".
section 329(9)	Strike out this subsection.
section 330	Strike out this section and substitute: <p style="text-align: center;"><b>330—Effect of winding up on office of auditor</b></p> <p style="text-align: center;">An auditor of a co-operative ceases to hold office if—</p> <ol style="list-style-type: none"> <li>(a) a special resolution is passed in accordance with section 312 of the Act for the voluntary winding up of the co-operative; or</li> <li>(b) a certificate is issued by the Commission for the winding up of the co-operative; or</li> <li>(c) an order is made by the Court for the winding up of the co-operative.</li> </ol>
section 331	Strike out "company" twice occurring and substitute, in each case, "co-operative".

Provision of Corporations Act amended	How amended
<i>Part 2M.7 (Sanctions for contraventions of Chapter)</i>	
section 344(1)	Strike out subsection (1) and substitute: <ol style="list-style-type: none"> <li>(1) A director of a co-operative contravenes this section if the director fails to take all reasonable steps to comply with, or to secure compliance with—               <ol style="list-style-type: none"> <li>(a) Part 2M.2 or 2M.3; or</li> <li>(b) if the co-operative, or a director or auditor of the co-operative, has been granted an exemption, or the co-operative is of a class of co-operatives that has been granted an exemption, from specified provisions of Part 2M.2 or 2M.3—a provision of those Parts from which the co-operative or director or auditor is not exempt or a condition attached to the exemption.</li> </ol> </li> </ol>

## Schedule 4—Prescribed information relating to proposed compromise or arrangement

### 1—Definitions

In this Schedule—

***internal creditor*** means—

- (a) a creditor who is a member of the co-operative; or
- (b) a relative, spouse or domestic partner of a member; or
- (c) a relative of the spouse or domestic partner of a member;

***Scheme*** means the proposed compromise or arrangement;

***scheme creditors*** means the creditors or class of creditors of a co-operative, to whom the Scheme would apply;

***scheme members*** means the members or class of members of a co-operative, to whom the Scheme would apply.

### 2—Prescribed information relating to proposed compromise or arrangement with creditors or class of creditors

- (1) The prescribed information which must be included in a draft explanatory statement or explanatory statement (as the case may be) in relation to a proposed compromise or arrangement between a co-operative and any of its creditors is—
  - (a) the expected dividend that would be available to scheme creditors if the co-operative were to be wound up within 6 months after the date of the hearing of the application to the Court for an order under section 335(1) of the Act; and
  - (b) if a composition of debts is proposed—the expected dividend that would be paid to scheme creditors if the Scheme were put into effect as proposed; and

- (c) a list of the names of all known scheme creditors and the debts owed to those creditors; and
  - (d) if a scheme creditor is known to be a guaranteed creditor—the name of the creditor and the amount of the debt owed; and
  - (e) if a scheme creditor is known to be an internal creditor—the name of the creditor and the amount of the debt owed.
- (2) The statement referred to in subclause (1) must contain a statement that an order under section 335(1) of the Act is not an endorsement of, or any other expression of opinion on, the Scheme.
- (3) The statement referred to in subclause (1) must contain or include—
- (a) a report on the affairs of the co-operative in or to the effect of the form approved by the Commission, showing the financial position of the co-operative as at a day within 1 month of the date on which it is intended to apply to the Court for an order under section 335(1) of the Act; and
  - (b) a copy, certified by a director or by the principal executive officer or a secretary of the co-operative to be a true copy, of all accounts and group accounts (if any) required to be laid before the co-operative at the annual general meeting, together with a copy of every document required by law to be annexed to the accounts; and
  - (c) if the co-operative the subject of the Scheme is a trustee—a statement—
    - (i) of the number of trusts administered by the trustee; and
    - (ii) whether the trustee carries on any business separate from that of the trust; and
    - (iii) how the scheme creditors may obtain a copy of the relevant trust deed, free of charge, prior to the date of the meeting; and
    - (iv) if the person (if any) who would be appointed to manage the Scheme proposes to charge for his or her services and for the services of his or her staff in accordance with a particular scale of charges, that scale of charges.

### **3—Prescribed information relating to proposed compromise or arrangement with members or a class of members**

- (1) The prescribed information which must be included in a draft explanatory statement or explanatory statement (as the case may be) in relation to a proposed compromise or arrangement between a co-operative and any of its members is—
- (a) unless the co-operative the subject of the Scheme is in the course of being wound up or is under official management—in relation to each director of the co-operative—
    - (i) whether the director recommends the acceptance of the Scheme or recommends against acceptance and, in either case, his or her reasons for so recommending; or
    - (ii) if the director is not available to consider the Scheme—that the director is not so available and the cause of his or her not being available; or
    - (iii) in any other case—that the director does not desire to make, or does not consider himself or herself justified in making, a recommendation and, if the director so requires, his or her reasons for not wishing to do so; or

- (b) if the co-operative is in the course of being wound up or is under official management—in relation to each liquidator or each official manager—
  - (i) whether he or she recommends acceptance of the Scheme or recommends against acceptance and, in either case his or her reasons for so recommending; or
  - (ii) in any other case—that the liquidator or official manager does not wish to make a recommendation and his or her reasons for not wishing to do so.
- (2) The statement referred to in subclause (1) must set out—
  - (a) the number, description and amount of marketable securities of the co-operative the subject of the Scheme held by or on behalf of each director of the co-operative or, if none are held by or on behalf of a director, a statement to that effect; and
  - (b) for each director of the co-operative by whom or on whose behalf shares in that co-operative are held, whether—
    - (i) the director intends to vote in favour of, or against, the Scheme; or
    - (ii) the director has not decided whether he or she will vote in favour of, or against, the Scheme; and
  - (c) if the other party to the proposed reconstruction or amalgamation is, or includes, a corporation—whether any marketable securities of the corporation are held by, or on behalf of, any director of the co-operative the subject of the Scheme and, if so, the number, description and amount of those marketable securities; and
  - (d) particulars of any payment or other benefit that is proposed to—
    - (i) be made or given to any director, secretary or executive officer of the co-operative the subject of the Scheme as compensation for loss of, or as consideration for or in connection with his or her retirement from, office in that co-operative or in a related body corporate; or
    - (ii) be made or given to any director, secretary or executive officer of any related body corporate as compensation for the loss of, or as consideration for or in connection with his or her retirement from, office in that body corporate or in the co-operative the subject of the Scheme; and
  - (e) if there is any other agreement or arrangement made between a director of the co-operative the subject of the Scheme and another person in connection with or conditional on the outcome of the Scheme—particulars of the agreement or arrangement; and
  - (f) if the object of the Scheme is for a co-operative to acquire control of another corporation that is a company—particulars of the nature and extent of any interest of a director of that company in any contract entered into by the co-operative; and
  - (g) whether, within the knowledge of the directors of the co-operative the subject of the Scheme, or, if the co-operative is in liquidation or under official management, the knowledge of the liquidator or the official manager, the financial position of the co-operative has materially changed since the date of the last balance sheet laid before the co-operative in general meeting and, if so, full particulars of any change; and

- (h) any other information material to the making of a decision in relation to the Scheme, being information that is within the knowledge of any director, liquidator or official manager of a co-operative the subject of the Scheme or of a related company and that has not previously been disclosed to the Scheme members.
- (3) If—
- (a) the other party to the proposed reconstruction or amalgamation of the co-operative the subject of the Scheme has a prescribed shareholding in the co-operative; or
  - (b) a director of any corporation that is the other party to the proposed reconstruction or amalgamation is a director of a co-operative the subject of the Scheme,
- the statement must include a copy of a report made by an expert who is not associated with the corporation that is the other party, stating whether or not, in his or her opinion, the proposed Scheme is in the best interest of the members of the co-operative the subject of the Scheme and setting out his or her reasons for that opinion.
- (4) If the co-operative the subject of the Scheme obtains 2 or more reports, each of which could be used for the purposes of subclause (3), the statement must include a copy of each report.
- (5) If—
- (a) the co-operative the subject of the Scheme obtains a report for the purposes of subclause (3); and
  - (b) the report contains—
    - (i) a forecast of the profits or profitability of the co-operative; or
    - (ii) a statement that the market value of an asset or assets of the co-operative or of a related body corporate differs from an amount at which the value of the asset or assets is shown in the books of the co-operative or the related body corporate,
- that report must not be included in the statement except with the consent in writing of the Commission and in accordance with such conditions (if any) as are stated by the Commission.
- (6) For the purposes of subclause (3)—
- (a) a person has a prescribed shareholding in a co-operative if he or she is entitled to not less than 30% of the voting shares in the co-operative;
  - (b) a person has a prescribed shareholding in a co-operative in which the voting shares are divided into 2 or more classes of shares, if he or she is entitled to not less than 30% of the shares in one of those classes.
- (7) If the consideration to be offered to scheme members consists, in whole or in part, of marketable securities issued, or to be issued, by a corporation, the statement must set out the formula to be applied to find out the number of marketable securities to be issued to each scheme member, and the basis on which that formula was developed.
- (8) If marketable securities of the same class as those referred to in subclause (7) are granted official quotation on a securities exchange, the statement must state the fact, specify the securities exchange concerned, and set out—
- (a) the latest recorded sale price before the date on which the statement is sent to the Commission; and

- (b) the highest and lowest recorded sale prices during the 3 months immediately before that date and the dates of the relevant sales; and
  - (c) if the Scheme has been the subject of a public announcement in newspapers or by any other means before the statement has been sent to the Commission—the latest recorded sale price immediately before the public announcement.
- (9) If the marketable securities referred to in subclause (8) are granted official quotation on more than one securities exchange, it is sufficient compliance with subclause (8)(a) and (c) if information on the marketable securities is given for the securities exchange at which there has been the greatest number of recorded dealings in the securities in the 3 months immediately before the date on which the statement is sent to the Commission.
- (10) If the securities referred to in subclause (8) have not been granted official quotation on a securities exchange, the statement must set out all the information that a director, liquidator or official manager of the co-operative the subject of the Scheme or of a related body corporate has about the number of securities that have been sold in the 3 months immediately before the date on which the explanatory statement was prepared and the price of those securities or, if that information or any part of that information cannot be ascertained, must include a statement to that effect.
- (11) The statement must set out particulars of the intentions of the directors of the co-operative the subject of the Scheme regarding—
  - (a) the continuation of the business of the co-operative or, if the undertaking, or any part of the undertaking, of a co-operative is to be transferred, how that undertaking or part is to be conducted in the future; and
  - (b) any major changes to be made to the business of the co-operative, including any redeployment of the fixed assets of the co-operative; and
  - (c) the future employment of the present employees of the co-operative.

## Schedule 5—Forms

### Form 1

#### Compulsory acquisition notice

*Co-operatives Act 1997*  
(section 350(1))

- 1 To.....  
of.....  
A The transferee (*insert name of person giving notice*) on (*insert date*) made an offer to the holders of \*shares in (*insert name*) Co-operative Limited/\*shares included in a class of shares in (*insert name*) Co-operative Limited for the transfer of those shares to the transferee, not being an offer made under a scheme or contract to which Division 2 of Part 11 of the *Co-operatives Act 1997* applies; and  
B The scheme or contract involving the transfer of those shares to the transferee was on or before (*insert date*) approved by the holders of at least 90 per cent in nominal value of all the shares concerned, other than excluded shares; and  
C You are a dissenting shareholder.
- 2 The transferee gives you notice under section 350(1) of the *Co-operatives Act 1997* that the transferee desires to acquire those shares held by you.
- 3 You are entitled under section 350(2) of the *Co-operatives Act 1997* to ask the transferee, by written notice given to the transferee within one month after the day on which this notice is given, to give you a statement in writing of the names and addresses of all other dissenting shareholders as shown in the register of members.
- \*4 You are entitled not later than the expiration of 28 days after the date on which this notice is given or 14 days after the date on which a statement is supplied to you under section 350(2) of the *Co-operatives Act 1997*, whichever is the later, to elect, by notice to the transferee, which of the alternative terms offered to the approving shareholders under the scheme or contract you prefer. The alternative terms are as follows: (*insert details*).
- 5 Unless, on application made by you within 28 days after the date on which this notice is given or within 14 days after a statement is supplied to you under section 350(2) of the *Co-operatives Act 1997*, the Supreme Court otherwise orders, the transferee will be entitled and bound subject to section 350(2) to acquire your shares—
  - (a) on the terms on which, under the scheme or contract, the shares of the approving shareholders are to be transferred to the transferee; or
  - (b) if alternative terms were offered—
    - (i) on the terms for which you have elected; or
    - (ii) if you have not so elected, on whichever of those terms the transferee determines unless the Supreme Court otherwise orders.

Dated

20

.....

(Signature of transferee)

\*Omit if not applicable

**Form 2****Notice to remaining shareholders**

*Co-operatives Act 1997*  
(section 352(1)(a))

- 1 To.....  
of.....
- A The transferee (*insert name of person giving notice*) on (*insert date*) made offers to the holders of shares \*in (*insert name of co-operative*) Limited/\*included in a class of shares in (*insert name of co-operative*) Limited for the transfer of those shares to the transferee, not being offers made under a scheme or contract to which Division 2 of Part 11 of the *Co-operatives Act 1997* applies; and
- B Under the scheme or contract the transferee became on (*insert date*) beneficially entitled to shares in that co-operative which together with any other shares in that co-operative to which the transferee, or the transferee and any corporation related to the transferee, is beneficially entitled, comprise or include 90 per cent in nominal value of the shares concerned; and
- C You are the holder of remaining shares \*in that co-operative/\*included in that class of shares in that co-operative and have not assented to the scheme or contract or been given notice in respect of those shares by the transferee under section 350(1) of the *Co-operatives Act 1997*.
- 2 The transferee gives you notice under section 352(1)(a) of the *Co-operatives Act 1997* that under that scheme or contract the transferee on (*insert date*) became beneficially entitled to shares in (*insert name of co-operative*) Limited and those shares together with any other shares in that co-operative to which the transferee, or the transferee and any corporation related to the transferee, is beneficially entitled, comprise or include 90% in nominal value of the shares \*in that co-operative/\*included in that class of shares in that co-operative.
- 3 You are entitled under section 352(1)(b) of the *Co-operatives Act 1997*, within 3 months after being given this notice, by notice to the transferee to require the transferee to acquire your shares.
- \*4 You are entitled under section 352(1)(b) of the *Co-operatives Act 1997*, within 3 months after being given this notice to elect by notice to the transferee which of the alternative terms offered to the approving shareholders under the scheme or contract you will accept. The alternative terms are as follows: (*insert details*)
- 5 If you require the transferee to acquire the shares held by you the transferee will be entitled and bound to acquire those shares—
- (a) on the terms that under the scheme or contract were offered to the approving shareholders; or
- (b) if alternative terms were offered—
- (i) on the terms for which you have elected; or
- (ii) if you have not so elected, on whichever of the terms the transferee determines; or
- (c) on such other terms as are agreed or as the Supreme Court on the application of the transferee or of yourself orders.

Dated 20

.....  
(Signature of transferee)

\*Omit if not applicable



**Form 3****Notice requiring production of documents or appearance to answer questions**

*Co-operatives Act 1997*  
(section 388(1))

To: *(name of co-operative or person)*

In relation to an inspection of *(name of co-operative)*, you are required—

- \*(a) to produce to me on *(date)* at *(time)* at *(full details of place)* the documents specified in the Schedule to this notice relating to the co-operative; and
- \*(b) to attend on *(date)* at *(time)* before *(name if inspector)* at *(full details of place)* to answer any questions relating to the promotion, formation, membership, control, transactions, dealings, business or property of the co-operative.

Please note section 393 of the Act (relating to self-incrimination).

**Schedule**

.....  
Signed by the Inspector

.....  
Date

\*Omit if not applicable

**Form 4****Notice to produce documents, give assistance or to appear for examination at inquiry**

*Co-operatives Act 1997*  
(sections 400 & 401)

To: *(name of involved person)*

In relation to an inquiry into the affairs of *(name of co-operative)*, you are required:

- \*(a) to produce to me on *(date)* at *(time)* at *(full details of place)* the documents referred to in the Schedule to this notice that are in your custody or control and that relate to the affairs of *(name of co-operative)*;
- \*(b) to give all reasonable assistance in connection with the inquiry;
- \*(c) to appear on *(date)* at *(time)* before *(name of investigator)* at *(full details of place)* for examination on oath or affirmation.

Please note the provisions of section 401(1) of the Act (relating to legal representation) and sections 401(2) and (3) of the Act (relating to self-incrimination).

**Schedule**

.....  
Signed by the Investigator

.....  
Date

\*Delete if not applicable

## Schedule 6—Fees

1	Application to Commission for approval of proposed disclosure statement— section 17 of Act	\$326.00
2	Application to Commission for approval of proposed rules—section 18 of Act	\$164.00
3	Application to Commission for registration of proposed co-operative—section 19 of Act	\$164.00
4	Application to Commission for registration—existing body corporate—section 24 of Act	\$164.00
5	Issue of duplicate certificate—section 35 of Act	\$41.00
6	Application for Commission's certificate—section 61(2) of Act	\$41.00
7	Application to Commission for approval of alteration to rules—section 107 of Act—	
	(a) for each rule	\$12.90
	(b) maximum fee	\$129.00
8	Registration of rule alteration—section 110(2) of Act	\$41.00
9	Issue of certificate of registration of rule alteration—section 110(4) of Act	\$41.00
10	Application to the Commission for determination of a member's eligibility to vote— section 122(3) of Act	\$164.00
11	Application to Commission for exemption—section 142 of Act	\$326.00
12	Application to Commission for exemption—section 144B of Act	\$326.00
13	Application to Commission for approval of proposed disclosure statement— section 150 of Act	\$326.00
14	Application to Commission for review—section 181 of Act	\$326.00
15	Lodgment of special resolution—section 192 of Act	\$41.00
16	Application to Commission for approval of proposed disclosure statement— section 195 of Act	\$326.00
17	Application to Commission for exemption—section 234 of Act	\$326.00
18	Approval of office where register to be kept—section 240(1)(d) of Act	\$41.00
19	Lodgment of annual report—section 244 of Act	\$81.00
20	Application to Commission for approval of abbreviation or elaboration of name— section 248(e) of Act	\$41.00
21	Application to Commission for approval of name change—section 250(1) of Act	\$41.00
22	Submission to Commission of disclosure statement (section 253 of Act— regulation 19)	\$326.00
23	Filing a disclosure document under section 727 of Corporations Act as applied by section 258 of Act	\$2 312.00
24	Application to Commission for exemption—section 258(4) of Act	\$326.00
25	Application to Commission for approval of proposed disclosure statement— section 259 of Act	\$326.00
26	Application to Commission for approval of proposed disclosure statement— section 262 of Act	\$326.00
27	Application to Commission for exemption—section 270 of Act	\$326.00
28	Application to Commission for approval of maximum share interest—section 275(5) of Act	\$326.00

29	Inspection of register of notifiable interests—maximum fee that co-operative may require—section 280(3)(b) of Act	\$41.00
30	Application to Commission for exemption—section 284 of Act	\$326.00
31	Application to Commission for approval of share offer—section 286 of Act	\$326.00
32	Application to Commission for extension of period of offer—section 288(5) of Act	\$81.00
33	Application to Commission for exemption—section 292 of Act	\$326.00
34	Application for Commission's consent—section 295(2) of Act	\$81.00
35	Application to Commission for approval of proposed disclosure statement—section 296(2) of Act	\$326.00
36	Application to Commission for exemption—section 296(4) of Act	\$326.00
37	Application to Commission for approval of merger or transfer of engagements—section 297 of Act	\$326.00
38	Application to Commission for exemption—section 302(3) of Act	\$326.00
39	Filing an application for the Commission to exercise powers conferred by section 601AE or section 601AF of Corporations Act as applied by section 311 of Act	\$319.00
40	Application to Commission for exemption—section 312(2) of Act	\$326.00
41	Application for Commission's permission—section 336(1) of Act	\$81.00
42	Application to Commission for direction—section 338(1)(f) of Act	\$326.00
43	Application to Commission for approval of explanatory statement—section 345(1) of Act	\$814.00
44	Application to Commission for registration—section 364 of Act	\$164.00
45	Application to Commission for registration—section 365 of Act	\$814.00
46	Application to Commission for certificate of compliance—section 373 of Act	\$976.00
47	Application for South Australian Registrar's consent—section 376	\$81.00
48	Application to South Australian Registrar for approval of proposed disclosure statement—section 377(2) of Act	\$326.00
49	Application to South Australian Registrar for exemption—section 377(4) of Act	\$326.00
50	Application to South Australian Registrar for approval of merger or transfer of engagements—section 378 of Act	\$326.00
51	Application to Commission for special meeting—section 415(1)(a) of Act	\$326.00
52	Application to Commission for inquiry—section 415(1)(b)	\$814.00
53	Application to Commission for extension or abridgment of time—section 421	\$81.00
54	Inspection of a register or document—section 427(1)(a) and (b) of Act	\$23.70
55	Copy of, or copy of an extract from, an entry in a register, a certificate of incorporation, an acknowledgment of registration or a document held or registered by the Commission—section 427(1)(c) of Act (in addition to the fee payable under clause 54)—	
	(a) for a certified copy—	
	(i) for 1 page	\$23.70
	(ii) for each additional page or part of a page	\$1.35
	(b) for an uncertified copy—	
	(i) for 1 page	\$5.15

	(ii) for each additional page or part of a page	\$1.35
56	Application to Commission for permission to give notice by newspaper— section 451(2)(c)(iii) of Act	\$81.00
57	Request for certificate—Schedule 3, clause 42 of Act	\$41.00
58	Application to Commission for exemption—Schedule 3, clause 44 of Act	\$326.00
59	Application to Commission for direction—Schedule 4, clause 3(1)(f) of Act	\$326.00
60	Inspection of managing controller's report—Schedule 4, clause 12(3)(b) of Act	\$23.70
61	Late lodgment of a document (in addition to any lodgment fee provided by any other item for the lodgment of that document)—	
	(a) if lodged within 1 month after the prescribed time	\$47.75
	(b) if lodged more than 1 month but within 3 months after the prescribed time	\$147.00
	(c) if lodged more than 3 months after the prescribed time	\$246.00

## Schedule 7—Revocation and transitional provision

### 1—Revocation of regulations

The *Co-operatives Regulations 1997* are revoked.

### 2—Removal and resignation of auditor

A consent to the resignation of an auditor given by the Commission under section 53(7) of the *Co-operatives Act 1983* is to be taken to be a consent given by the Commission under section 329(6) of the *Corporations Law* as adopted by regulation 13 and modified under section 10(3) of the Act.

#### Note—

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

### Made by the Governor

with the advice and consent of the Executive Council  
on 23 August 2012

No 189 of 2012

AGO0201/12CS

South Australia

# Liquor Licensing (General) Regulations 2012

under the *Liquor Licensing Act 1997*

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### Part 1—Preliminary

#### 1—Short title

These regulations may be cited as the *Liquor Licensing (General) Regulations 2012*.

#### 2—Commencement

These regulations will come into operation on 1 September 2012.

#### 3—Interpretation

In these regulations—

*Act* means the *Liquor Licensing Act 1997*;

*alcohol based food essence* means a food flavouring preparation—

- (a) that at 20° Celsius contains more than 1.15% alcohol by volume; and
- (b) that is packaged—
  - (i) in the case of vanilla essence—in a container of more than 100 millilitres capacity; or
  - (ii) in any other case—in a container of more than 50 millilitres capacity;

*alcoholic ice confection* means a preparation—

- (a) that at 20° Celsius is a liquid that contains more than 1.15% alcohol by volume; and
- (b) that is intended for human consumption in a frozen or partially frozen state;

*duty free shop* means a shop or store the subject of a warehouse licence issued under the *Customs Act 1901* of the Commonwealth.

### Part 2—Definitions

#### 4—Definition of entertainment

For the purposes of paragraph (b) of the definition of *entertainment* in section 4 of the Act, entertainment includes a visual display but not if provided by means of a television screen the dimensions of which do not exceed 2 metres by 2 metres.

#### 5—Definition of liquor

For the purposes of the definition of *liquor* in section 4 of the Act, alcohol based food essence and alcoholic ice confection are declared to be liquor for the purposes of the Act.

#### 6—Definition of regulated premises

For the purposes of the definition of *regulated premises* in section 4 of the Act, the areas surrounding AAMI Stadium in West Lakes shown as the hatched areas on the plan in Schedule 1 are declared not to be regulated premises.

## Part 3—Licences

### 7—Cases where licence is not required

- (1) For the purposes of section 30(c) of the Act, a course of instruction or training of which the tasting, sampling or use of liquor is an essential part held by any of the following institutions is an approved course:
  - (a) Workers' Educational Association of South Australia Incorporated;
  - (b) Australian Hotels' Association (S.A. Branch);
  - (c) Licensed Clubs' Association of South Australia Incorporated;
  - (d) The South Australian Restaurant Association Incorporated;
  - (e) South Australian Wine Industry Association Incorporated;
  - (f) United Voice (S.A Branch);
  - (g) The Hotel Motel & Accommodation Association of South Australia Incorporated;
  - (h) The Licensed Club Industry Training Foundation of South Australia;
  - (i) a tertiary educational institution.
- (2) For the purposes of section 30(h) of the Act, the sale of liquor is exempted from the application of the Act in each of the following cases:
  - (a) the sale of liquor to a person—
    - (i) who proposes to travel outside Australia and to take the liquor with him or her when he or she does so; and
    - (ii) who purchases the liquor in a duty free shop;
  - (b) the sale of liquor to the operator of a duty free shop for the purposes of resale in that shop;
  - (c) the sale of liquor at cottage or bed and breakfast style accommodation premises with accommodation for a maximum of 8 persons if—
    - (i) the supply of liquor is complimentary; and
    - (ii) the liquor is supplied to a person of or above the age of 18 years accommodated at the premises; and
    - (iii) the liquor has been purchased from the holder of a producer's licence at the producer's premises in the vicinity of the premises; and
    - (iv) —
      - (A) the supply of liquor is ancillary to the provision of the accommodation, the liquor is delivered to the person at that part of the premises where the person is accommodated and the volume of liquor supplied does not exceed 2 litres per accommodation booking; or
      - (B) the supply of liquor is ancillary to a meal hosted by the operator of the premises and the volume of liquor supplied does not exceed 1 litre per person; or

- (C) the supply of liquor is ancillary to the supply of a picnic basket and the volume of liquor supplied does not exceed 1 litre per person who may reasonably be expected to consume the contents of the picnic basket;
- (d) the sale of liquor in the course of the business of selling flowers or confectionery or other food to be delivered as a gift to a person other than the purchaser if—
  - (i) the liquor is delivered by the vendor, together with the flowers or confectionery or other food, directly to the donee of the gift (or to another person of or above the age of 18 years) at a place other than the premises at which the business is conducted; and
  - (ii) the liquor has been purchased by the person conducting the business from the holder of a hotel licence, retail liquor merchant's licence, producer's licence or special circumstances licence; and
  - (iii) the volume of liquor supplied in respect of each sale does not exceed 2 litres; and
  - (iv) both the purchaser and the donee of the gift are of or above the age of 18 years;
- (e) the sale of an alcohol based food essence if—
  - (i) the sale is by wholesale; or
  - (ii) the sale is made door-to-door to a person of or above the age of 18 years;
- (f) the sale of liquor comprised of goods listed or registered in the Australian Register of Therapeutic Goods under the *Therapeutic Goods Act 1989* of the Commonwealth;
- (g) the sale of liquor at a hospital, nursing home or other institution the purpose of which is to care for sick or elderly patients for consumption at the hospital, nursing home or other institution by patients of the hospital, nursing home or other institution;
- (h) the sale of liquor by a ship's providore to the master of the ship for supply as an allowance to a member of the ship's crew;
- (i) the sale of liquor within South Australia by the operator of an aircraft to a passenger on the aircraft in the course of a flight (other than a flight that both begins and ends in South Australia) for consumption during that flight;
- (j) the sale of wine by or on behalf of Birdwood High School, Blackfriars Priory School, Clare High School, Gladstone High School, Hamilton Secondary College, Lucindale Area School, Nuriootpa High School, Oakbank Area School, Renmark High School, Riverton & District High School, Streaky Bay Area School, Urrbrae Agricultural High School or Willunga High School if—
  - (i) the wine is produced as part of a course in viticulture or winemaking offered by the school or college and sold as part of, or for the purposes of, that course; and
  - (ii) the sale is made by and to a person of or above the age of 18 years;
- (k) the sale of wine by or on behalf of Roma Mitchell Secondary College, Valley View Secondary School or Windsor Gardens Vocational College (the *exempt schools*) if—



- (i) the wine is produced as part of a course in winemaking offered by Roma Mitchell Secondary College and sold by or on behalf of an exempt school that contributes as part of its curriculum to the production, promotion or sale of the wine; and
- (ii) the sale is made by and to a person of or above the age of 18 years.

## **8—Annual fees**

- (1) For the purposes of section 50A of the Act and subject to this regulation, the annual fee for a licence is payable on or before 30 June in each year and is payable in advance in respect of the following financial year (that is, the 12 months commencing on 1 July and ending on the following 30 June).
- (2) If, on 30 June in a year, a licence is suspended (other than for disciplinary reasons), the annual fee for the licence is not payable on or before that day in that year, but, if the licence ceases to be suspended during the following financial year, the annual fee for the licence in respect of that financial year is payable on or before the day that is 28 days after the day on which the licence ceases to be suspended.
- (3) The annual fee payable under subregulation (2) is to be adjusted on a pro rata basis by applying the proportion that the number of months from the cessation of the suspension until the next 30 June bears to 12 (with part of a month being counted as a whole month).
- (4) However, the following applies in respect of the 2012/2013 financial year:
  - (a) if, on 30 June 2012, a licence was not suspended or was suspended for disciplinary reasons, the annual fee for the licence is payable on or before 31 December 2012;
  - (b) if, on 30 June 2012, a licence was suspended (other than for disciplinary reasons) but the licence ceases to be suspended at any time on or before 31 December 2012, the annual fee for the licence is payable on or before 31 December 2012;
  - (c) if, on 30 June 2012, a licence was suspended (other than for disciplinary reasons) and the licence remains suspended for the whole of the period from 1 July 2012 to 31 December 2012, the annual fee for the licence is not payable on or before 31 December 2012, but, if the licence ceases to be suspended at any time before the end of the 2012/2013 financial year, the annual fee for the licence is payable on or before the day that is 28 days after the day on which the licence ceases to be suspended;
  - (d) the annual fee payable under paragraph (b) or (c) is to be adjusted on a pro rata basis by applying the proportion that the number of months from the cessation of the suspension until the next 30 June bears to 12 (with part of a month being counted as a whole month).
- (5) Despite Schedule 3, no fee is payable for an application for a variation of trading hours or the imposition, variation or revocation of a licence condition so as to reduce the trading hours or reduce the capacity of the licensed premises contemplated by the licence and effect a reduction in the annual fee for the licence.

## **9—Waiver, reduction or refund of fees**

The Commissioner may, in his or her absolute discretion, waive, reduce or refund fees in exceptional circumstances that, in the opinion of the Commissioner, warrant the exercise of the discretion.

## Part 4—Applications and objections

### 10—Plans to accompany applications

- (1) For the purposes of section 51(1)(b) of the Act—
  - (a) an application to a licensing authority for a licence (not being a limited licence) or for removal of such a licence must be accompanied by plans of the premises in respect of which the licence is sought;
  - (b) an application to a licensing authority for approval of an alteration or proposed alteration to the licensed premises must be accompanied by plans of the alterations;
  - (c) an application to a licensing authority for redefinition of licensed premises must be accompanied by plans of the redefinition;
  - (d) an application to a licensing authority for designation of a part of licensed premises as a dining area or a reception area must be accompanied by plans of the areas;
  - (e) an application to a licensing authority for an authorisation to sell liquor in an area adjacent to the licensed premises must be accompanied by plans of the adjacent area.
- (2) In each case, the plans must, subject to subregulation (3), comply with the following requirements:
  - (a) the plans must be on paper of dimensions not larger than international size A1 paper and not smaller than international size A3 paper;
  - (b) the plans must indicate the scale to which they are drawn;
  - (c) the plans must include floor plans and site plans reasonably required for proper consideration of the application;
  - (d) the plans must be signed by the applicant;
  - (e) the plans must, if the licensing authority so requires, be certified by a registered architect or a registered surveyor.
- (3) The Commissioner may authorise plans to be submitted by electronic means and to be endorsed by the applicant by some means other than signature.
- (4) For the purposes of section 51(1)(b) of the Act, an application to a licensing authority for a limited licence must, if the licensing authority so requires, be accompanied by plans (complying with the requirements of the licensing authority) of the premises in which the sale or consumption of liquor is to be authorised by the licence.

### 11—Time limitation for application for limited licence

For the purposes of section 51(1)(c) of the Act, an application for a limited licence must be made—

- (a) if the special occasion or series of special occasions in respect of which the licence is sought will extend over more than 3 days—at least 60 days before the commencement of the occasion or the first occasion in the series;
- (b) in any other case—at least 14 days before the commencement of the special occasion or the first special occasion in the series of special occasions in respect of which the licence is sought.

## **12—Requirements relating to advertising of applications**

- (1) For the purposes of section 52(2)(b) of the Act, the required advertisement must be in the form of form 1 set out in Schedule 2.
- (2) For the purposes of section 52(2)(c) of the Act, the required notice—
  - (a) must be in the form of form 1 set out in Schedule 2; and
  - (b) must be on paper of dimensions not smaller than international size A2 paper; and
  - (c) must include a heading that is in bold faced letters of a height of at least 20 millimetres in height; and
  - (d) must otherwise be in a typeface that is at least 10 millimetres in height.

## **13—Order for determining applications**

- (1) For the purposes of section 54 of the Act, applications for new licences must, subject to subregulation (2), be determined in the order in which they are received by the licensing authority.
- (2) A licensing authority may, if satisfied that special circumstances justify it doing so, hear and determine particular applications together regardless of the order in which they were received.

## **14—Form of notice of objection**

For the purposes of section 77(1) of the Act, a notice of objection to an application must be in the form of form 2 set out in Schedule 2.

## **Part 5—Conduct of licensed business**

### **15—Record of lodgers**

For the purposes of section 101(2)(c) of the Act, the record kept under that section must include the following information in respect of each lodger:

- (a) the date on which the lodger took up lodgings; and
- (b) by means of a number or other unambiguous description, the room assigned to the lodger.

## **Part 6—Minors**

### **16—Notices relating to minors**

For the purposes of sections 111(2), 112(5) and 113(1) of the Act, each of the notices required by those sections—

- (a) must be, respectively, in the form of form 3, 4 and 5 set out in Schedule 2; and
- (b) must be printed—
  - (i) in bold faced letters of a height of at least 10 millimetres; and
  - (ii) in a colour or colours contrasting with the background; and
  - (iii) on paper of dimensions not smaller than international size A3 paper.

## 17—Classes of minors allowed in certain licensed premises

For the purposes of section 112(6) of the Act, the following classes of minors are exempt from the ambit of section 112:

- (a) minors who—
  - (i) are at least 16 years of age; and
  - (ii) are engaged in providing entertainment of a kind that does not involve any person being nude, partially nude or in transparent clothing;
- (b) minors who—
  - (i) are at least 16 years of age; and
  - (ii) are engaged in performing duties as employees of the licensee.

## 18—Evidence of age

For the purposes of section 115(1) of the Act, a prescribed person may require a suspected minor to produce evidence as follows:

- (a) a current photographic driver's licence issued under the *Motor Vehicles Act 1959* or under a corresponding law of another State or a Territory; or
- (b) a current photographic Proof of Age card issued by the Registrar of Motor Vehicles or by a corresponding public authority of the Commonwealth or another State or a Territory; or
- (c) a current passport issued by the Commonwealth or under the law of another country, bearing a photograph of the person and enabling the age of the person to be determined; or
- (d) a current photographic Keypass identification card issued by Alfa Omega Nominees Pty Ltd, trading as The Commonwealth Key & Property Register.

## Part 7—Special powers and enforcement

### 19—Barring orders

- (1) For the purposes of section 126 of the Act, an order barring a person from licensed premises under Part 9 Division 3 Subdivision 2 of the Act (a **licensee barring order**) must—
  - (a) specify the name of the person to be barred under the licensee barring order; and
  - (b) if known, specify the address of the person to be barred; and
  - (c) specify the name and address of the licensed premises from which the person is to be barred; and
  - (d) specify the period for which the person is to be barred, including the times at which the period commences and ends; and
  - (e) contain a brief description of the grounds on which the person is to be barred; and
  - (f) include a statement warning the person that it is an offence if the person enters or remains on premises from which the person is barred during the period specified in the licensee barring order; and
  - (g) include information about the circumstances in which a licensee barring order may be reviewed under section 128 of the Act; and

- (h) be signed and dated by the licensee or responsible person issuing the licensee barring order.
- (2) For the purposes of section 126 of the Act, an order revoking a licensee barring order (a ***licensee revocation order***) must—
- (a) specify the name of the person barred under the licensee barring order and, if known, the person's address; and
  - (b) specify the date on which the licensee barring order was issued; and
  - (c) specify the name and address of the licensed premises from which, and the period for which, the person is barred under the licensee barring order; and
  - (d) contain a statement to the effect that the licensee barring order is revoked; and
  - (e) be signed and dated by the licensee or responsible person issuing the licensee revocation order.
- (3) For the purposes of section 126 of the Act, an order barring a person from licensed premises under Part 9 Division 3 Subdivision 3 of the Act (a ***police barring order***) must—
- (a) be clearly marked with a unique identifier (comprising a combination of letters and numbers); and
  - (b) specify the following personal details of the person to be barred under the police barring order:
    - (i) the person's full name;
    - (ii) the person's date of birth;
    - (iii) either (or both) the person's residential and business address; and
  - (c) in respect of licensed premises from which the person is to be barred—
    - (i) if the person is to be barred from specified licensed premises—specify the name and address of the premises; and
    - (ii) if the person is to be barred from licensed premises of a specified class—specify—
      - (A) the class; and
      - (B) the names and addresses of premises within that class; and
    - (iii) if the person is to be barred from licensed premises of a specified class within a specified area—specify—
      - (A) the class; and
      - (B) the area; and
      - (C) the names and addresses of premises of that class within that area; and
    - (iv) if the person is to be barred from all licensed premises within a specified area—specify—
      - (A) the area; and
      - (B) the names and addresses of premises within that area; and
  - (d) specify the period for which the person is to be barred, including the times at which the period commences and ends; and

- (e) contain a brief description of the grounds on which the person is to be barred; and
  - (f) include a statement warning the person that it is an offence if the person enters or remains on premises from which the person is barred during the period specified in the police barring order; and
  - (g) include information about the circumstances in which a police barring order may be reviewed under section 128 of the Act; and
  - (h) specify the name, rank and identification number of the police officer issuing the police barring order; and
  - (i) specify the name, rank and identification number of the senior police officer authorising the issuing of the police barring order; and
  - (j) be signed and dated by the police officer issuing the police barring order.
- (4) For the purposes of section 126 of the Act, an order revoking a police barring order (a ***police revocation order***) must—
- (a) specify the unique identifier for the police barring order; and
  - (b) specify the following personal details of the person barred under the police barring order:
    - (i) the person's full name;
    - (ii) the person's date of birth;
    - (iii) either (or both) the person's residential and business address; and
  - (c) in respect of licensed premises from which the person is barred under the police barring order—
    - (i) if the person is barred from specified licensed premises—specify the name and address of the premises; and
    - (ii) if the person is barred from licensed premises of a specified class—specify—
      - (A) the class; and
      - (B) the names and addresses of premises within that class; and
    - (iii) if the person is barred from licensed premises of a specified class within a specified area—specify—
      - (A) the class; and
      - (B) the area; and
      - (C) the names and addresses of premises of that class within that area; and
    - (iv) if the person is barred from all licensed premises within a specified area—specify—
      - (A) the area; and
      - (B) the names and addresses of premises within that area; and
  - (d) contain a statement to the effect that the police barring order is revoked; and
  - (e) specify the name, rank and identification number of the police officer issuing the police revocation order; and

- (f) specify the name, rank and identification number of the senior police officer authorising the issuing of the police revocation order; and
- (g) be signed and dated by the police officer issuing the police revocation order.

## **20—Procedures relating to prevention of persons from entering or removal of persons from licensed premises**

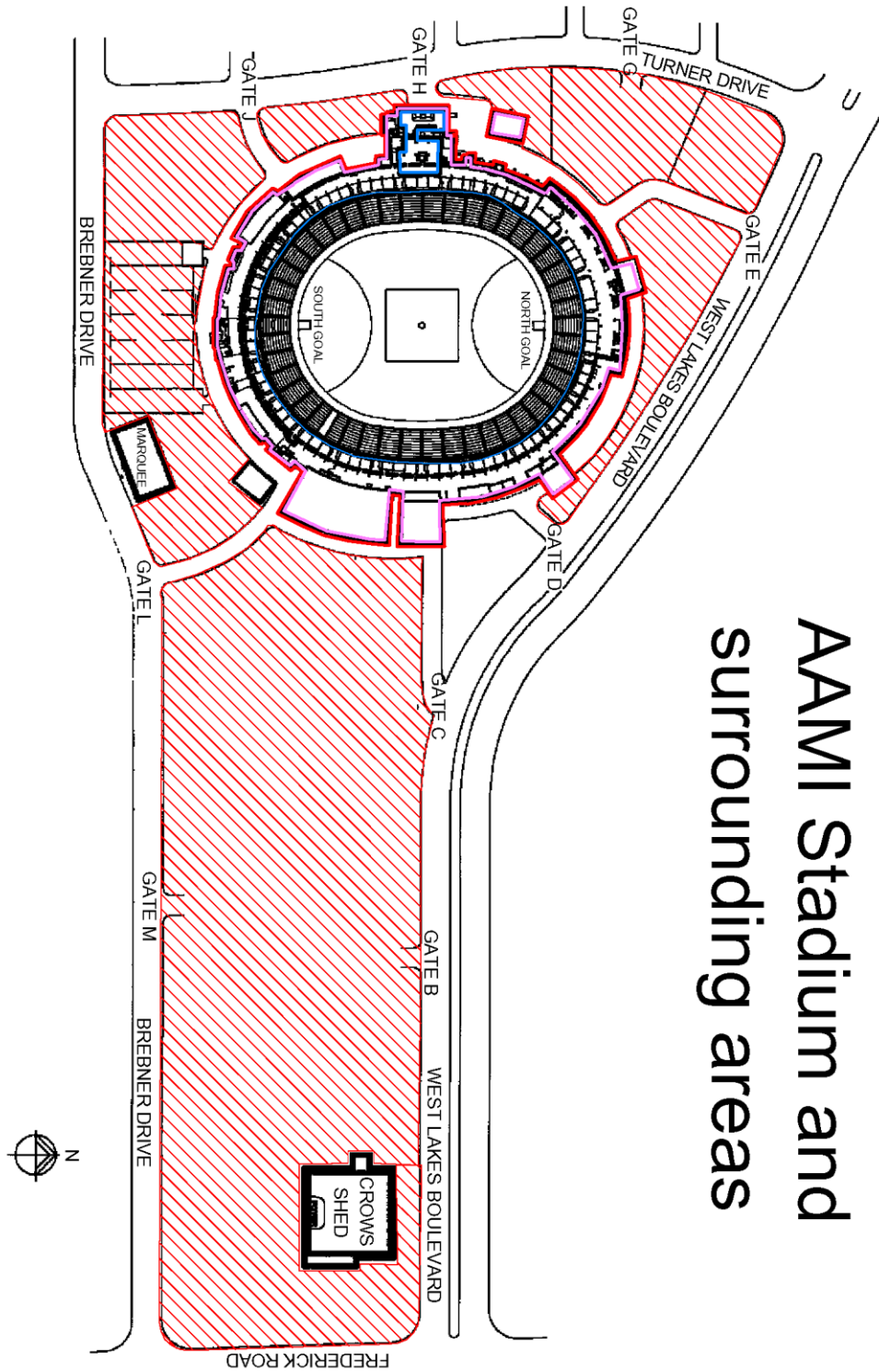
For the purposes of section 137B(1) and (2) of the Act, the following procedures are prescribed as procedures to be observed by authorised persons in or in connection with the prevention of persons from entering, or the removal of persons (including minors) from, licensed premises or a part of licensed premises:

- (a) an authorised person must, if practicable, before using force to prevent a person from entering, or remove a person from, licensed premises—
  - (i) advise the person that he or she is authorised under the Act to use reasonable force to prevent persons from entering, or remove persons from, licensed premises; and
  - (ii) explain that he or she will, unless the person agrees that he or she will not enter the premises, or agrees to leave the premises, use force to prevent the person from entering, or remove the person from, the premises;
- (b) an authorised person must not, while using force to prevent a person from entering, or remove a person from, licensed premises, hold the person above the person's shoulders, or undertake any other action in respect of the person, in a way that could prevent or restrict the inhalation of air by the person or cause the person to suffer asphyxia (unless the action is necessary in self-defence);
- (c) as soon as reasonably practicable following an incident involving the use of force to prevent a person from entering, or remove a person from, licensed premises, each authorised person involved in the incident (other than a police officer) must, if he or she is not the licensee, report the incident to the licensee in writing, and must include in the report the details required to be recorded in the register to be maintained by the licensee under paragraph (d);
- (d) a licensee of licensed premises must ensure—
  - (i) that a record of each incident involving the use of force by an authorised person (other than a police officer) to prevent a person from entering, or remove a person from, the premises is entered in a register of such incidents; and
  - (ii) that the register identifies the licensed premises; and
  - (iii) that each entry in the register—
    - (A) includes the following details:
      - the date and time of the incident;
      - the name of the responsible person for the licensed premises at the time of the incident;
      - whether the incident related to prevention of entry or removal from premises;
      - whether the incident involved a minor;
      - the name or badge number of the authorised person;

- the grounds for the use of force;
  - if known, the name, address and date of birth of the person prevented from entering or removed and of any witness to the incident;
  - a description of any injuries sustained by any person as a result of the incident;
  - whether a police officer attended the incident and, if so, the name or badge number of the police officer;
  - a description of the incident and any preceding events;  
and
- (B) is dated and signed by the licensee or responsible person; and
- (C) is retained for at least 1 year following the occurrence of the incident; and
- (iv) that the register is kept on the licensed premises and is readily available for inspection or copying by an authorised officer (within the meaning of section 122 of the Act).



### Schedule 1—Areas surrounding AAMI Stadium declared not to be regulated premises



**AAMI Stadium and  
surrounding areas**

## Schedule 2—Forms

### Form 1—Notice of application under *Liquor Licensing Act 1997*

*[Insert full name and address of applicant]* has applied to the licensing authority for *[insert category of application and category of licence as follows:*

*grant of a [hotel] licence*  
*transfer of a [hotel] licence*  
*removal of a [hotel] licence*  
*an extended trading authorisation for a [hotel] licence*  
*conversion of a temporary [hotel] licence into a permanent licence*  
*a condition authorising sale of liquor under a club licence for consumption off the licensed premises*  
*consent to use part of licensed premises or area adjacent to licensed premises to provide entertainment under a [hotel] licence*  
*variation of trading hours previously fixed in relation to a [hotel] licence]*

in respect of premises *[insert situated at or to be situated at, as appropriate]* *[insert address of premises]* and *[insert known as or to be known as, as appropriate]* *[insert name]*.

\*The following licence conditions are sought in the application: *[insert description of conditions]*

\* Include only if applicable

The application has been set down for hearing on *[insert date provided by licensing authority]*.

Any person may object to the application by lodging a notice of objection in the prescribed form at least 7 days before the hearing date with:

Liquor and Gambling Commissioner *[Insert current address, phone number and fax number]*

A copy of the notice of objection must be served by the objector on the applicant at least 7 days before the hearing date at: *[insert address for service of applicant]*.

The application and certain documents and material (including plans) relevant to the application may be inspected without fee at a place and during a period specified by the Liquor and Gambling Commissioner.

### Form 2—Notice of objection to application under *Liquor Licensing Act 1997*

Objector: *[Insert full name]*

Contact details of objector: *[Insert address, phone number, fax or email address]*

Name of applicant: *[Insert name as set out in notice of application]*

Type of application: *[Insert type as set out in notice of application]*

Address of licensed premises or proposed licensed premises: *[Insert address as set out in notice of application]*

Hearing date of application: *[Insert date as set out in notice of application]*

Objection is made on the following grounds: *[Insert grounds—an objection may only be made on grounds listed in section 77(5) or 78 of the Liquor Licensing Act 1997]*

Tick one box and fill in the details:

I served a copy of this notice on the applicant on *[insert date]*

I have not served a copy of this notice on the applicant but will do so at least 7 days before the hearing date

Date:

Objector's signature:

### **Form 3—*Liquor Licensing Act 1997* section 111**

Persons under 18 not to enter



This area is out of bounds to persons under 18.

Persons suspected of being under 18 may be required to provide evidence of their age.

*[The sides of the octagon in the stop sign symbol must be at least 5 centimetres in length.]*

### **Form 4—*Liquor Licensing Act 1997* section 112**

Persons under 18 not to enter



This area is out of bounds to persons under 18 between *[insert relevant hours, that is 9 pm on one day and 5 am of the next OR midnight on one day and 5 am of the next]*

Persons suspected of being under 18 may be required to provide evidence of their age

*[The sides of the octagon in the stop sign symbol must be at least 5 centimetres in length.]*

### **Form 5—*Liquor Licensing Act 1997* section 113**

Liquor must not be supplied to persons under 18

You must be at least 18 to consume liquor on these premises.

A person under 18 who obtains or consumes liquor on these premises, and the person who supplies liquor to the person under 18, are each guilty of an offence.

Persons suspected of being under 18 may be required to provide evidence of their age.

**Note—**

Section 114 provides that a person under 18 who obtains or consumes liquor on regulated premises, and any person who supplies liquor to the person under 18, are each guilty of an offence (max. fine: \$2 500).

## **Schedule 3—Fees and default penalties**

1	Application for the grant of a licence other than a limited licence	\$489.00
2	Application for the grant of a limited licence—	
	(a) if the licence is sought for 1 function lasting 1 day or less	\$40.75

	(b) if the licence is sought for more than 1 function held on the same day (for each function)	\$40.75
	(c) if the licence is sought for 1 or more functions lasting more than 1 day (for each day of each function or part of a day)	\$40.75
	However, no fee is payable for an application for a limited licence if the licence is granted for a function or functions that, in the opinion of the licensing authority, are to be held for charitable or other community purposes.	
3	Application for an extended trading authorisation	\$489.00
4	Application for removal of a licence	\$489.00
5	Application for transfer of a licence	\$489.00
6	Application for—	
	(a) approval of an alteration or proposed alteration to licensed premises	\$105.00
	(b) redefinition of licensed premises as defined in the licence	\$105.00
	(c) designation of part of licensed premises as a dining area or reception area	\$105.00
7	Application for authorisation to sell liquor in an area adjacent to licensed premises	\$105.00
8	Application for a variation of trading hours or for the imposition, variation or revocation of a condition of the licence	\$489.00
	However, no fee is payable if the application is to reduce the trading hours or reduce the capacity of the licensed premises contemplated by the licence so as to effect a reduction in the annual fee for the licence.	
9	Application for approval of a natural person or persons as the manager or managers of the business conducted under the licence or the assumption by a person of a position of authority in the trust or corporate entity that holds the licence—	
	(a) if the person is the subject of an approval of the Commissioner in force under section 37 or 38 of the <i>Gaming Machines Act 1992</i>	no fee
	(b) in any other case	\$105.00
10	Application for conversion of a temporary licence into an ordinary licence	\$489.00
11	Application for consent of the licensing authority to use part of the licensed premises or area adjacent to the licensed premises for the purpose of providing entertainment	\$489.00
12	Additional fee on an application where an identification badge is issued	\$17.90
13	Application for approval to act as a crowd controller for licensed premises	\$105.00
14	Licence fee on grant of a limited licence if the application for the licence is made on or after 1 January 2013 and—	\$700.00
	(a) the licence authorises the sale or supply of liquor past 1 am, the licensed premises are outdoors and the licence states the maximum capacity of the licensed premises as a number of persons exceeding 300; or	
	(b) the licence contemplates boxing, wrestling or other entertainment that, in the opinion of the licensing authority, should be regarded as adult entertainment being provided at the licensed premises during the whole or part of the hours that the licence authorises the sale or supply of liquor; or	
	(c) the licence authorises the sale or supply of liquor past 1 am and the product of the number of persons stated in the licence as the maximum capacity of the licensed premises and the number of days on which the licence authorises the sale or supply of liquor exceeds 1 000; or	

- (d) the product of the number of persons stated in the licence as the maximum capacity of the licensed premises and the number of days on which the licence authorises the sale or supply of liquor exceeds 5 000; or
- (e) the licensing authority determines on other grounds that the nature of the special occasion or series of special occasions to which the licence will relate has required or will require the devotion of significant resources for the purposes of the administration or enforcement of the Act in relation to the licence.

However, no fee is payable if—

- (a) no fee was payable for the application for the licence; or
- (b) the licence is granted to the holder of a licence (other than a limited licence) and the licensed premises of the limited licence comprise the whole or a part of the licensed premises of the other licence held by the licensee.

The Commissioner may refund a licence fee if the special occasion or series of special occasions to which the licence relates is cancelled and significant resources have not been devoted for the purposes of the administration or enforcement of the Act in relation to the licence.

For the purposes of this item, a licence authorises the sale or supply of liquor past 1 am if it authorises the sale or supply of liquor immediately before and immediately after 1 am on any 1 or more days.

15 Annual fee for a licence—

- (a) for a hotel licence or entertainment venue licence—
  - (i) if the licence does not authorise the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 200 level 1 fee
  - (ii) if the licence does not authorise the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 200 level 2 fee
  - (iii) if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 200 level 3 fee
  - (iv) if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 200 but not exceeding 400 level 4 fee
  - (v) if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 400 level 5 fee
- (b) for a club licence (other than a limited club licence)—
  - (i) if the licence does not authorise the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 1 000 level 1 fee
  - (ii) if the licence does not authorise the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 1 000 level 2 fee
  - (iii) if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 1 000 level 3 fee

- |       |  |             |
|-------|--|-------------|
| (iv)  | if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 1 000                     | level 5 fee |
| (c)   | for a residential licence or restaurant licence—   |             |
| (i)   | if the licence does not authorise the sale or supply of liquor past 2 am   | level 1 fee |
| (ii)  | if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 200                   | level 2 fee |
| (iii) | if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 200                       | level 4 fee |
| (d)   | for a producer's licence—  |             |
| (i)   | if the licence does not authorise consumption of liquor on the licensed premises   | level 1 fee |
| (ii)  | if the licence authorises consumption of liquor on the licensed premises and—  |             |
|       | (A) the licence does not authorise the sale or supply of liquor past 2 am  | level 1 fee |
|       | (B) the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 200                  | level 2 fee |
|       | (C) the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 200                      | level 4 fee |
| (e)   | for a retail liquor merchant's licence, wholesale liquor merchant's licence or direct sales licence  | level 2 fee |
| (f)   | for a special circumstances licence for a bus, limousine, boat, train, aeroplane, caterer or retirement village  | level 1 fee |
| (g)   | for a special circumstances licence for licensed premises other than a bus, limousine, boat, train, aeroplane, caterer or retirement village—  |             |
| (i)   | if the licence does not authorise the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 200           | level 1 fee |
| (ii)  | if the licence does not authorise the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 200               | level 2 fee |
| (iii) | if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons not exceeding 200                   | level 3 fee |
| (iv)  | if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 200 but not exceeding 400 | level 4 fee |
| (v)   | if the licence authorises the sale or supply of liquor past 2 am and states the maximum capacity of the licensed premises as a number of persons exceeding 400                       | level 5 fee |

No annual fee is payable for a limited club licence.

The Commissioner may—

- (a) if the business operated under a licence is, in the opinion of the Commissioner, so similar to that under another licence class for which a lower annual fee is payable as to warrant a reduction in the fee, reduce the annual fee to that applicable to a licence of that other class; and
- (b) if the annual fee payable is a level 2 fee, reduce the fee to a level 1 fee for a particular year on grounds of financial hardship.

For the purposes of this item—

- (a) a level 1 fee is \$100; and
- (b) a level 2 fee is \$700; and
- (c) a level 3 fee is \$700 plus, if the licence authorises the sale of liquor for consumption on the premises past 2 am, \$700 plus, if the licence authorises the sale of liquor for consumption on the premises past 4 am, a further \$700; and
- (d) a level 4 fee is \$700 plus, if the licence authorises the sale of liquor for consumption on the premises past 2 am, \$1 400 plus, if the licence authorises the sale of liquor for consumption on the premises past 4 am, a further \$1 400; and
- (e) a level 5 fee is \$700 plus, if the licence authorises the sale of liquor for consumption on the premises past 2 am, \$2 500 plus, if the licence authorises the sale of liquor for consumption on the premises past 4 am, a further \$7 500; and
- (f) a licence authorises the sale of liquor past 2 am if it authorises the sale or supply of liquor immediately before and immediately after 2 am on any 1 or more days (disregarding sale or supply to a lodger); and
- (g) a licence authorises the sale or supply of liquor past 4 am if it authorises the sale or supply of liquor immediately before and immediately after 4 am on any 1 or more days (disregarding sale or supply to a lodger).

16 Penalty for default payable under section 50A(4) of Act

20% of the  
amount  
outstanding

## **Schedule 4—Revocation of *Liquor Licensing (General) Regulations 1997***

The *Liquor Licensing (General) Regulations 1997* are revoked.

**Note—**

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

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 23 August 2012

No 190 of 2012

MLI0020/12CS

South Australia

## **Mental Health Variation Regulations 2012**

under the *Mental Health Act 2009*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Mental Health Regulations 2010***

- 4 Variation of regulation 4—Statement of rights (sections 9, 12, 23, 27, 37 and 46 of Act)
  - 5 Variation of regulation 5—Notification to Commissioner of Police of action taken under Act (section 57(10) of Act)
  - 6 Variation of regulation 6—Arrangements between South Australia and other jurisdictions (Part 10 of Act)
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Mental Health Variation Regulations 2012*.

#### **2—Commencement**

These regulations will come into operation on the day on which the *Mental Health (Inpatient) Amendment Act 2012* comes into operation.

#### **3—Variation provisions**

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

### **Part 2—Variation of *Mental Health Regulations 2010***

#### **4—Variation of regulation 4—Statement of rights (sections 9, 12, 23, 27, 37 and 46 of Act)**

- (1) Regulation 4(1)(a)—delete "or detention and treatment order" and substitute:  
order or an inpatient treatment order
- (2) Regulation 4(2)(a)—delete "a detention and treatment order" and substitute:  
an inpatient treatment order
- (3) Regulation 4(3)—delete "level 1 detention and treatment order" and substitute:  
level 1 inpatient treatment order



- (4) Regulation 4(4)—delete "level 2 detention and treatment order" and substitute:  
level 2 inpatient treatment order
- (5) Regulation 4(5)—delete "a patient detained in a treatment centre" and substitute:  
an involuntary inpatient
- (6) Regulation 4(5)—delete "from the centre"

**5—Variation of regulation 5—Notification to Commissioner of Police of action taken under Act (section 57(10) of Act)**

- (1) Regulation 5(b)—delete "a detention and treatment order" and substitute:  
an inpatient treatment order
- (2) Regulation 5(b)—delete "detained" and substitute:  
an involuntary inpatient

**6—Variation of regulation 6—Arrangements between South Australia and other jurisdictions (Part 10 of Act)**

Regulation 6—after paragraph (c) insert:

- (d) the *Mental Health (Treatment & Care) Act 1994* of the Australian Capital Territory;
- (e) the *Mental Health Act 2000* of Queensland;
- (f) the *Mental Health Act 1996* of Tasmania;
- (g) the *Mental Health Act 1996* of Western Australia.

**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 August 2012

No 191 of 2012

HEAC-2011-00062

South Australia

# **Public Corporations (Lotteries Commission—Tax and Other Liabilities) Regulations 2012**

under the *Public Corporations Act 1993*

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## **Contents**

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Application of section 29 to the Lotteries Commission

## **Schedule 1—Revocation of *Public Corporations (Lotteries Commission—Tax and Other Liabilities) Regulations 1997***

- 1 Revocation
- 

### **1—Short title**

These regulations may be cited as the *Public Corporations (Lotteries Commission—Tax and Other Liabilities) Regulations 2012*.

### **2—Commencement**

These regulations will come into operation on 1 September 2012.

### **3—Interpretation**

In these regulations—

*Act* means the *Public Corporations Act 1993*.

### **4—Application of section 29 to the Lotteries Commission**

Section 29 of the Act applies to the Lotteries Commission of South Australia.

## **Schedule 1—Revocation of *Public Corporations (Lotteries Commission—Tax and Other Liabilities) Regulations 1997***

### **1—Revocation**

The *Public Corporations (Lotteries Commission—Tax and Other Liabilities) Regulations 1997* are revoked.

#### **Note—**

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

**Made by the Governor**

with the advice and consent of the Executive Council  
on 23 August 2012

No 192 of 2012

T&F12/056CS

South Australia

## Correctional Services Variation Regulations 2012

under the *Correctional Services Act 1982*

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### Contents

#### Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### Part 2—Variation of *Correctional Services Regulations 2001*

- 4 Variation of regulation 4—Interpretation
  - 5 Variation of regulation 5—Admission hours
  - 6 Variation of regulation 7—Prisoner may retain certain personal property
  - 7 Revocation of regulation 8
  - 8 Variation of regulation 9
  - 9 Variation of regulation 15—Serious breaches—miscellaneous
  - 10 Variation of regulation 16—Serious breaches—sexual offences
  - 11 Variation of regulation 19—Minor breaches—miscellaneous
  - 12 Variation of regulation 23—Procedure where CE deals with breach of regulations under section 43
  - 13 Variation of regulation 25—Orders relating to possession of prohibited item etc
  - 14 Variation of regulation 26—Appeal against penalty imposed by CE (section 46)
  - 15 Variation of regulation 27—Appeals against orders of Visiting Tribunals (section 47)
  - 16 Variation of regulation 29—Release on parole—application by prisoner
  - 17 Variation of regulation 30—Release on parole—application by CE
  - 18 Variation of regulation 31—Order for release on parole
  - 19 Variation of regulation 38—Medical examinations
  - 20 Variation of regulation 39—Prohibition on supply and administration of certain drugs
  - 21 Insertion of regulation 41
  - 41 Prescribed weapons (section 86A)
- 

### Part 1—Preliminary

#### 1—Short title

These regulations may be cited as the *Correctional Services Variation Regulations 2012*.

#### 2—Commencement

These regulations will come into operation on the day on which section 4 of the *Correctional Services (Miscellaneous) Amendment Act 2012* comes into operation.

#### 3—Variation provisions

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

## Part 2—Variation of *Correctional Services Regulations 2001*

### 4—Variation of regulation 4—Interpretation

Regulation 4, definition of *authorised telephone call*—delete the definition and substitute:

*authorised telephone call* means a telephone call that is made or received by a prisoner in accordance with rules made by the CE, or that has been specifically authorised by the manager of the correctional institution in which the prisoner is imprisoned;

### 5—Variation of regulation 5—Admission hours

(1) Regulation 5(2)—delete "manager of a correctional institution" and substitute:

CE

(2) Regulation 5(2)—delete "the institution" and substitute:

an institution

(3) Regulation 5(2)—delete "manager" second occurring and substitute:

CE

### 6—Variation of regulation 7—Prisoner may retain certain personal property

Regulation 7—delete "manager" wherever occurring and substitute in each case:

CE

### 7—Revocation of regulation 8

Regulation 8—delete the regulation

### 8—Variation of regulation 9

(1) Regulation 9(1), definition of *unauthorised data storage device*—delete the definition

(2) Regulation 9—after its present contents as varied by this regulation (now to be designated as subregulation (1)) insert:

(2) For the purposes of paragraph (n) of subregulation (1)—

*unauthorised data storage device* means a data storage device that has not been specifically authorised by the CE, but does not include a data storage device of a kind referred to in a preceding paragraph of that subregulation or a data storage device containing only a film or computer game classified G under the *Classification (Publications, Films and Computer Games) Act 1995*.

(3) For the purposes of paragraph (a)(ii) of the penalty provision of section 51(1) of the Act, the items specified in paragraphs (e) and (k) of subregulation (1) are prescribed.

### 9—Variation of regulation 15—Serious breaches—miscellaneous

(1) Regulation 15(3)(d)—delete "manager" and substitute:

CE

(2) Regulation 15(4)(a)—delete "manager of the correctional institution" and substitute:

CE

**10—Variation of regulation 16—Serious breaches—sexual offences**

Regulation 16(1a)—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

**11—Variation of regulation 19—Minor breaches—miscellaneous**

- (1) Regulation 19(1)—delete "manager" and substitute:

CE relating to the management

- (2) Regulation 19(12)(a)—delete "manager of the correctional institution in which the prisoner is imprisoned" and substitute:

CE

**12—Variation of regulation 23—Procedure where CE deals with breach of regulations under section 43**

- (1) Regulation 23(1)(a)—delete "manager of the correctional institution" and substitute:

CE

- (2) Regulation 23(2)—delete "manager" and substitute:

CE

- (3) Regulation 23(3)—delete "manager conducting the inquiry" and substitute:

CE

- (4) Regulation 23(4)—delete "manager" and substitute:

CE

- (5) Regulation 23(4)(a)(i)—delete "manager's" and substitute:

CE's

**13—Variation of regulation 25—Orders relating to possession of prohibited item etc**

- (1) Regulation 25—delete "a manager or" and substitute:

the CE or a

- (2) Regulation 25—delete "manager" second occurring and substitute:

CE

**14—Variation of regulation 26—Appeal against penalty imposed by CE (section 46)**

- (1) Regulation 26(1)—delete "a manager" and substitute:

the CE

- (2) Regulation 26(2)—delete "manager" and substitute:

CE

- (3) Regulation 26(3)—delete "manager" wherever occurring and substitute in each case:

CE

**15—Variation of regulation 27—Appeals against orders of Visiting Tribunals (section 47)**

- (1) Regulation 27(2)—delete "manager" and substitute:

CE

- (2) Regulation 27(3)—delete "manager" and substitute:

CE

**16—Variation of regulation 29—Release on parole—application by prisoner**

Regulation 29—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

**17—Variation of regulation 30—Release on parole—application by CE**

Regulation 30—delete "Chief Executive Officer" wherever occurring and substitute in each case:

CE

**18—Variation of regulation 31—Order for release on parole**

Regulation 31(1)(b)(ii)—delete "Chief Executive Officer" and substitute:

CE

**19—Variation of regulation 38—Medical examinations**

Regulation 38—delete "Chief Executive Officer" and substitute:

CE

**20—Variation of regulation 39—Prohibition on supply and administration of certain drugs**

Regulation 39—delete "Chief Executive Officer" and substitute:

CE

**21—Insertion of regulation 41**

After regulation 40 insert:

**41—Prescribed weapons (section 86A)**

For the purposes of section 86A of the Act, the following weapons are prescribed:

- (a) a Glock 9mm hand gun;
- (b) a Monadnock PR24 Defensive Police Baton;
- (c) a baton designed or adapted for use as a weapon that can be extended in length by gravity or centrifugal force or by a release button or other device (known as an extendable baton);
- (d) Oleoresin Capsicum (known as OC) in all its forms;
- (e) Orthochlorobenzalmalononitrile (known as CS) in all its forms.

**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 August 2012

No 193 of 2012

12MCS/021CS



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## CITY OF HOLDFAST BAY

*Declaration of Public Road*

NOTICE is hereby given pursuant to Section 210 of the Local Government Act 1999, that the City of Holdfast Bay at its meeting of 14 August 2012, declared Allotment 153 in Filed Plan 3465 being portions of Durham Street, Glenelg to be public road.

J. LYNCH, Chief Executive Officer

## CITY OF MARION

*Care Control and Management of Crown Land*

NOTICE is hereby given pursuant to Section 192 (4) of the Local Government Act 1999, that the City of Marion at its meeting held on Tuesday, 14 August 2012, passed a resolution to adopt the terms of the Instrument of Dedication for the parcel of land at 237-265 Oaklands Road, Oaklands Park (comprised in Certificate of Title Volume 5877, Folio 925).

M. SEARLE, Chief Executive Officer

## THE RURAL CITY OF MURRAY BRIDGE

*Notice of Revocation of Land from Classification as Community Land*

NOTICE is hereby given that the Rural City of Murray Bridge at its meeting held on 13 August 2012, resolved pursuant to Section 194 (3) (b) of the Local Government Act 1999, to revoke the following land commonly known as Cawte Street Drainage Reserve, from the classification as Community Land:

Allotment 34 in Deposited Plan D78946, contained within Certificate of Title Volume 6033, Folio 445.

P. BOND, Chief Executive Officer

## THE RURAL CITY OF MURRAY BRIDGE

*Notice of Revocation of Land from Classification as Community Land*

NOTICE is hereby given that the Rural City of Murray Bridge at its meeting held on 13 August 2012, resolved pursuant to Section 194 (3) (b) of the Local Government Act 1999, to revoke the following land commonly known as 19 Jaensch Road, from the classification as Community Land:

Allotment 22 in Deposited Plan 63841, contained within Certificate of Title Volume 5920, Folio 610.

P. BOND, Chief Executive Officer

## CITY OF ONKAPARINGA

*Change of Road Name*

NOTICE is hereby given that under delegation and in accordance with Section 219 (1) of the Local Government Act 1999, the following road names have been delegated:

- Un-named road Seaford Meadows to Teakle Road; and
- Un-named road Seaford Meadows to Clisby Lane.

Plans that delineate the roads which are the subject of the street names, are available for inspection at Council's Principal Office, Ramsay Place, Noarlunga Centre during normal business hours.

M. DOWD, Chief Executive Officer

## TOWN OF WALKERVILLE

*Car Parking Fund*

NOTICE is hereby given that by Council resolution on Monday, 18 June 2012, the Town of Walkerville Council body resolved to establish a Car Parking Fund pursuant to Section 50A of the Development Act 1993. The fund will:

- Be known as the 'Walkerville Terrace Car Parking Fund';

- Apply to the Neighbourhood Centre Zone as defined in Zone Map Walk/3 in the Mapping Section of the Town of Walkerville Development Plan (consolidated 27 January 2012); and
- Will be in operation as of 22 August 2012.

By agreement between an applicant and the Council, an amount of \$15 500 shall be payable in lieu of providing one parking space ordinarily required by virtue of the provisions of the Town of Walkerville Development Plan.

K. MAGRO, Chief Executive Officer

## ADELAIDE HILLS COUNCIL

*Opening and Closing of Roads*

IN accordance with Section 10 of the Roads (Opening and Closing) Act 1991, notice is hereby given that Adelaide Hills Council proposes to make a Road Process Order to open two pieces of road in the Hundred of Onkaparinga, in the area named Basket Range being firstly, a triangularly-shaped portion of Allotment 94 in Filed Plan 129848 situate in and adjoining the north-eastern corner of said Allotment 94 and secondly, a triangularly-shaped portion of Allotment 11 in Deposited Plan 56819 situate in and adjoining the south-western corner of said Allotment 11 and numbered '1 and 2' on Preliminary Plan No. 12/0029.

And to close the following road: In the Hundred of Onkaparinga, being an irregularly-shaped strip of public road in the area named Basket Range generally situate dividing Allotment 6 in Deposited Plan 36631 and Allotment 4 in Filed Plan 129858 from Allotments 11 and 12 in Deposited Plan 56819, Allotment 96 in Filed Plan 129850, Allotment 95 in Filed Plan 129849 and Allotment 94 in Filed Plan 129848 and marked 'A to H' on Preliminary Plan No. 12/0029

It is proposed that the piece of road to be closed marked 'A' be transferred to T. N. and N. J. M. Stephenson and merged with said Allotment 4 in Filed Plan 129858, the piece marked 'B' be exchanged for the piece numbered '1' and transferred to P. V. and R. B. Cranwell and merged with said Allotment 94 in Filed Plan 129848, the piece marked 'C' be transferred to P. V. and R. B. Cranwell and merged with said Allotment 95 in Filed Plan 129849, the piece marked 'D' be transferred to D. L. and S. K. Cranwell and merged with said Allotment 96 in Filed Plan 129850, the pieces marked 'E and H' be transferred to Harvest Farms Pty Ltd and merged with said Allotment 6 in Deposited Plan 36631, the piece marked 'F' be transferred to V. M. and P. J. Green and merged with said Allotment 12 in Deposited Plan 56819 and the piece marked 'G' be exchanged for the piece numbered '2' and transferred to T. and A. M. Merenda and merged with said Allotment 11 in Deposited Plan 56819.

A preliminary plan of the proposal, and a statement, are available for public inspection at the Adelaide Hills Council offices, 28 Main Road, Woodside and 63 Mount Barker Road, Stirling between the hours of 8.30 a.m. and 5 p.m., Monday to Friday or at the Adelaide office of the Surveyor-General during normal office hours.

Any person may object to the proposal (and any adjoining landowner or other person substantially affected by the proposed road closure may apply for an easement relative to the closure). Such objection (or application for an easement) must be made in writing to the Adelaide Hills Council within 28 days of the date of this notice. If a submission is made, the Adelaide Hills Council is required to give notice of a time and place at which a meeting will be held to consider the matter, so that the person making the submission (or a representative) may attend to support the submission, if desired. Any submission must set out the full name and address of the person making the submission and must be fully supported by reasons (and any application for the grant of an easement must give full particulars of the nature and location of the easement and, where made by a person as the owner of adjoining or nearby land, specify the land to which the easement is to be annexed). A copy of the submission must be forwarded to the Surveyor-General at Adelaide.

T. PIPER, Acting Chief Executive Officer

PP/12/0029

## CLARE AND GILBERT VALLEYS COUNCIL

## ROADS (OPENING AND CLOSING) ACT 1991

*Road Closure—Temple Road, Clare*

NOTICE is hereby given, pursuant to Section 10 of the Roads (Opening and Closing) Act 1991, that the Clare and Gilbert Valleys Council proposes to make a Road Process Order to close portion of Temple Road situated east of King Street and merge with the adjoining Allotments 91 and 92 in Filed Plan 209559, as delineated and lettered 'A' and 'B' respectively on the Preliminary Plan No. 12/0032.

A copy of the plan and a statement of persons affected are available for public inspection at the Council Office, 4 Gleeson Street, Clare, S.A. 5453 and the Adelaide Office of the Surveyor-General during normal office hours.

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

The application for easement or objection must be made in writing to the Council, 4 Gleeson Street, Clare, S.A. 5453 within 28 days of this notice and a copy must be forwarded to the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001. Where a submission is made, the Council will give notification of a meeting at which the matter will be considered.

Dated 23 August 2012.

R. BLIGHT, Chief Executive Officer

## DISTRICT COUNCIL OF COOBER PEDY

*Adoption of Valuation and Declaration of Rates*

NOTICE is hereby given that at its meeting held on 6 August 2012, the District Council of Coober Pedy resolved as follows:

*Adoption of Valuation*

Pursuant to Section 167 (2) (a) of the Local Government Act 1999, Council adopted for the year ending 30 June 2013, the Valuer-General's valuation of capital values relating to property within the Council's area totalling \$176 274 360.

*Declaration of Rates*

Pursuant to Sections 153 (1) (b) and 156 (1) (a) of the Local Government Act 1999, Council declared differential general rates on land within its area for the year ending 30 June 2013, varying according to the use of the land as follows:

	Cents in the dollar
Land Use 1 Residential .....	0.2985
Land Use 2 Commercial—Shop .....	0.9141
Land Use 3 Commercial—Office .....	0.9141
Land Use 4 Commercial—Other .....	0.9146
Land Use 5 Industry—Light .....	0.9146
Land Use 6 Industry—Other .....	0.9146
Land Use 7 Primary Production .....	0.9146
Land Use 8 Vacant Land .....	0.1834
Land Use 9 Other .....	0.9446

Pursuant to Section 152 (1) (c) (ii) of the Local Government Act 1999, Council declared that a fixed charge of \$340 will apply to all rateable land within the Council's area for the year ending 30 June 2013.

*Sewerage Separate Rate*

Pursuant to and in accordance with Section 154 of the Local Government Act 1999, Council declared a separate rate in respect of all rateable land within the area of the Council and within the Sewerage Scheme Area for the year ending 30 June 2013, for the purposes of making available, supporting and maintaining the Coober Pedy Sewerage Scheme, being a rate of 0.4327 cents in the dollar based on the capital value of the rateable land, with the exception of those properties that cannot be connected.

*Water Annual Service Charge*

Pursuant to Section 155 of the Local Government Act 1999, Council declared an annual service charge for the year ending 30 June 2013, on land within the Council's area to which it provides or makes available the prescribed service of the provision of water based on the nature of the service and varying according to the land use category as follows:

	\$
Land Use 1 Residential .....	160
Land Use 2 Commercial—Shop .....	595
Land Use 3 Commercial—Office .....	595
Land Use 4 Commercial—Other .....	595
Land Use 5 Industry—Light .....	595
Land Use 6 Industry—Other .....	595
Land Use 7 Primary Production .....	160
Land Use 8 Vacant Land .....	128
Land Use 9 Other .....	160

*Payment of Rates*

Pursuant to Section 181 of the Local Government Act 1999, rates will be payable in four equal or approximately equal instalments to be received on or before 21 September 2012, 14 December 2012, 15 March 2013 and 14 June 2013.

P. CAMERON, Chief Executive Officer

[REPUBLICISHED]

IN *Government Gazette* No. 3 dated 12 January 2012, page 192, fifth notice appearing *should* be replaced with the following:

## LIGHT REGIONAL COUNCIL

*Exclusion of Land from Classification as Community Land*

NOTICE is hereby given that on 22 November 2011, the Light Regional Council resolved pursuant to Section 193 (4) of the Local Government Act 1999, to exclude the following parcels of land from classification as community land:

Proposed Lot 893 and Lot 892, Two Wells Road, Buchfelde, in proposed Deposited Plan 85616 being part Lot 6, Two Wells Road and part Lot 101, Weaver Road, Buchfelde.

B. CARR, Chief Executive Officer

[REPUBLICISHED]

IN *Government Gazette* No. 4 dated 19 January 2012, page 302, first notice appearing *should* be replaced with the following:

## LIGHT REGIONAL COUNCIL

*Exclusion of Land from Classification as Community Land*

NOTICE is hereby given that on 23 August 2011, the Light Regional Council resolved pursuant to Section 193 (4) of the Local Government Act 1999, to exclude the following parcel of land from classification as community land:

Lot 888, Two Wells Road, Buchfelde, with the exception of a portion of the land containing the local heritage listed Buchfelde Cemetery and defined by perimeter rural wire fencing.

B. CARR, Chief Executive Officer

## DISTRICT COUNCIL OF MOUNT BARKER

*Resignation of Councillor*

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 Central Ward, due to the resignation of Councillor Bruce Lindsay Gamble, to take effect from Friday, 3 August 2012.

A. STUART, Chief Executive Officer

## DISTRICT COUNCIL OF MOUNT BARKER

*Close of Roll for Supplementary Election*

DUE to the resignation of a member of the Council, a supplementary election will be necessary to fill the vacancy of Councillor for Central Ward.

The voters roll for this supplementary election will close at 5 p.m. on Friday, 31 August 2012.

You are entitled to vote in the election if you are on the State electoral roll. If you have recently turned 18 or changed your residential or postal address you must complete an electoral enrolment form, available from post offices or online at [www.ecsa.sa.gov.au](http://www.ecsa.sa.gov.au).

If you are not eligible to enrol on the State electoral roll you may still be entitled to enrol to vote if you own or occupy a property. Contact the Council to find out how.

Nominations to fill the vacancy will open on Thursday, 27 September 2012 and will be received until 12 noon on Thursday, 11 October 2012.

The election will be conducted entirely by post with the return of ballot material to reach the Returning Officer no later than 12 noon on Monday, 12 November 2012.

K. MOUSLEY, Returning Officer

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

*Allen, Hildegard*, late of 11 Mawson Road, Salisbury, of no occupation, who died on 27 October 2011.

*Chatting, John Robinson*, late of 7-11 Sirius Avenue, Hope Valley, of no occupation, who died on 22 May 2012.

*Gamble, Betty*, late of 1126 Rickaby Road, Port Rickaby, retired canteen manageress, who died on 1 April 2012.

*Gifford, Carmel Beatrice*, late of 14 Frew Street, Fullarton, retired press operator, who died on 30 May 2012.

*Moore, Herbert Henry*, late of Pridham Boulevard, Aldinga Beach, retired poultry farmer, who died on 23 May 2012.

*Ricos, George John*, late of 89 Hawker Street, Ridleyton, of no occupation, who died on 25 June 2012.

Notice is hereby given pursuant to the Trustee Act 1936, as amended, the Inheritance (Family Provision) Act 1972 and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the Office of Public Trustee, G.P.O. Box 1338, Adelaide, S.A. 5001, full particulars and proof of such claims, on or before 21 September 2012, otherwise they will be excluded from the distribution of the said estates; and notice is also hereby given that all persons indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver same to the Public Trustee.

Dated 23 August 2012.

D. A. CONTALA, Public Trustee

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# ATTENTION

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

For any corrections to your notice please phone 8207 1045 or Fax 8207 1040 **before** 4 p.m. on Wednesday.

If we do not receive any communication by 10 a.m. on Thursday (day of publication) we will presume the notice is correct and will print it as it is.

**Remember**—the onus is on you to inform us of any corrections necessary to your notice.

**NOTE: Closing time for lodging new copy (electronically, fax or hard copy) is 4 p.m. on Tuesday preceding the day of publication.**

Phone: 8207 1045

Fax: 8207 1040

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