



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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PUBLISHED BY AUTHORITY

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

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ADELAIDE, THURSDAY, 3 MAY 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)

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Department of the Premier and Cabinet  
Adelaide, 3 May 2012.

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable John Robert Rau, MP, Deputy Premier, Attorney-General, Minister for Planning and Minister for Business Services and Consumers to be also Acting Premier and Acting Minister for State Development for the period from 5 May 2012 to 13 May 2012 inclusive, during the absence of the Honourable Jay Wilson Weatherill, MP.

By command,

JAY WILSON WEATHERILL, Premier

DPC12/022CS

Department of the Premier and Cabinet  
Adelaide, 3 May 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 3 May 2012 and expiring on 2 May 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:

Wayne Maxwell Angus  
Terrence Stanley Bevan  
Robert John Birkill  
Donald George Byrnes  
Kathryn Jean Dawson  
Michelle Anne Fiegert  
Constantinos Michael Finos  
Heather Anne Gordon  
Robin Gregory Gordon  
Peter James Grant  
Noel Millen Hamden  
Allan Eric Hampel  
Richard Gilbert Mungo Harvey  
Robert Alexander Haslam  
Vicki Hayman  
John Edwin Heinrich  
Arthur Bealby Helyard  
Deane Ashley Henderson  
Marilyn Roberts Hood  
David Frederick Hutchinson  
Graham Hurtle Inwood  
Branka King  
Jennifer Margaret Lewis  
Michael John Llewellyn-Smith  
Jo-Anne Margaret Ludwig  
Peter Arrol McInnes  
Ross Andrew Nunn  
Darren John Pike  
Martin Joseph Reidy  
Melissa Marie Richards  
Stephanie Suzanne Charlotte Roberts  
Dianne Joan Rogan  
Malcolm Allen Rogers  
Laurence Christopher Rundle  
Maureen Cecilia Russell  
David John Sandford  
Shirley May Schell  
Garry Thomas Scott  
Debra Jane Secombe  
Geoffrey Simpson  
Graham Kingsley Stagg  
Cheryl Ann Stanton  
Trevor Raymond Symonds  
Clazina Maria Temminck  
James George Vandenberg  
John Reginald Vincent  
Christine Jan Walsh  
John Percival Walter

Brenton Grant Watkins  
Chris Anne Whiteside

By command,

JAY WILSON WEATHERILL, Premier

JP12/014CS

#### ASSOCIATIONS INCORPORATION ACT 1985

##### *Deregistration of Associations*

NOTICE is hereby given that the Corporate Affairs Commission approves the applications for deregistration received from the associations named below pursuant to Section 43A of the Associations Incorporation Act 1985. Deregistration takes effect on the date of publication of this notice.

Australian Sports Organisation for the Disabled Incorporated  
Distinctive Gardens Retirement Village Residents' Association Incorporated  
F.O.C.U.S.—Burnside Incorporated  
Gawler Barossa Tractor Pull Incorporated  
German Australian Society in Port Augusta, South Australia, Incorporated  
Millennium Relief and Development Services Incorporated  
South Australian Dispute Resolution Association Incorporated

Given at Adelaide, 1 May 2012.

K. L. RODGER, a Delegate of the Corporate Affairs Commission

#### ASSOCIATIONS INCORPORATION ACT 1985

##### ORDER PURSUANT TO SECTION 42 (2)

##### *Dissolution of Association*

WHEREAS the Corporate Affairs Commission ('the Commission'), pursuant to Section 42 (1) of the Associations Incorporation Act 1985 ('the Act'), is of the opinion that the undertaking or operations of Victory Life Church—Aberfoyle Park Incorporated ('the Association') being an incorporated association under the Act are being carried on, or would more appropriately be carried on by a company limited by guarantee incorporated under the Corporations Act 2001 (Commonwealth) and whereas the Commission was on 8 February 2012, requested by the Association to transfer its undertaking to Aberfoyle Park—Victory Life Church Limited (ACN 154 125 265), the Commission pursuant to Section 42 (2) of the Act does hereby order that on 26 April 2012, the Association will be dissolved, the property of the Association becomes the property of Aberfoyle Park—Victory Life Church Limited and the rights and liabilities of the Association become the rights and liabilities of Aberfoyle Park—Victory Life Church Limited.

Given under the seal of the Commission at Adelaide, 26 April 2012.

K. L. RODGER, a Delegate of the Corporate Affairs Commission

#### BUILDING WORK CONTRACTORS ACT 1995

##### *Exemption*

TAKE notice that pursuant to Section 45 of the Building Work Contractors Act 1995, I, Anne Gale, Deputy Commissioner for Consumer Affairs, do hereby exempt the licensee named in Schedule 1 from the application of Division 3 of Part 5 of the above Act in relation to domestic building work described in Schedule 2 and subject to the conditions specified in Schedule 3.

##### SCHEDULE 1

Robert Rollison (BLD 183235) and Sogin Corporation Pty Ltd (BLD 237926) trading as Reinstata Building Services.

## SCHEDULE 2

Construction of a two-storey dwelling that is to be the family residence of the licensee and his family on land situated at Lot 136 Highfield Drive, Craighburn Farm, S.A. 5051 (Allotment 136 in Deposited Plan 76096 in the area named Craighburn Farm, Hundred of Adelaide (Certificate of Title Volume 6002, Folio 152)).

## SCHEDULE 3

1. This exemption is limited to the domestic building work personally performed by the licensee in relation to a two-storey dwelling that is to be the family residence of the licensee and his family on land situated at Lot 136 Highfield Drive, Craighburn Farm, S.A. 5051 (Allotment 135 in Deposited Plan 76096 in the area named Craighburn Farm, Hundred of Adelaide (Certificate of Title Volume 6002, Folio 152)).

2. This exemption does not apply to any domestic building work the licensee sub-contracts to another building work contractor, for which that contractor is required by law to hold building indemnity insurance.

3. That the licensee does not transfer its interest in the land prior to five years from the date of completion of the building work the subject of this exemption, without the prior authorisation of the Commissioner for Consumer Affairs. Before giving such authorisation, the Commissioner for Consumer Affairs may require the licensee to take any reasonable steps to protect the future purchaser(s) of the property, including but not limited to:

- providing evidence that an adequate policy of building indemnity insurance is in force to cover the balance of the five-year period from the date of completion of the building work the subject of this exemption;
- providing evidence of an independent expert inspection of the building work the subject of this exemption;
- making an independent expert report available to prospective purchasers of the property; and
- giving prospective purchasers of the property notice of the absence of a policy of building indemnity insurance.

Dated 23 April 2012.

A. GALE, Deputy Commissioner, delegate for the Commissioner for Consumer Affairs, delegate for the Minister for Business Services and Consumers

Ref.: 610/12-00009

## DOG FENCE ACT 1946

*Declaration of Rate*

PURSUANT to the provision of Section 25 of the Dog Fence Act 1946, the Dog Fence Board, with the approval of the Minister for Sustainability, Environment and Conservation, hereby declares that for the financial year ending 30 June 2013, the Dog Fence rate shall be 118 cents per km<sup>2</sup> and the minimum amount payable \$83.50 for all separate holdings of more than 10 km<sup>2</sup> of land situated inside the Dog Fence.

Excluding:

1. For all the land in:

- (a) The whole of the counties of Musgrave, Flinders, Jervois, Frome, Victoria, Daly, Stanley, Gawler, Fergusson, Light, Eyre, Albert, Alfred, Adelaide, Sturt, Hindmarsh, Russell, Buccleuch, Chandos, Cardwell, Buckingham, MacDonnell, Robe, Grey and Carnarvon.
- (b) The whole of the hundreds of Finlayson, Tarlton, Cungena, Kaldoonera, Scott, Murray, Chandada, Karcultaby, Condada, Pildappa, Ripon, Forrest, Campbell, Inkster, Moorkitabie, Carina, Minnipa, Pinbong, Wrenfordsley, Rounsevell, Witera, Addison, Travers, Yaninee, Pygery, Wudinna, Hill, Peella, Pordia, Palabie, Wannamanna, Mamblin, Kongawa, Pinkawillinie, Cortlinye, Moseley, Wright, Downer, Wallis, Cocata, Kappakoola, Warrambo, Cootra, Caralue, Solomon, Kelly, Barna, Yalanda, Panitya, Coomooroo, Walloway, Pekina, Black Rock Plain, Tarcowie, Mannanarie, Yongala, Terowie, Hallett, Kingston, Mongolata, Kooringa, Baldina, Apoinga and Bright.

Where this contribution from holdings in 1 (a) and 1 (b) is paid via the Sheep Advisory Group.

2. Lake Torrens National Park and Lake Gairdner National Park, which are exempted from Dog Fence rates.

3. All the islands along the seacoast.

Dated 30 April 2012.

PAUL CAICA, Minister for Sustainability,  
Environment and Conservation

DEVELOPMENT ACT 1993: SECTION 29 (2) (b) (i)  
 Amendment to the Alexandrina Council Development Plan

Preamble

It is necessary to amend the Alexandrina Council Development Plan dated 24 November 2011.

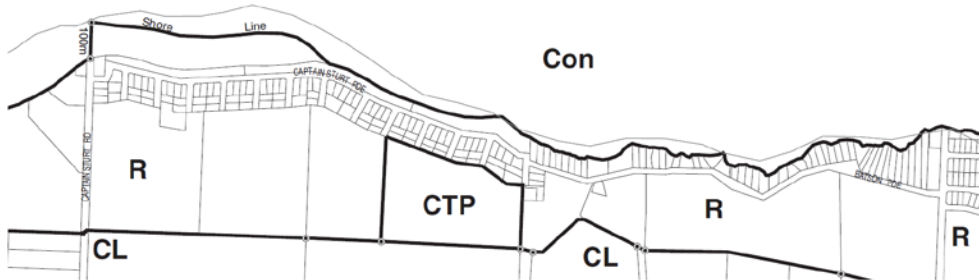
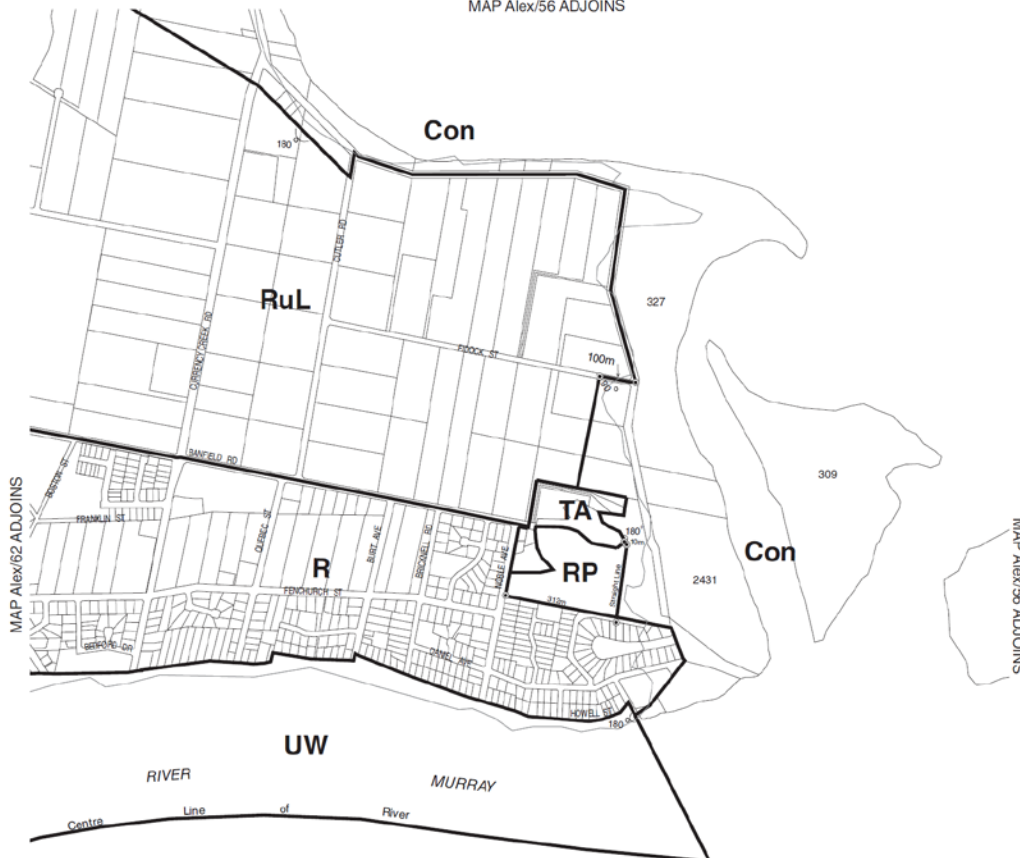
NOTICE

PURSUANT to Section 29 (2) (b) (i) of the Development Act 1993, I, being the Minister administering the Act, amend the Alexandrina Council Development Plan dated 24 November 2011 as follows:

1. Replace Alexandrina Council Port Elliot and Goolwa District Zones Maps Alex/63 and Alex/72 with the contents of 'Attachment A'.
2. Fix the day on which this notice is published in the *Gazette* as the day on which the amendment will come into operation.

ATTACHMENT A

MAP Alex/56 ADJOINS



NOTE: For Policy Areas See MAP Alex/72

HINDMARSH ISLAND

(30)

CL

Con

CTP

R

RuL

TA

RP

UW

Average Allotment area in Hectares for Land Division Purposes

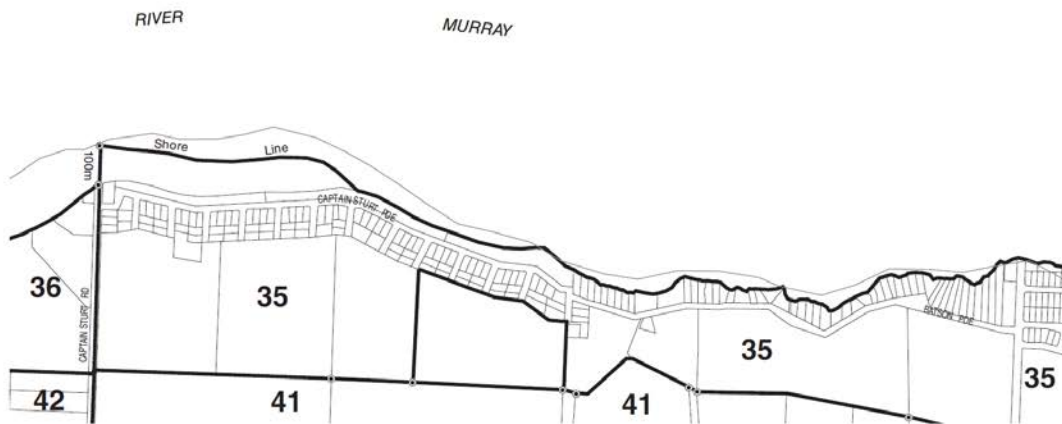
- Country Living
- Conservation
- Caravan & Tourist Park
- Residential
- Rural Living
- Tourist Accommodation
- Residential Park
- Urban Waterfront

Scale 1:15000

0 1km

ALEXANDRINA COUNCIL  
 PT ELLIOT AND  
 GOOLWA DISTRICT  
 ZONES  
 MAP Alex/63

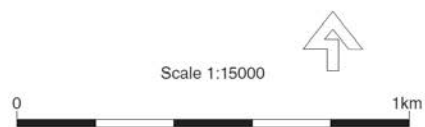
— Zone Boundary



**HINDMARSH ISLAND**

- 18 Policy Area 18 Rural Living (Goolwa East)
- 24 Residential (Goolwa North)
- 35 Residential (Hindmarsh Island North) Policy Area
- 36 Residential (Hindmarsh Island West) Policy Area
- 41 Country Living (Hindmarsh Island Central) Policy Area
- 42 Country Living (Hindmarsh Island West) Policy Area

— Policy Area Boundary



**ALEXANDRINA COUNCIL  
PT ELLIOT AND GOOLWA DISTRICT  
POLICY AREAS  
MAP Alex/72**

Dated 30 April 2012.

JOHN RAU, Deputy Premier, Minister for Planning

**ELECTRICITY ACT 1996***Notice under the Electricity Act 1996 by Aurora Energy Pty Ltd (ABN 85 082 464 622) of Default Contract Prices for Aurora PAY AS YOU GO customers*

IN accordance with Section 36AB of the Electricity Act 1996 (SA), Aurora Energy Pty Ltd (ABN 85 082 464 622) ('Aurora Energy') hereby publishes its default electricity contract prices for customers who are consuming less than 160 MWh per annum of electricity ('small customers'). The default contract prices are set out below in this notice and will apply on and from 1 June 2012. These price changes will also be reflected on the Aurora PAYG website <http://www.auroraenergy.com.au>.

The prices detailed in this notice apply for small customers only of Aurora Energy who are purchasing electricity under Aurora PAY AS YOU GO Default Contract Terms and Conditions published in the *Government Gazette* on 27 November 2008.

Aurora Energy reserves the right to change its default electricity contract price from time to time acting in accordance with all applicable regulations.

*Justification Statement*

The default contract prices set out in this notice reflect an increase in the cost of providing electricity services to these customers, since the last increase in prices.

<i>Domestic Light/ Power</i>	<i>Prices (GST inclusive)</i>
<i>From 1 January to 31 March</i>	
For all consumption (c/kWh)	49.13
Supply charge (c/day)	86.46
<i>From 1 April to 31 December</i>	
For all consumption (c/kWh)	39.30
Supply charge (c/day)	86.46
<i>Controlled Load – Off Peak</i>	<i>Prices (GST inclusive)</i>
<i>From 1 January to 31 March</i>	
For all consumption (c/kWh)	17.69
Supply charge (c/day)	18.86
<i>From 1 April to 31 December</i>	
For all consumption (c/kWh)	16.70
Supply charge (c/day)	18.86

**Explanatory Notes:**

1. 'Control Load—Off Peak' tariffs are for electricity used in permanently installed storage water heaters with a rated delivery of not less than 125 litres, storage space heaters and other approved thermal storage applications. The hours of application are fixed from time to time with control by time switch or other means.
2. Peak period is 0700 hours to 2100 hours from Monday to Friday (Central Standard Time). Off Peak period is all times other than peak period.

## ENVIRONMENT PROTECTION ACT 1993

*Approval of Category B Containers*

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

*Approval of Category B Containers*

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

- (a) the product which each class of containers shall contain;
  - (b) the size of the containers;
  - (c) the type of containers; and
  - (d) the name of the holders of these approvals.
- (1) That containers of the class to which the approval relates must bear the refund marking specified by the Authority for containers of that class. The Authority specifies the following refund markings for Category B containers:
    - (a) '10c refund at collection depots when sold in SA'; or
    - (b) '10c refund at SA/NT collection depots in State/Territory of purchase'.
  - (2) The holder of the approval must have in place an effective and appropriate waste management arrangement in relation to containers of that class. For the purpose of this approval notice the company named in Column 5 of Schedule 1 of this Notice is the nominated super collector.
  - (3) In the case of an approval in relation to Category B containers that the waste management arrangement must require the holder of the approval to provide specified super collectors with a declaration in the form determined by the Authority in relation to each sale of such containers by the holder of the approval as soon as practicable after the sale.
  - (4) The holder of these approvals must ensure that if a sticker bearing the refund marking has been approved, and is applied to the container, then the sticker must not be placed on any portion of the opening mechanism or in any other place that would require complete or partial removal of the sticker before the contents may be consumed.

## SCHEDULE 1

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size (mL)	Container Type	Approval Holder	Collection Arrangements
Duff Beer	330	Glass	Allstates Liquor Wholesalers	Statewide Recycling
Duff Beer	330	Can—Aluminium	Allstates Liquor Wholesalers	Statewide Recycling
Arvo Lager	330	Glass	Casella Wines Pty Ltd	Marine Stores Ltd
Coca Cola Caltex	385	Glass	Coca Cola Amatil (Aust) Pty Ltd	Statewide Recycling
Coca Cola Zero Caltex	385	Glass	Coca Cola Amatil (Aust) Pty Ltd	Statewide Recycling
Fanta Lemon Flavour	200	Can—Aluminium	Coca Cola Amatil (Aust) Pty Ltd	Statewide Recycling
Fanta Raspberry Flavour	200	Can—Aluminium	Coca Cola Amatil (Aust) Pty Ltd	Statewide Recycling
Goulburn Valley Premium Chilled Cranberry Fruit Drink	2 000	PET	Coca Cola Amatil (Aust) Pty Ltd	Statewide Recycling
Goulburn Valley Premium Chilled Cranberry Fruit Drink	500	PET	Coca Cola Amatil (Aust) Pty Ltd	Statewide Recycling
Jim Beam White Bourbon Kentucky Straight Bourbon Whiskey	375	PET	Coca Cola Amatil (Aust) Pty Ltd	Statewide Recycling
Jim Beam White Bourbon Kentucky Straight Bourbon Whiskey	500	PET	Coca Cola Amatil (Aust) Pty Ltd	Statewide Recycling
Jim Beam White Bourbon Kentucky Straight Bourbon Whiskey	50	PET	Coca Cola Amatil (Aust) Pty Ltd	Statewide Recycling
Mother Sugar Free	250	Can—Aluminium	Coca Cola Amatil (Aust) Pty Ltd	Statewide Recycling
Mother Sugar Free	500	Can—Aluminium	Coca Cola Amatil (Aust) Pty Ltd	Statewide Recycling
Mount Franklin Lightly Sparkling Wildberry	1 250	PET	Coca Cola Amatil (Aust) Pty Ltd	Statewide Recycling
Celebration Ale	355	Glass	Coopers Brewery Ltd	Marine Stores Ltd
Vintage Ale	355	Glass	Coopers Brewery Ltd	Marine Stores Ltd
Bulleit Bourbon & Cola 4.6%	375	Can—Aluminium	Diageo Australia Pty Ltd	Statewide Recycling
Bulleit Bourbon & Cola 6.5%	375	Can—Aluminium	Diageo Australia Pty Ltd	Statewide Recycling
Bundaberg Rum	375	PET	Diageo Australia Pty Ltd	Statewide Recycling
Bundaberg Rum	200	PET	Diageo Australia Pty Ltd	Statewide Recycling
Smirnoff Vodka	500	PET	Diageo Australia Pty Ltd	Statewide Recycling
Smirnoff Vodka	375	PET	Diageo Australia Pty Ltd	Statewide Recycling
Fog City Cloudy Cider	500	Glass	East 9th Breweing	Statewide Recycling
Lick Pier Ginger Beer	660	Glass	East 9th Breweing	Statewide Recycling
Fiuggi Acqua Minerale Naturale	1 000	Glass	Festival City Wines & Spirits Pty Ltd	Statewide Recycling
Singha Lager Beer	330	Glass	Festival City Wines & Spirits Pty Ltd	Statewide Recycling
Bulmers Blackcurrant	330	Glass	Fosters Australia	Marine Stores Ltd
Bulmers Ginger	500	Glass	Fosters Australia	Marine Stores Ltd
Bulmers Stone Fruit	500	Glass	Fosters Australia	Marine Stores Ltd
Maximus Bring It On No Surrender Orange	1 000	PET	Frucor Beverages Ltd	Statewide Recycling
Maximus Bring It On Tropical Citrus	1 000	PET	Frucor Beverages Ltd	Statewide Recycling
Maximus Do Or Die Lime	1 000	PET	Frucor Beverages Ltd	Statewide Recycling
Maximus Go Hard Lemon Lime	1 000	PET	Frucor Beverages Ltd	Statewide Recycling
Maximus Lucky Lemon	1 000	PET	Frucor Beverages Ltd	Statewide Recycling
Maximus Suck It Up Raspberry	1 000	PET	Frucor Beverages Ltd	Statewide Recycling

Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size (mL)	Container Type	Approval Holder	Collection Arrangements
Just Delicious Apple	500	PET	Just Squeezed Fruit Juices Pty Ltd	Marine Stores Ltd
Just Delicious Apple & Blackcurrant	500	PET	Just Squeezed Fruit Juices Pty Ltd	Marine Stores Ltd
Just Delicious Apple & Blackcurrant	250	PET	Just Squeezed Fruit Juices Pty Ltd	Marine Stores Ltd
Just Delicious Multi Fruits	250	PET	Just Squeezed Fruit Juices Pty Ltd	Marine Stores Ltd
Just Delicious Orange	500	PET	Just Squeezed Fruit Juices Pty Ltd	Marine Stores Ltd
Just Delicious Orange & Mango	500	PET	Just Squeezed Fruit Juices Pty Ltd	Marine Stores Ltd
Little Creatures Single Batch The Quiet American	568	Glass	Little Creatures Brewing Pty Ltd	Marine Stores Ltd
Aloe Vera King	500	PET	Oceania Trade Pty Ltd	Marine Stores Ltd
Aloe Vera Sugar Free	500	PET	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Aloe Original	500	PET	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Aloe Original	1 500	PET	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Aloe Peach	1 500	PET	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Aloe Queen Mango	1 500	PET	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Aloe Queen Mango	500	PET	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Aloe Queen Pineapple	1 500	PET	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Aloe Queen Pomegranate	1 500	PET	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Aloe Queen Strawberry	1 500	PET	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Aloe Vera King	1 500	PET	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Aloe Vera Queen Pomegranate	500	PET	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Aloe Vera Sugar Free	1 500	PET	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Caffe Latte	240	Can—Aluminium	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Caffe Mocha	240	Can—Aluminium	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Cappuccino	240	Can—Aluminium	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Caramel Macchiato	240	Can—Aluminium	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Citron Tea	500	PET	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Double Shot	240	Can—Aluminium	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Energy Power Up	250	Can—Aluminium	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Ginger Tea	500	PET	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Green Tea	500	PET	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Red Ginseng Korean Root Drink	120	Glass	Oceania Trade Pty Ltd	Marine Stores Ltd
OKF Red Ginseng Up Energy	250	Can—Aluminium	Oceania Trade Pty Ltd	Marine Stores Ltd
Sacs Coconut Pulp	240	Can—Aluminium	Oceania Trade Pty Ltd	Marine Stores Ltd
Sacs Mango	240	Can—Aluminium	Oceania Trade Pty Ltd	Marine Stores Ltd
Sacs Peach Pulp	240	Can—Aluminium	Oceania Trade Pty Ltd	Marine Stores Ltd
Sacs Pineapple	240	Can—Aluminium	Oceania Trade Pty Ltd	Marine Stores Ltd
Sacs Strawberry	240	Can—Aluminium	Oceania Trade Pty Ltd	Marine Stores Ltd
Sacs Sugar Free Orange	240	Can—Aluminium	Oceania Trade Pty Ltd	Marine Stores Ltd
Oak Chocolate	750	HDPE	Parmalat Food Products Pty Ltd	Statewide Recycling
Oak Chocolate No Added Sugar	500	HDPE	Parmalat Food Products Pty Ltd	Statewide Recycling
Oak Iced Coffee	750	HDPE	Parmalat Food Products Pty Ltd	Statewide Recycling
Oak Iced Coffee No Added Sugar	500	HDPE	Parmalat Food Products Pty Ltd	Statewide Recycling
Menchie's H2O	500	PET	Rhysland Pty Limited trading as Davies Trading Trust	Statewide Recycling
Riviana Cranberry Blackcurrant Fruit Drink	1 890	PET	Riviana Foods Pty Ltd	Marine Stores Ltd
Riviana Cranberry Fruit Drink	1 890	PET	Riviana Foods Pty Ltd	Marine Stores Ltd
Riviana Cranberry Lite Fruit Drink	1 890	PET	Riviana Foods Pty Ltd	Marine Stores Ltd
Riviana Cranberry Pomegranate Fruit Drink	1 890	PET	Riviana Foods Pty Ltd	Marine Stores Ltd
Riviana Raspberry Cranberry Fruit Drink	1 890	PET	Riviana Foods Pty Ltd	Marine Stores Ltd
Riviana Ruby Red Grapefruit Fruit Drink	1 890	PET	Riviana Foods Pty Ltd	Marine Stores Ltd
Mountain Dew Energised With Caffeine	440	Can—Aluminium	Schweppes Australia Pty Ltd	Statewide Recycling
Mountain Dew Energised With Caffeine	2 000	PET	Schweppes Australia Pty Ltd	Statewide Recycling
Mountain Dew Energised With Caffeine	1 250	PET	Schweppes Australia Pty Ltd	Statewide Recycling
Mountain Dew Energised With Caffeine	600	PET	Schweppes Australia Pty Ltd	Statewide Recycling
Mountain Dew Energised With Caffeine	375	Can—Aluminium	Schweppes Australia Pty Ltd	Statewide Recycling
Pepsi	450	PET	Schweppes Australia Pty Ltd	Statewide Recycling
Pepsi Max	330	Can—Aluminium	Schweppes Australia Pty Ltd	Statewide Recycling
Pepsi Max	450	PET	Schweppes Australia Pty Ltd	Statewide Recycling
Pepsi Max Kick No Sugar	355	Can—Aluminium	Schweppes Australia Pty Ltd	Statewide Recycling
Schweppes Traditionals Raspberry Flavour	375	Can—Aluminium	Schweppes Australia Pty Ltd	Statewide Recycling
Solo Original Lemon	330	Can—Aluminium	Schweppes Australia Pty Ltd	Statewide Recycling
Solo Original Lemon	450	PET	Schweppes Australia Pty Ltd	Statewide Recycling
Spring Valley Pineapple Juice	375	Glass	Schweppes Australia Pty Ltd	Statewide Recycling
Sunkist	450	PET	Schweppes Australia Pty Ltd	Statewide Recycling
John Hollows Ginger Beer	500	Glass	Season Beverage Company	Marine Stores Ltd
Lovedays Ginger Beer	500	Glass	Season Beverage Company	Marine Stores Ltd
The Memorial Hospital Pure Water	600	PET	The Memorial Hospital	Marine Stores Ltd
No Frills Cola Flavoured Soft Drink	1 250	PET	Tru Blu Beverages Pty Limited	Flagcan Distributors
No Frills Lemonade Flavoured Soft Drink	1 250	PET	Tru Blu Beverages Pty Limited	Flagcan Distributors
No Frills Mineral Water Sparkling Natural	1 250	PET	Tru Blu Beverages Pty Limited	Flagcan Distributors
No Frills Soda Water Carbonated Water	1 250	PET	Tru Blu Beverages Pty Limited	Flagcan Distributors
Infused Rush Vodka Berrylicious	275	Glass	Vok Beverages Pty Ltd	Statewide Recycling
Infused Rush Vodka Creamy Orange	275	Glass	Vok Beverages Pty Ltd	Statewide Recycling
Infused Rush Vodka Fruit Fizz	275	Glass	Vok Beverages Pty Ltd	Statewide Recycling
Infused Rush Vodka Lime	275	Glass	Vok Beverages Pty Ltd	Statewide Recycling
Infused Rush Vodka Passionfruit	275	Glass	Vok Beverages Pty Ltd	Statewide Recycling
Infused Rush Vodka Pine Crush	275	Glass	Vok Beverages Pty Ltd	Statewide Recycling



Column 1	Column 2	Column 3	Column 4	Column 5
Product Name	Container Size (mL)	Container Type	Approval Holder	Collection Arrangements
Infused Rush Vodka Purple Grape	275	Glass	Vok Beverages Pty Ltd	Statewide Recycling
Infused Rush Vodka Raspberry	275	Glass	Vok Beverages Pty Ltd	Statewide Recycling
Infused Rush Vodka Sticky Apple	275	Glass	Vok Beverages Pty Ltd	Statewide Recycling
Three Oaks Cider Dry	330	Glass	Vok Beverages Pty Ltd	Statewide Recycling
Three Oaks Original Pear Cider	330	Glass	Vok Beverages Pty Ltd	Statewide Recycling
Three Oaks Original Pear Cider	375	Can—Aluminium	Vok Beverages Pty Ltd	Statewide Recycling
Vok Chocolat Espresso	500	Glass	Vok Beverages Pty Ltd	Statewide Recycling
Vok Chocolat Honeycomb	500	Glass	Vok Beverages Pty Ltd	Statewide Recycling
Vok Chocolat Rich Cocoa	500	Glass	Vok Beverages Pty Ltd	Statewide Recycling
Vok Cocktails Cuban Sunrise	700	Glass	Vok Beverages Pty Ltd	Statewide Recycling
Vok Cocktails Long Island Iced Tea	2 000	Cask—cardboard box and PE/Metal/ Polyester bag	Vok Beverages Pty Ltd	Statewide Recycling
Vok Cocktails Lychee Martini	700	Glass	Vok Beverages Pty Ltd	Statewide Recycling
Vok Cocktails Sex On The Beach	700	Glass	Vok Beverages Pty Ltd	Statewide Recycling
Vok Cocktails Spring Punch	700	Glass	Vok Beverages Pty Ltd	Statewide Recycling
Vok Cocktails Strawberry Daiquiri	700	Glass	Vok Beverages Pty Ltd	Statewide Recycling
Vok Cocktails Sunrise	2 000	Cask—cardboard box and PE/Metal/ Polyester bag	Vok Beverages Pty Ltd	Statewide Recycling

## ELECTORAL ACT 1985

*Part 6—Registration of Political Parties*

NOTICE is hereby given, pursuant to Section 42 of the Electoral Act 1985, that I have this day registered the following political party:

Name of Party: Multicultural Progress Party

Dated 3 May 2012.

K. MOUSLEY, Electoral Commissioner

ECSA 67/2012

## FISHERIES MANAGEMENT ACT 2007: SECTION 79

TAKE note that the notice made under Section 79 of the Fisheries Management Act 2007, dated 27 April 2012, referring to the Gulf St Vincent Prawn Fishery, is hereby revoked.

Take note that the notice made under Section 79 of the Fisheries Management Act 2007, dated 12 January 2012, and published in the *South Australian Government Gazette* dated 19 January 2012, on page 222, being the second notice on that page, referring to the Gulf St Vincent Prawn Fishery, is hereby varied such that it will not be unlawful for holders of a Gulf St Vincent Prawn Fishery Licence, or their registered masters, to use prawn trawl nets in the area specified in Schedule 1, during the period specified in Schedule 2, and subject to the conditions specified in Schedule 3.

## SCHEDULE 1

The waters of the Gulf St Vincent Prawn Fishery south of the line defined by the following co-ordinates: Commencing at latitude 35°00.00'S, longitude 138°31.00'E, then to position latitude 35°00.00'S, longitude 138°13.00'E, then to position latitude 35°04.00'S, longitude 138°13.00'E, then to position latitude 35°04.00'S, 137°44.00'E.

## SCHEDULE 2

From 1800 hours on 29 April 2012 to 0600 hours on 2 May 2012.

## SCHEDULE 3

1. The co-ordinates in Schedule 1 are defined as degrees, decimal minutes and based on the WGS 1984 datum.

2. No fishing activity may be undertaken during the daylight hours from 0600 hours to 1800 hours on any day during the period specified in Schedule 3.

3. The licence holder or registered master may only undertake fishing activity according to the balance of fishing nights endorsed on the registrations and entitlement extract of their licence.

4. Fishing activity may only be undertaken using T90-mesh cod ends and grids, in accordance with the licence condition 8221.

5. At least one hour prior to sunset on each night that fishing will occur, the licence holder or registered master must call PIRSA Fishwatch on 1800 065 522 and report the following information:

- (a) licence number;
- (b) name of licence holder;
- (c) registered boat;
- (d) name of person lodging the report;
- (e) date on which fishing will commence;
- (f) nearest land location of departure; and
- (g) research survey block number from which fishing will commence.

Dated 29 April 2012.

C. NOELL, Prawn Fisheries Manager

## FISHERIES MANAGEMENT ACT 2007: SECTION 79

TAKE note that the notice made under Section 79 of the Fisheries Management Act 2007, dated 28 April 2012, referring to the Spencer Gulf Prawn Fishery, is hereby revoked.

Take note that the notice made under Section 79 of the Fisheries Management Act 2007, dated 12 January 2012, and published in the *South Australian Government Gazette* dated 19 January 2012, on page 222, being the third notice on that page, referring to the

Spencer Gulf Prawn Fishery, is hereby varied such that it will not be unlawful for a person fishing pursuant to a Spencer Gulf Prawn Fishery Licence to use prawn trawl nets in the areas specified in Schedule 1, during the period specified in Schedule 2, and under the conditions specified in Schedule 3.

## SCHEDULE 1

1. The waters of the Spencer Gulf Prawn Fishery that are south of the following co-ordinates: Commencing at latitude 34°11.00'S, longitude 137°28.00'E, then to position latitude 34°11.00'S, longitude 137°58.00'E, then to position latitude 34°19.00'S, longitude 136°48.00'E, then to position latitude 34°19.00'S, longitude 136°42.00'E, then to position latitude 34°02.00'S, longitude 136°51.00'E, then to position latitude 33°52.00'S, longitude 136°40.00'E.

2. Except the waters contained within and bounded by the following co-ordinates, which shall remain closed to fishing: Commencing at latitude 34°10.00'S, 137°28.00'E, then to position latitude 34°21.00'S, longitude 137°12.00'E, then to position latitude 34°45.00'S, longitude 137°15.00'E, then to position longitude 34°54.00'S, longitude 137°01.00'E.

## SCHEDULE 2

From 1900 hours on 29 April 2012 to 0600 hours on 30 April 2012.

## SCHEDULE 3

1. The co-ordinates in Schedule 1 are defined as degrees, decimal minutes and based on the Australian Geodetic Datum 1966 (AGD 66).

2. No fishing activity may be undertaken during the daylight hours from 0600 hours to 1900 hours on any day during the period specified in Schedule 2.

Dated 29 April 2012.

C. NOELL, Prawn Fisheries Manager

## FISHERIES MANAGEMENT ACT 2007: SECTION 79

TAKE note that the notice made under Section 79 of the Fisheries Management Act 2007, dated 27 April 2012, referring to the Spencer Gulf Prawn Fishery, is hereby revoked.

Take note that the notice made under Section 79 of the Fisheries Management Act 2007, dated 12 January 2012, and published in the *South Australian Government Gazette* dated 19 January 2012, on page 222, being the third notice on that page, referring to the Spencer Gulf Prawn Fishery, is hereby varied such that it will not be unlawful for a person fishing pursuant to a Spencer Gulf Prawn Fishery Licence to use prawn trawl nets in the areas specified in Schedule 1, during the period specified in Schedule 2, and under the conditions specified in Schedule 3.

## SCHEDULE 1

1. The waters of the Spencer Gulf Prawn Fishery that are:

- (a) Contained within and bounded by the following co-ordinates: Commencing at latitude 33°17.00'S, longitude 137°49.00'E, then to position latitude 33°17.00'S, longitude 137°36.00'E, then to position latitude 33°23.50'S, longitude 137°36.00'E, then to position latitude 33°23.50'S, longitude 137°53.00'E; and
- (b) South of the following co-ordinates: Commencing at latitude 33°36.20'S, longitude 137°14.00'E, then to position latitude 33°36.20'S, longitude 137°34.00'E, then to position latitude 33°38.00'S, longitude 137°34.00'E, then to position latitude 33°46.00'S, 137°44.00'E.

2. Except the waters contained within and bounded by the following co-ordinates, which shall remain closed to fishing:

- (a) Commencing at latitude 33°41.00'S, longitude 137°06.00'E, then to position latitude 33°52.00'S, longitude 137°15.00'E, then to position latitude 33°56.00'S, longitude 137°06.00'E, then to position latitude 34°01.00'S, longitude 137°09.00'E, then to position latitude 34°19.00'S, longitude 136°48.00'E, then to position latitude 34°19.00'S, longitude 136°42.00'E, then to position latitude 34°02.00'S, longitude 136°51.00'E, then to position latitude 33°52.00'S, longitude 136°40.00'E; and
- (b) Commencing at latitude 34°10.00'S, longitude 137°28.00'E, then to position latitude 34°21.00'S, longitude 137°12.00'E, then to position latitude 34°45.00'S, longitude 137°15.00'E, then to position latitude 34°54.00'S, longitude 137°01.00'E.

#### SCHEDULE 2

From 1900 hours on 28 April 2012 to 0600 hours on 29 April 2012.

#### SCHEDULE 3

1. The co-ordinates in Schedule 1 are defined as degrees, decimal minutes and based on the Australian Geodetic Datum 1966 (AGD 66).

2. No fishing activity may be undertaken during the daylight hours from 0600 hours to 1900 hours on any day during the period specified in Schedule 2.

Dated 28 April 2012.

C. NOELL, Prawn Fisheries Manager

#### FISHERIES MANAGEMENT ACT 2007: SECTION 79

TAKE note that the notice made under Section 79 of the Fisheries Management Act 2007, dated 29 April 2012, referring to the Gulf St Vincent Prawn Fishery, is hereby revoked.

Take note that the notice made under Section 79 of the Fisheries Management Act 2007, dated 12 January 2012, and published in the *South Australian Government Gazette* dated 19 January 2012, on page 222, being the second notice on that page, referring to the Gulf St Vincent Prawn Fishery, is hereby varied such that it will not be unlawful for holders of a Gulf St Vincent Prawn Fishery Licence, or their registered masters, to use prawn trawl nets in the area specified in Schedule 1, during the period specified in Schedule 2, and subject to the conditions specified in Schedule 3.

#### SCHEDULE 1

The waters of the Gulf St Vincent Prawn Fishery south of the line defined by the following co-ordinates: Commencing at latitude 35°00.00'S, longitude 138°31.00'E, then to position latitude 35°00.00'S, longitude 138°13.00'E, then to position latitude 35°04.00'S, longitude 138°13.00'E, then to position latitude 35°04.00'S, longitude 137°44.00'E.

#### SCHEDULE 2

From 1800 hours on 30 April 2012 to 0600 hours on 5 May 2012.

#### SCHEDULE 3

1. The co-ordinates in Schedule 1 are defined as degrees, decimal minutes and based on the WGS 1984 datum.

2. No fishing activity may be undertaken during the daylight hours from 0600 hours to 1800 hours on any day during the period specified in Schedule 3.

3. The licence holder or registered master may only undertake fishing activity according to the balance of fishing nights endorsed on the registrations and entitlement extract of their licence.

4. Fishing activity may only be undertaken using T90-mesh cod ends and grids, in accordance with the licence condition 8221.

5. At least one hour prior to sunset on each night that fishing will occur, the licence holder or registered master must call PIRSA Fishwatch on 1800 065 522 and report the following information:

- (a) licence number;
- (b) name of licence holder;
- (c) registered boat;
- (d) name of person lodging the report;
- (e) date on which fishing will commence;
- (f) nearest land location of departure; and
- (g) research survey block number from which fishing will commence.

Dated 30 April 2012.

C. NOELL, Prawn Fisheries Manager

#### FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE note that the notice made under Section 115 of the Fisheries Management Act 2007, licence holders of the Marine Scalefish Fishery with a sardine quota entitlement or their registered masters (the 'exemption holders'), are exempt from Sections 52 and 53 of the Fisheries Management Act 2007, but only insofar as the exemption holders shall not be guilty of an offence when taking Redbait (*Emmelichthys nitidus*) or Mackerel species (*Trachurus declivis*, *T. symmetricus*, *T. novaezelandiae* and *Scomber australasicus*) for the purpose of trade or business in the waters described in Schedule 1 (the 'exempted activity'), subject to the conditions set out in Schedule 2, from 24 April 2012 until 24 April 2013, unless varied or revoked earlier. Exemption No. 9902542.

#### SCHEDULE 1

Waters adjacent to South Australia extending out to three nautical miles from the territorial sea baseline.

#### SCHEDULE 2

1. The exempted activity may only be undertaken using a registered Sardine net that is endorsed on the Marine Scalefish Fishery Licence and is being used pursuant to that licence and the conditions of that licence.

2. The exempted activity must not be undertaken in waters less than 10 m in depth.

3. The exempted activity may only be undertaken using one Sardine net at any one time.

4. While engaged in the exempted activity the exemption holder must not use any other registered device endorsed on their Marine Scalefish Fishery Licence.

5. The exemption holder must ensure that any catches of Redbait (*Emmelichthys nitidus*) or Mackerel (*Trachurus declivis*, *T. symmetricus*, *T. novaezelandiae* and *Scomber australasicus*) are recorded as such on the SARDI South Australian Sardine Fishery Research Logbook for each calendar month.

6. The exemption holder must ensure that any catches of Redbait (*Emmelichthys nitidus*) or Mackerel (*Trachurus declivis*, *T. symmetricus*, *T. novaezelandiae* and *Scomber australasicus*) are recorded as part of the 'Sardine' catch on the PIRSA catch and disposal record (PF-CDR), except when the catch is determined to be 'Anchovy' in accordance with the licence conditions (i.e. when more than half of the catch comprises Anchovy).

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

Dated 24 April 2012.

PROFESSOR M. DOROUDI, Director of Fisheries

## FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to Section 115 of the Fisheries Management Act 2007, the holders of a Gulf St Vincent Prawn Fishery Licence issued pursuant to the Fisheries Management (Prawn Fisheries) Regulations 2006, listed in Schedule 1 (the 'exemption holders'), or their registered masters, are exempt from the closure notice made under Section 79 of the Fisheries Management Act 2007, dated 12 January 2012 and published in the *South Australian Government Gazette* dated 19 January 2012, on page 222, being the second notice on that page, referring to the Gulf St Vincent Prawn Fishery, but only insofar as the exemption holder shall not be guilty of an offence when using prawn trawl nets in accordance with the conditions of their fishery for the purpose of undertaking a stock assessment survey (the 'exempted activity'), during the period specified in Schedule 2, subject to the conditions contained in Schedule 3.

## SCHEDULE 1

Licence No.	Licence Holder	Boat Name
V03	Josephine K Fisheries Pty Ltd	<i>Josephine-K</i>
V04	Ledo Pty Ltd	<i>Miss Anita</i>
V05	Maurice Corigliano	<i>Frank Cori</i>
V06	Todreel Pty Ltd	<i>Anna Pearl</i>
V08	Haralambos Paleologoudias	<i>Shenandoah II</i>
V09	Hamid Huseljic	<i>Josephine K</i>
V10	Norman Wayne Justice	<i>Silda</i>

## SCHEDULE 2

The exemption is valid from 1830 hours on 20 April 2012 until 0600 hours on 22 April 2012.

## SCHEDULE 3

1. No fishing activity may be undertaken during the daylight hours from 0600 hours to 1830 hours on any day during the period specified in Schedule 3.

2. All trawling activity must be completed by 0600 hours on 22 April 2012 with nets out of the water.

3. Prawn trawl nets used during the exempted activity must be configured such that:

- (a) where two prawn trawl nets are used as a double rig, a T90-mesh cod end, as per the specifications in licence condition 8221, must be towed simultaneously alongside a conventional diamond-mesh cod end; or
- (b) where three prawn trawl nets are used as a triple rig, two T90-mesh cod ends, as per the specifications in licence condition 8221, must be towed simultaneously with one conventional diamond-mesh cod end.

4. The exemption holder must comply with instructions from the SARDI Stock Assessment Co-ordinator and work within the allotted survey trawl stations.

5. All fish, other than King Prawns, Southern Calamari (*Sepioteuthis australis*) and Bugs (*Ibacus* spp) taken during the exempted activity, are to be returned to the water immediately after capture.

6. While engaged in the exempted activity or while unloading the survey catch, the exemption holder must have on board their boat or near their person a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer if requested.

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

Dated 26 April 2012.

PROFESSOR M. DOROUDI, Director of Fisheries

## FISHERIES MANAGEMENT ACT 2007: SECTION 79

TAKE note that the notice made under Section 79 of the Fisheries Management Act 2007, dated 12 January 2012, and published in the *South Australian Government Gazette* dated 19 January 2012, on page 222, being the second notice on that page, referring to the Gulf St Vincent Prawn Fishery, is hereby varied such that it will not be unlawful for holders of a Gulf St Vincent Prawn Fishery Licence, or their registered masters, to use prawn trawl nets in the area specified in Schedule 1, during the period specified in Schedule 2, and subject to the conditions specified in Schedule 3.

## SCHEDULE 1

The waters of the Gulf St Vincent Prawn Fishery:

1. Contained and bounded by the following co-ordinates: Commencing at latitude 34°46.00'S, longitude 138°07.00'E, then to position latitude 34°43.00'S, longitude 138°13.00'E, then to position latitude 34°52.00'S, longitude 138°18.00'E, then to position latitude 34°54.00'S, longitude 138°12.00'E, then to the point of commencement; and

2. South of the line: Commencing at latitude 35°00.00'S, longitude 138°31.00'E, then to position latitude 35°00.00'S, longitude 138°13.00'E, then to position latitude 35°04.00'S, longitude 138°13.00'E, then to position latitude 35°04.00'S, 137°44.00'E.

## SCHEDULE 2

From 1800 hours on 27 April 2012 to 0600 hours on 2 May 2012.

## SCHEDULE 3

1. The co-ordinates in Schedule 1 are defined as degrees, decimal minutes and based on the WGS 1984 datum.

2. No fishing activity may be undertaken during the daylight hours from 0600 hours to 1800 hours on any day during the period specified in Schedule 3.

3. The licence holder or registered master may only undertake fishing activity according to the balance of fishing nights endorsed on the registrations and entitlement extract of their licence.

4. Fishing activity may only be undertaken using T90-mesh cod ends and grids, in accordance with the licence condition 8221.

5. At least one hour prior to sunset on each night that fishing will occur, the licence holder or registered master must call PIRSA Fishwatch on 1800 065 522 and report the following information:

- (a) licence number;
- (b) name of licence holder;
- (c) registered boat;
- (d) name of person lodging the report;
- (e) date on which fishing will commence;
- (f) nearest land location of departure; and
- (g) research survey block number from which fishing will commence.

Dated 27 April 2012.

C. NOELL, Prawn Fisheries Manager

## FISHERIES MANAGEMENT ACT 2007: SECTION 79

## GOOLWA BEACH CLOSURE

*Closure of Pipi Fishery—Recreational*

TAKE notice that pursuant to Section 79 of the Fisheries Management Act 2007, it is hereby declared that it shall be unlawful for any person to engage in the class of fishing activity specified in Schedule 1, in the area specified in Schedule 2, during the period specified in Schedule 3.

## SCHEDULE 1

The act of taking or an act preparatory to the taking of Pipi (*Donax deltooides*).

## SCHEDULE 2

The Sir Richard Peninsula between five kilometres south of Beach Road, Goolwa Beach and Middleton Point, near Mill Terrace, Middleton.

## SCHEDULE 3

From midnight on 30 April 2012 until midnight on 31 May 2012.

Dated 27 April 2012.

S. SLOAN, Director, Fisheries and  
Aquaculture Policy

## FISHERIES MANAGEMENT ACT 2007: SECTION 79

TAKE note that the notice made under Section 79 of the Fisheries Management Act 2007, dated 26 April 2012, referring to the Spencer Gulf Prawn Fishery, is hereby revoked.

Take note that the notice made under Section 79 of the Fisheries Management Act 2007, dated 12 January 2012, and published in the *South Australian Government Gazette* dated 19 January 2012, on page 222, being the third notice on that page, referring to the Spencer Gulf Prawn Fishery, is hereby varied such that it will not be unlawful for a person fishing pursuant to a Spencer Gulf Prawn Fishery Licence to use prawn trawl nets in the areas specified in Schedule 1, during the period specified in Schedule 2, and under the conditions specified in Schedule 3.

## SCHEDULE 1

1. The waters of the Spencer Gulf Prawn Fishery that are:

- (a) Contained within and bounded by the following co-ordinates: Commencing at latitude 33°17.00'S, longitude 137°49.00'E, then to position latitude 33°17.00'S, longitude 137°35.70'E, then to position latitude 33°23.50'S, longitude 137°35.70'E, then to position latitude 33°23.50'S, longitude 137°53.00'E; and
- (b) South of the following co-ordinates: Commencing at latitude 33°36.00'S, longitude 137°14.00'E, then to position latitude 33°36.00'S, longitude 137°34.00'E, then to position latitude 33°38.00'S, longitude 137°34.00'E, then to position latitude 33°46.00'S, longitude 137°44.00'E.

2. Except the waters contained within and bounded by the following co-ordinates, which shall remain closed to fishing:

- (a) Latitude 33°41.00'S, longitude 137°06.00'E, then to position latitude 33°52.00'S, longitude 137°15.00'E, then to position latitude 33°56.00'S, longitude 137°06.00'E, then to position latitude 34°01.00'S, longitude 137°09.00'E, then to position latitude 34°19.00'S, longitude 136°48.00'E, then to position latitude 34°19.00'S, longitude 136°42.00'E, then to position latitude 34°02.00'S, longitude 136°51.00'E, then to position latitude 33°52.00'S, longitude 136°40.00'E; and
- (a) Latitude 34°10.00'S, longitude 137°28.00'E, then to position latitude 34°21.00'S, longitude 137°12.00'E, then to position latitude 34°45.00'S, longitude 137°15.00'E, then to position latitude 34°54.00'S, longitude 137°01.00'E.

## SCHEDULE 2

From 1900 hours on 27 April 2012 to 0600 hours on 30 April 2012.

## SCHEDULE 3

1. The co-ordinates in Schedule 1 are defined as degrees, decimal minutes and based on the Australian Geodetic Datum 1966 (AGD 66).

2. No fishing activity may be undertaken during the daylight hours from 0600 hours to 1900 hours on any day during the period specified in Schedule 2.

Dated 27 April 2012.

C. NOELL, Prawn Fisheries Manager

## LOCAL GOVERNMENT ACT 1999

## NOTICE OF APPROVAL OF A SUBSIDIARY

*Adelaide Central Market Authority*

PURSUANT to Section 42 of the Local Government Act 1999, the Adelaide City Council has resolved to establish a subsidiary to oversee the management and operation of the Adelaide Central Market.

Pursuant to Clause 1 of Part 1 of Schedule 2 of the Local Government Act 1999, I approve the establishment of the Adelaide Central Market Authority.

The Charter of the Adelaide Central Market Authority is set out below.

Dated 25 April 2012.

RUSSELL WORTLEY, Minister for State/Local Government Relations

**LOCAL GOVERNMENT ACT 1999**

## ADELAIDE CENTRAL MARKET AUTHORITY

*Charter—2012***1. INTRODUCTION**1.1 *Name of Authority*

The name of the Authority is the Adelaide Central Market Authority.

1.2 *Corporate Status*

The Authority is a body corporate and is governed by its Board which has the responsibility to manage the business and other affairs of the Authority ensuring that the Authority acts in accordance with this Charter.

1.3 *Dictionary*

1.3.1 'Act' means the Local Government Act 1999 and all relevant Regulations made there under;

1.3.2 'Authority' means the subsidiary of the Council established under the Act;

1.3.3 'Board' means the Board of Management established under Clause 2 of this Charter;

1.3.4 'Capital Enhancement Fund' means net surplus funds directed to new and enhanced facilities subject to a case by case project proposals and included in an annual business plan approved by Council;

1.3.5 'Capital Renewal Fund' means a fund created to provide for those individual asset renewal projects which require completion to ensure the assets meet the required level of service.

1.3.6 'Charter' means this charter of the Authority prepared by the Council and approved by the Minister in accordance with the Act;

1.3.7 'Council' means the Corporation of the City Adelaide;

1.3.8 'deliberative vote' means a vote cast by each member of the Board (including the chair) for the purpose of deciding a matter under deliberation;

1.3.9 'Financial year' means 1 July in each year to 30 June in the subsequent year;

1.3.10 'Gazette' means the *South Australian Government Gazette*;

1.3.11 'Headlease' means the lease to be granted by the Council to the Authority of the Market in accordance with this Charter;

1.3.12 'Market' means the property owned by the Council situated at Grote Street, Adelaide and known as the Adelaide Central Market;

- 1.3.13 'Market General Manager' means that person appointed by the Board pursuant to Clause 3.1 to manage the business of the Authority and the Board;
- 1.3.14 'Operating Guidelines' means the guidelines prepared by the Council and updated from time to time in relation to the day to day operation of the Market;
- 1.3.15 'simple majority' means a majority of those present and entitled to vote;
- 1.3.16 'Market Charter' means the document entitled 'Adelaide Central Market Charter 2011', as approved by the Council at its meeting of 31 May 2011, as reviewed and amended from time to time by the Council as contemplated by this Charter for the purposes of clarification of the Market Charter although referred to in this Charter is a separate and distinct document from the Charter and does not form part of the Charter;

#### 1.4 *Interpretation*

In this Charter:

- 1.4.1 the singular includes the plural and vice versa and words importing a gender include other genders;
- 1.4.2 words importing natural persons include corporations;
- 1.4.3 reference to a Section(s) is to a section of the Act and includes any section that substantially replaces that Section and deals with the same matter;
- 1.4.4 headings are for ease of reference only and do not affect the construction of this Charter.

#### 1.5 *Local Government Act*

- 1.5.1 The Authority is established pursuant to Section 42 of the Act.
- 1.5.1 This Charter must be read in conjunction with Parts 1 and 3 of Schedule 2 to the Act.
- 1.5.1 The Authority shall conduct its affairs in accordance with and comply with Schedule 2 to the Act except as modified by this Charter in a manner permitted by Schedule 2.
- 1.5.1 The establishment of the Authority does not derogate from the power of Council to act independently in relation to a matter within the jurisdiction of the Authority.
- 1.5.1 Nothing in this Charter shall be construed as limiting or altering the existence of any right or entitlement of the Council under Schedule 2 of the Act.

#### 1.6 *About this Charter*

- 1.6.1 This Charter is the charter of the Authority.
- 1.6.2 This Charter binds the Authority and Council.
- 1.6.3 Despite any other provision in this Charter but subject to Clause 1.5:
  - (a) if the Act prohibits a thing being done the thing may not be done;
  - (b) if the Act requires or permits a thing to be done authority is given for that thing to be done;
  - (c) if a provision of this Charter is or becomes inconsistent with the Act that provision must be read down or failing that severed from this Charter to the extent of the inconsistency.
- 1.6.4 This Charter may not be amended except as Council may agree by passing a resolution in the same terms. An amendment is not effective unless and until published in the *Gazette*.
- 1.6.5 This Charter may be reviewed by the Council at any time and must be reviewed by the Council whenever it is relevant to do so because of a review of the Council's strategic management plans.

## 1.7 *Objects and Purpose*

### 1.7.1 *Objects and Purpose*

The Authority is:

- (a) established to oversee the management and operation of the Market in accordance with:
  - (i) this Charter; and
  - (ii) the Market Charter;
  - (iii) Council's Strategic Plan
- (b) responsible to maintain and enhance the iconic standing of the Market for the benefit of all stakeholders;
- (c) responsible for the Market becoming internationally recognized as a vibrant, diverse and unique fresh produce market community that is commercially sustainable for traders and the Council.

### 1.7.2 *Status of Market Charter*

- (a) The Market Charter, has the purpose of more specifically defining the manner in which the Authority will achieve the mission, goals and key success factors in order to meet the vision set out in the Market Charter.

## 1.8 *Powers, Functions and Duties*

The powers, functions and duties of the Authority are to be exercised in the performance of the Authority's objects and purposes. The Authority shall have the following powers, functions and duties:

- 1.8.1 enter into a Headlease with the Council as Lessor pursuant to which the Council will grant to the Authority a Lease of the whole of the Market. That Lease will be on such terms and conditions as nominated by the Council. Other than as provided for in Clause 1.8.2 the Authority must not enter into any contract dealing or arrangement with respect to real property without the approval of Council;
- 1.8.2 as Lessee pursuant to the Headlease the power to grant subleases, licences and other rights of occupation over any areas of the Adelaide Central Market which may become vacant from time to time;
- 1.8.3 to ensure that the Adelaide Central Market is managed, operated, marketed and conducted in accordance with the Market Charter, the Operating Guidelines and the Headlease;
- 1.8.4 enter into contracts, purchasing, selling, leasing, hiring, renting or otherwise acquiring or disposing of any chattel plant or equipment;
- 1.8.5 employ, engage, remunerate, remove, suspend or dismiss officers, managers, employees and agents of the Authority;
- 1.8.6 open and operate bank accounts;
- 1.8.7 the power to borrow funds in accordance with its functions;
- 1.8.8 the Authority must pay to the Council pursuant to the Headlease:
  - (a) an annual rent comprising a percentage of the rent and recoverable outgoings payable by lessees, licensees and occupiers of the Market; and
  - (b) a percentage of net revenue derived by the Authority in each Financial Year in accordance with the terms of the Headlease;
- 1.8.9 the power to accumulate surplus funds to the extent that those surplus funds are not required to be paid to the Council pursuant to the Headlease. The Authority must establish a fund ('Capital Enhancement Fund') and must pay into the Capital Enhancement Fund all such surplus funds. Funds accumulated in the Capital Enhancement Fund shall be expended for the purposes of Capital Enhancement in a manner approved by the Council in accordance with Clause 4.3.3;



- 1.8.10 the power to use the trading name ‘Adelaide Central Market’;
- 1.8.11 establish a Traders’ Advisory Group and to actively engage with and communicate with the Traders’ Advisory Group and the Traders’ Association in relation to the activities of the Authority;
- 1.8.12 establish a good working relationship with those responsible for the management of retail centres adjoining the Market;
- 1.8.13 co-ordinate the undertaking of the advertising and other promotion of the Market in consultation with the Traders’ Advisory Group and the Traders’ Association;
- 1.8.14 actively marketing tenancies in the Market that may become vacant;
- 1.8.15
  - (a) ensure that the Market is maintained at all times in a state of repair which a prudent investor would maintain the same to ensure a maximum level of amenity for customers and occupancy by traders and a maximum level of rent return;
  - (b) for the purpose of complying with its obligations under Clause 1.8.15 (a) the Authority must create a fund (‘Capital Renewal Fund’) to provide for the cost of undertaking capital expenditure in relation to the maintenance and upkeep of existing improvements and infrastructure in the Market;
- 1.8.16 the power to do anything else necessary or convenient for or incidental to the exercise, performance or discharge of the Authority’s powers, functions or duties;
- 1.8.17 to be financially self-sufficient for operational and Capital Renewal costs; and
- 1.8.18 proactively manage the business of the Market in a competitive and changing environment, and for the avoidance of doubt and for the purposes of Schedule 2, Clause 3 (2) (e) the Authority is not authorised to undertake any activities outside the area of the Council unless such activity is first approved by the Council.

1.9 *Funding of Authority, Borrowing Money and Investment*

- 1.9.1 It is intended that the operations of the Authority shall be funded from the rents, licence fees and other moneys which will be payable by lessees, licensees and occupiers of the Market to the Authority either as a Concurrent Lessee (in respect of those tenancies in existence as at the date of the grant of the Headlease) or as Underlessor (in respect of those tenancies granted by the Authority after the date of the grant of the Headlease).
- 1.9.2 Any borrowings by the Authority must be approved by the Council and must:
  - (a) not be used for the purpose of funding operational costs or Capital Renewal costs and must be used for the purpose of undertaking Capital Enhancements approved by Council in circumstances where Council has approved a capital enhancement project under Clause 4.3.3 but there are insufficient funds in the Capital Enhancement Fund to undertake the capital enhancement project; and
  - (b) be from the Local Government Financial Authority or a registered bank or financial institution within Australia.
- 1.9.3 For the purposes of Schedule 2, Clause 3 (2) (k) the Authority must obtain the prior approval of the Council in respect of any investment to be undertaken by the Authority.

1.10 *Property*

- 1.10.1 All property held by the Authority is held by it on behalf of Council.
- 1.10.2
  - (a) The Authority must not acquire, dispose, encumber or otherwise deal with any real property without the approval of the Council.

- (b) The Authority may acquire or dispose of or otherwise deal with chattels, plant and equipment with the approval of the Board provided that such dealing is either consistent with and permitted in the Business Plan or the Budget, or is otherwise approved by Council.

#### 1.11 *National Competition Policy*

The Authority must undertake any commercial activities which constitute a significant business activity of the Authority in accordance with the principles of competitive neutrality.

## 2. **BOARD OF MANAGEMENT**

### 2.1 *Role of Board*

The Board shall be responsible to manage all of the activities of the Authority and ensure that the Authority acts in accordance with this Charter.

### 2.2 *Membership of the Board*

2.2.1 A Board Member appointed under Clause 2.3 must be a natural person. It is intended that a Board Member will not be an officer, employee or elected member of the Council, nor a trader in the Market.

2.2.2 It is intended that Board Members must collectively have a range of knowledge, skills and experience across the following areas:

- (a) food retail experience;
- (b) property management experience;
- (c) marketing expertise; and
- (d) corporate governance and business acumen.

### 2.3 *Appointment of Board Members*

#### 2.3.1

- (a) The Board shall consist of five (5) members.
- (b) The first appointments will be made on the basis that three (3) of the Board Members (including the Chair) are appointed for a three (3) year term and two (2) of the Board Members are appointed for a two (2) year term. Thereafter all appointments will be for a term of up to three (3) years.

2.3.2 The Chair of the Board will be appointed as follows:

- (a) in respect of the first appointee the CEO of the Council will select and nominate a person to be Chair of the Board for approval and appointment by the Council; and
- (b) thereafter all further appointments of the Chair will be made by the Council upon the recommendation of the Board after a public expression of interest process conducted by the Board in consultation by the Board and the CEO of the Council,

the Chair will hold office for a term of up to three (3) years unless the Chair resigns or is removed from office in accordance with this Charter or is otherwise no longer eligible to act as a Board Member.

2.3.3 The remaining four (4) Board Members will be appointed as follows:

- (a) in respect of the first appointees the Chair and the CEO of the Council will select and nominate the four (4) remaining Board members for approval and appointment by the Council; and
- (b) thereafter all appointments will be made by the Council upon recommendation of the Board after a public expression of interest process conducted by the Board and consultation by the Board and the CEO of the Council.

- 2.3.4 A Board Member is eligible for reappointment at the expiration of a term of office provided that no Board Member shall be entitled to serve no more than two (2) consecutive terms.
- 2.3.5 Prior to the conclusion of the term of office of any Board Member a further appointment will be made by the Council in accordance with Clause 2.3.3.
- 2.3.6 The Council must give to the Authority a written notice of appointment of a Board Member.
- 2.3.7 Each Board Member must give to the Authority a signed written consent to act as a Board Member.
- 2.3.8 There shall also be a Deputy Chair of the Board who shall be appointed by the Council upon recommendation of the Chair and the CEO of the Council to hold office for a term of three (3) years unless the Deputy Chair resigns or is removed from office in accordance with this Charter or is otherwise no longer eligible to act as a Board Member.
- 2.3.9 In the event that the appointed Chair either resigns or is no longer eligible to act as a Board Member prior to the expiration of that person's term then the Deputy Chair shall act in that office or in the event of the Deputy Chair refusing or being unable to so act the Board shall appoint from amongst the Board Members a new Chair who shall hold office until a further appointment is made pursuant to Clause 2.3.2 whereupon the person so appointed will hold office for the duration of the original appointment.
- 2.3.10 The Chair shall preside at all meetings of the Board and in the event of the Chair being absent from a meeting the Deputy Chair shall preside and in the event of both the Chair and the Deputy Chair being absent from a meeting the Board members present shall appoint a member from amongst them who shall preside for that meeting or until the chair or the Deputy Chair is present.
- 2.3.11 The Chair and the Deputy Chair are eligible for re-appointment at the expiration of their term of office. If either or both are not re-appointed by Council a new Chair and Deputy Chair shall be appointed in accordance with Clauses 2.3.2 and 2.3.8.
- 2.4 *Functions of the Board*
- 2.4.1 The formulation of strategic plans and strategies aimed at:
- (a) aligning the activities of the Authority with the vision, mission and goals set out in the Market Charter; and
  - (b) improving the activities of the Authority.
- 2.4.2 To provide professional input and policy direction to the Authority.
- 2.4.3 Appointing, monitoring, overseeing and evaluating the performance of the Market General Manager to be appointed by the Board as provided for in Clause 3 of this Charter.
- 2.4.4 Ensuring that ethical behaviour and integrity is established and maintained by the Authority and its Board Members in all activities undertaken by the Authority.
- 2.4.5 The preparation and development of Business Plans to be presented to the Council for approval.
- 2.4.6 Exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons.
- 2.5 *Removal of Board Members*
- 2.5.1 Neither the Authority nor the Board may remove a Board Member.
- 2.5.2 The Council may remove a Board Member from office by giving to the Authority a written notice of removal of the Board Member signed by or for the Authority.
- 2.5.3 The Council may remove a Board Member who is absent without leave of the Board from three (3) consecutive ordinary meetings of the Board.

- 2.5.4 The Council may remove a Board member either of its own volition or upon recommendation of the Board by a two thirds majority vote of the Board members present (excluding the Board Member subject to this Clause 2.5.4) for:
- (a) any behaviour of the Board Member which in the opinion of the Board amounts to impropriety;
  - (b) serious neglect of duty in attending to the responsibilities of a Board Member;
  - (c) breach of fiduciary duty to the Board or the Council;
  - (d) breach of the duty of confidentiality to the Board and/or the Council;
  - (e) breach of the propriety requirements of the Board; or
  - (f) any other behaviour which may discredit the Board.
- 2.6 *Vacation of the Office of Board Member*
- 2.6.1 A person vacates office as a Board Member if and when:
- (a) Clauses 2.5.2 to 2.5.4 inclusive requires;
  - (b) Schedule 2, Clause 4 (3) of the Act requires or permits; or
  - (c) The person was when appointed an elected member of the Council and ceases to be an elected member.
- 2.6.2 A Board member need not retire from office at any time.
- 2.7 *Remuneration and Expenses of Board Members*
- 2.7.1 The Authority is entitled to pay appropriate remuneration fees as approved by the Council.
- 2.7.2 The Authority must pay to a Board Member any travelling and other expenses that are properly incurred in connection with the Authority's business and with the prior approval of the Board as recorded in minutes of a Board meeting.
- 2.7.3 Attendance is recognised as a significant factor towards the success of the Authority and therefore the payment of fees will be subject to attendance.
- 2.8 *Casual Vacancies*
- 2.8.1 If any casual vacancy occurs in the membership of the Board it will be filled in the same manner as the original appointment.
- 2.8.2 The person appointed to the Board to fill a casual vacancy will be appointed for the balance of the term of the original appointment.
- 2.9 *Register of Interest*
- A Board Member is not required to submit returns to the Authority under Chapter 5, Part 4, Division 2 of the Act.
- 2.10 *Protection from Liability*
- In accordance with Schedule 2, Clause 38 of the Act a Board Member is afforded protection from certain civil liabilities.
- 2.11 *Saving Provision*
- In accordance with Schedule 2, Clause 40 of the Act no act or proceeding of the Authority is invalid by reason of:
- (a) a vacancy or vacancies in the membership of the Board; or
  - (b) a defect in the appointment of a Board Member.
- 2.12 *Governance Issues for Members of the Board*
- 2.12.1 The principles regarding conflict of interest prescribed in the Act apply to all Board Members in the same manner as if they were elected members of a council.

2.12.2 The Board members will at all times act in accordance with their duties of confidence and confidentiality and individual fiduciary duties including honesty and the exercise of reasonable care and diligence with respect to the performance and discharge of official functions and duties as required by Chapter 5, Part 4, Division 1 of the Act and Schedule 2, Part 1, Clause 7 to the Act.

2.12.3 The Board must prepare and adopt and thereafter keep under review policies on:

- (a) contracts and tenders as would conform to Section 49 of the Act; and
- (b) a code of conduct to be observed by Board Members.

2.13 *Meetings of the Board*

2.13.1 Subject to Schedule 2, Clause 5 of the Act, the Board may determine its own procedures for meetings, which must be fair and contribute to free and open decision making.

2.13.2 Ordinary meetings of the Board must take place at such times and places as may be fixed by the Board or the Executive Office of the Authority from time to time and in any event not less than six (6) times per Financial year.

2.13.3 An ordinary meeting of the Board will constitute an ordinary meeting of the Authority. The Board shall administer the business of the ordinary meeting.

2.13.4

- (a) For the purposes of this Clause 2.13.4 the contemporary linking together by telephone, audio-visual or other instantaneous means ('telecommunications meeting') of a number of the board Members provided that at least a quorum is present is deemed to constitute a meeting of the Board.
- (b) Each of the Board Members taking part in the telecommunications meeting must at all times during the telecommunications meeting be able to hear and be heard by each of the Board Members present.
- (c) At the commencement of the meeting each Board members must announce his/her presence to all other Board Members taking part in the meeting.
- (d) A Board member must not leave a telecommunications meeting by disconnecting his/her telephone, audio-visual or other communication equipment unless that board member has previously notified the Chair of the meeting.

2.13.5

- (a) A proposed resolution in writing and given to all Board Members in accordance with proceedings determined by the Board will be a valid decision of the Board where a majority of Board Members vote in favour of the resolution by signing and returning the resolution to the Market General Manager or otherwise giving written notice of their consent and setting out the terms of the resolution to the Executive Office.
- (b) The resolution shall thereupon be as valid and effectual as if it had been passed at a meeting of the Board duly convened and held.

2.13.6 Notice of ordinary meetings of the Board must be given by the Market General Manager to each Board Member not less than three (3) clear business days prior to the holding of the meeting.

2.13.7

- (a) Council or any Board Member may by delivering a written request to the Principal Office of the Authority require a special meeting of the Board to be held.
- (b) On receipt of the request the Market General Manager shall send a notice of the special meeting to all Board Members and Market General Managers of Council at least twenty four (24) hours prior to the commencement of the special meeting.

- 2.13.8 The request by any Board Member to the Market General Manager of the Authority requiring a special meeting to be held must be accompanied by the proposed agenda for the meeting and any written reports intended to be considered at the meeting (and if the proposed agenda is not provided the request is of no effect).
- 2.13.9 Notice of any meeting of the Board must:
- (a) be in writing; and
  - (b) set out the date, time and place of the meeting; and
  - (c) be signed by the Market General Manager; and
  - (d) contain or be accompanied by the agenda for the meeting; and
  - (e) be accompanied by a copy of any documents or reports that are to be considered at the meeting (so far as this is practicable).
- 2.13.10 The Market General Manager must maintain a record of all notices of meetings given to Board Members.
- 2.13.11 Notice of a meeting may be given to a Board Member:
- (a) personally; or
  - (b) by delivering the notice (whether by post or otherwise) to the usual place of residence of the Board Members or to another place authorised in writing by the Board Member; or
  - (c) by leaving the notice for a Board member at an appropriate place at the principal place of the office of Council which appointed the Board Member; or
  - (d) by a means authorised in writing by the Board Member as being an available means of giving notice.
- 2.13.12 Any notice that is not given in accordance with Clause 2.13.8 will be taken to have been validly given if the Market General Manager considers it impracticable to give the notice in accordance with Clause 2.13.8 and takes action that the Market General Manager considers reasonably practicable in the circumstances to bring the notice to the Board Member's attention.
- 2.13.13 The Chair may convene urgent general meetings of the Board at the Chair's discretion.
- 2.13.14 The Chair shall convene other meetings of the Board as a general meeting may direct.
- 2.13.15 A majority of the Board members present at a meeting of the Board may adjourn the meeting from time to time and from place to place.
- 2.13.16
- (a) The Market General Manager must cause minutes to be kept of the proceedings at every meeting of the Board.
  - (b) The minutes must be prepared and distributed to Board Members and Council within five (5) business days of the meeting to which they relate.
  - (c) The minutes must be presented to the next ordinary meeting of the Board for confirmation and adoption.
- 2.13.17 Where the Market General Manager is excluded from attendance at a meeting of the Board the person presiding at the meeting shall cause the minutes to be kept.
- 2.13.18 *Quorum*
- The quorum for any meeting of the Board is a simple majority of the number of Board Members in office and no business will be transacted at a meeting of the Board unless a quorum is present.

2.13.19 *Voting*

## (a)

- (i) Every Board Member including the Chair shall have a deliberative vote.
- (ii) The Chair shall not in the event of an equality of votes have a casting vote.

## (b)

- (i) All matters will be decided by a majority of votes of the board Members present except where this Charter provides otherwise.
- (ii) In the event of an equality of votes the matter will lapse.

## (c)

- (i) Subject to conflicts of interest each Board member validly present at a meeting must vote on a matter arising for decision at the meeting.
- (ii) Failure by any Board member to vote other than in conflict of interest situations will be deemed to be a negative vote in relation to the question for decision.

2.13.20 The Board may invite any person to attend at a meeting of the Board to act in an advisory capacity.

2.13.21 Subject to this Charter, Schedule 2, Clause 5 and to any direction of Council the Board may determine its own procedures for voting which must be fair and contribute to free and open decision making.

2.13.22 Subject to Clause 2.14 meetings of the Board will not be conducted in a place open to the public.

2.14 *Annual General Meeting*

2.14.1 An Annual General Meeting of the Board shall be held prior to November in each year at a place and time determined by a resolution of the Board.

2.14.2 Notice of the Annual General Meeting will be given by:

- (a) placing a copy of the notice and agenda on public display at the principal office of the Authority and of the Council; and
- (b) by giving notice in newspapers that circulate in the area of the Council; or
- (c) in such other manner as the Market General Manager considers appropriate.

2.14.3 The notice and agenda must be placed on public display at least fourteen (14) clear days before the Annual General Meeting and must be available to the public:

- (a) for inspection, without charge;
- (b) by way of a copy upon payment of a fee fixed by the Authority; and
- (c) on public display until the completion of the Annual General Meeting.

2.14.4 A reasonable number of copies of the notice and agenda and any document or report supplied to Board Members for the Annual General Meeting must be available for members of the public at the meeting.

2.14.5 The Annual General Meeting will be conducted in a place open to the public and will consider and deal with business of a general nature aimed at reviewing the progress and direction of the Authority over the immediately preceding financial year and shall include the following:

- (a) Chairperson's report;
- (b) Market General Manager's report;
- (c) the annual budget for the ensuing financial year;
- (d) the audited financial statements for the previous financial year; and

- (e) any other general business determined by the Board to be considered at the Annual General Meeting.
  - 2.14.6 The minutes of the Annual General Meeting must be available to the public within five (5) days of the Annual General Meeting for inspection or by provision of a copy upon payment of a fixed fee by the Board.
- 2.15 *Delegation by the Authority*
  - 2.15.1 Subject to Clause 2.15.3 the Board may by resolution delegate such of its powers, functions and duties under this Charter as it determines including without limitation its powers pursuant to Clause 1.8.4 and 1.10.2
  - 2.15.2 The Board must adopt and regularly review a formal written policy which sets out those powers, functions and duties which are to be the subject of delegation including the terms and conditions of such delegation and the limits and restrictions on the exercise of the relevant powers, functions and duties under delegation.
  - 2.15.3 Notwithstanding the provisions of Clause 2.15.1 the Board may not delegate:
    - (a) the power to impose charges;
    - (b) the power to enter into transactions in excess of an amount to be specified by the Board in its written policy established under Clause 2.15.2;
    - (c) the power to borrow money or obtain any other form of financial accommodation not set out or included in a budget approved by the Authority or where required by this Charter approved by Council;
    - (d) the power to approve expenditure of money on the works, services or operations of the Authority not set out or included in a budget approved by the Authority or where required by this Charter approved by Council;
    - (e) the power to approve the reimbursement of expenses or payment of allowances to members of the Board; and
    - (f) the power to adopt budgets.

A delegation is revocable at will and does not prevent the Authority from acting in a matter.

### 3. EMPLOYEES OF THE AUTHORITY

- 3.1 The Board must appoint a Market General Manager of the Authority to manage the business of the Authority and the Board on terms agreed between the Market General Manager and the Board and approved by the Council.
- 3.2 The Market General Manager shall cause records to be kept of the business and financial affairs of the Authority in accordance with this Charter in addition to other duties provided for by this Charter and those specified in the terms and conditions of appointment.
- 3.3 In the absence of the Market General Manager for any period exceeding one week a suitable person to act in a position of Market General Manager of the Authority must be appointed by the Board.
- 3.4 The Board shall delegate responsibility for the day to day management of the Authority to the Market General Manager who will ensure that sound business and human resource management practices are applied in the efficient and effective management of the operations of the Authority.
- 3.5 The functions of the Market General Manager shall be specified in the terms and conditions of appointment and shall include but are not limited to:
  - 3.5.1 attending at all meetings of the Board unless excluded by resolution of the Board;
  - 3.5.2 ensuring that the decisions of the board are implemented in a timely and efficient manner;
  - 3.5.3 providing information to assist the Board to assess the Authority's performance against its Strategic and Business Plans;



- 3.5.4 appointing, managing, suspending and dismissing employees of the Authority;
  - 3.5.5 determining the conditions of employment of employees of the Authority within budgetary constraints set by the Board;
  - 3.5.6 providing advice and reports to the Board on the exercise and performance of its powers and functions under this Charter or any Act;
  - 3.5.7 ensuring that the Authority is at all times complying with Schedule 2 of the Act;
  - 3.5.8 ensuring that the Authority's annual report is prepared for approval by the Board and distributed to Council in conformity with Clause 4.4;
  - 3.5.9 co-ordinating and initiating proposals for consideration of the Board including but not limited to continuing improvement of the operations of the Authority;
  - 3.5.10 ensuring that the assets and resources of the Authority are properly managed and maintained;
  - 3.5.11 exercising, performing or discharging other powers, functions or duties conferred on the Market General Manager by or under the Act or any other Act and performing other functions lawfully directed by the Board;
  - 3.5.12 achieving financial outcomes in accordance with adopted plans and budgets of the Authority;
  - 3.5.13 invite any person to attend at a meeting to act in an advisory capacity.
- 3.6
- 3.6.1 The Market General Manager may delegate or sub-delegate to an employee of the Authority or a committee comprising employees of the Authority any power or function vested in the Market General Manager.
  - 3.6.2 Such delegation or sub-delegation may be subject to any conditions or limitations as determined by the Market General Manager.
- 3.7 Where a power or function is delegated to an employee the employee is responsible to the Market General Manager for the efficient and effective exercise or performance of that power or function.
- 3.8 Where a power or function is delegated to an employee or a person occupying a particular office or position that employee or person is responsible to the Market General Manager for the efficient and effective exercise or performance of that power or function.
- 3.9 A written record of all delegations and sub-delegations must be kept by the Market General Manager at all times.
- 3.10 The Market General Manager shall provide a report on his/her activities to the Board at every Board Meeting.
- 4. MANAGEMENT**
- 4.1 *Financial Management*
- 4.1.1 The Authority shall keep proper books of accounts in accordance with the requirements of the Local Government (Financial Management) Regulations 2011.
  - 4.1.2 The Authority must review its budget at least three (3) times in each Financial Year at intervals of not less than three (3) months between 30 September and 31 May (inclusive) in accordance with the requirements of the Local Government (Financial Management) Regulations 2011.
  - 4.1.3 The Authority's books of account must be available for inspection by any Board Member or authorised representative of Council at any reasonable time on request.
  - 4.1.4 The Authority must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.

- 4.1.5
- (a) The Authority shall appoint no less than two (2) Board members, the Market General Manager, the Chair and the Deputy Chair as authorised operators of the bank accounts.
  - (b) A minimum of two (2) authorised operators must be required to deal with the Bank account at any one (1) time.
- 4.1.6 All cheques must be signed by two (2) persons authorised by resolution of the Board.
- 4.1.7 Any payments made by Electronic Funds Transfer must be made in accordance with procedures which have received the prior approval of the Auditor and been adopted by the Board.
- 4.1.8 The Authority must develop and present to Council for adoption a treasury management policy to include (but not limited to) provisions relating to debt, savings, surplus funds and financial risk reduction through a holistic approach to borrowings, investment and financial management.
- 4.1.9 The Market General Manager must act prudently in the handling of all financial transactions for the Authority and must provide quarterly financial and corporate reports to the Board and if requested the Council.
- 4.2 Audit
- 4.2.1 The Board shall appoint an auditor in accordance with the Local Government (Financial Management) Regulations 2011 ('Auditor').
- 4.2.2 The Auditor shall hold office until the appointment is rescinded by a resolution of the Board at an ordinary meeting.
- 4.2.3 The Auditor will have the same powers and responsibilities as set out in the Act in relation to a council.
- 4.2.4 The auditor of financial statements of the Authority together with the accompanying report from the Auditor shall be submitted to both the Board and Council.
- 4.2.5 The books of account and financial statements shall be audited at least once per year.
- 4.2.6 The Authority is required to appoint an audit committee.
- 4.2.7 The Authority must to the extent not already specified in this Clause 4.2 comply with all of the requirements of Schedule 2, Clause 13 of the Act.
- 4.3 *Business Plan and Budget*
- The Authority shall:
- 4.3.1 Prepare:
- (a) an annual business plan; and
  - (b) a budget.
- for approval by the Council.
- 4.3.2 undertake reasonable consultation with Council prior to submitting the Business Plan and Budget to Council for approval;
- 4.3.3 the Business Plan must:
- (a) link the core activities of the Authority to strategic, operational and organisational requirements with supporting financial projections setting out the estimates of revenue and expenditure as necessary for the period;
  - (b) include the performance targets of the Authority;
  - (c) include those measures to be employed to monitor and assess performance and achievement of targets;

- (d) include proposals for the undertaking of capital enhancement projects and the funding of such projects either from the Capital Enhancement Fund or borrowings under Clause 1.9;
        - (e) otherwise comply with the requirements of Schedule 2, Clause 8 of the Act;
  - 4.3.4 the Budget must:
    - (a) detail the estimated revenues and costs for the forthcoming financial year; and
    - (b) otherwise comply with the requirements of Schedule 2, Clause 9 of the Act.
  - 4.3.5 The Business Plan and Budget must be submitted to Council for approval by a date nominated by the Council from time to time in accordance with Council's budgetary approval process;
  - 4.3.6 Neither the Business Plan nor the Budget shall be amended without reasonable consultation with and the prior approval of the Council.
- 4.4 *Reporting*
  - 4.4.1 The Board must submit to Council in each Financial Year a report on the work and operations of the Authority detailing achievement of the aims and objectives of its Business Plan and incorporating the audited financial statements of the Authority and any other information or reports required by Council in a timeframe determined by Council.
  - 4.4.2 The Board shall present financial statements in accordance with the Local Government (Financial Management) Regulations 2011 to Council in a timeframe determined by Council each Financial Year.
  - 4.4.3 The Board must submit to the Council within thirty (30) days of the expiration of each quarter in each Financial Year a quarterly report in relation to the operation of the Authority and the Market containing such information as the Council shall specify from time to time.

## 5. MISCELLANEOUS

- 5.1 *Insurance and Superannuation Requirements*
  - 5.1.1 The Authority shall register with the Local Government Mutual Liability Scheme and comply with the Rules of that Scheme.
  - 5.1.2 The Authority shall advise Local Government Asset Mutual Scheme on its insurance requirements relating to local Government Special Risks including buildings, structures, vehicles and equipment under the management, care and control of the Authority.
  - 5.1.3 If the Authority employs any person it shall register with the Local Government Superannuation Scheme and the Local Government Workers Compensation Scheme and comply with the Rules of those Schemes.
- 5.2 *Winding Up*
  - 5.2.1 The Authority may be wound up by the Minister acting upon a resolution of Council or by the Minister in accordance with Schedule 2, Part 1, Clause 16 (1) (b) of the Act.
  - 5.2.2 In the event of a winding up of the Authority:
    - (a) any surplus assets after payment of all expenses shall be returned to Council prior to the passing of the resolution to wind up; and
    - (b) the Headlease shall at the election of the Council be either transferred by the Authority to the Council or surrendered.
- 5.3 *Alteration and Review of Charter*
  - 5.3.1 Consistent with Clause 1.6.5 the Council may review this Charter at any time.
  - 5.3.2 This Charter may be amended by a resolution passed in the same terms by Council.
  - 5.3.3 The Market General Manager must ensure that the amended Charter is published in the *Gazette* and a copy of the amended Charter provided to the Minister.

#### 5.4 *Committees*

5.4.1 In addition to the Audit Committee the Board may establish a committee of Board Members for the purpose of:

- (a) enquiring into and reporting to the Board on any matter within the Authority's functions and powers and as detailed in the terms of reference given by the Board to the committee;
- (b) exercising, performing or discharging delegated powers, functions or duties.

5.4.2 A member of a committee established under Clause 5.4.1 holds office at the pleasure of the Board.

5.4.3 The Board may establish advisory committees consisting of or including persons who are not Board Members for enquiring into and reporting to the Board on any matter within the Authority's functions and powers and as detailed in the terms of reference which must be given by the Board to the advisory committee.

#### 5.5 *Ex-Officio Member*

The Chair of the Board is an *ex-officio* member of any committee or advisory committee established by the Board.

#### 5.6 *Common Seal*

5.6.1 The Authority shall have a common seal upon which its corporate name shall appear in legible characters.

5.6.2 The common seal shall not be used without the express authorisation of a resolution of the Authority and very use of the common seal shall be recorded in the minute book of the Authority.

5.6.3 The affixing of the common seal shall be witnessed by the Chair or the Deputy Chair and the Market General Manager or such other person as the Authority may appoint for the purpose.

5.6.7 The common seal shall be kept in the custody of the Market General Manager or such other person as the Authority may from time to time decide.

#### 5.7 *Saving Provision*

As a matter of record Schedule 2, Clause 40 of the Act provides that no act or proceeding of the Authority is invalid by reason of:

- 5.7.1 a vacancy or vacancies in membership of the Board; or
- 5.7.2 a defect in the appointment of a Board Member.

#### 5.8 *Principal Office*

The Authority's principal office is located at Adelaide Central Market or as the Board may otherwise determine.

#### 5.9 *Service of Documents*

5.9.1 A document to be given by the Authority to the Council or by the Council to the Authority may be given in a manner that Section 280 of the Act permits.

5.9.2 A written notice given by the Authority to Council must be marked 'Attention: Chief Executive Officer'.

#### 5.10 *Access to Information/Records*

5.10.1 As a matter of record Schedule 2, Clause 11 of the Act entitles Council to be furnished with information or records of the Authority.

5.10.2 Council and a Board member each have a right to inspect and take copies of the books and records of the Authority for any proper purpose.

5.11 *Circumstances Not Provided For*

5.11.1 If any circumstance arises about which this Charter is silent, incapable of taking effect or being implemented according to its strict provisions the Chair may decide the action to be taken to ensure achievement of the objects of the Authority and its effective administration.

5.11.2 The Chair shall report any such decision at the next ordinary meeting of the Authority.

6. **PERFORMANCE AND ACCOUNTABILITY OF AUTHORITY**

6.1 The Council shall be entitled on an ongoing basis to review the performance of the Authority and the Board in the conduct of their respective activities under this Charter.

6.2 If at any time the Council is of the view that either the Authority and/or the Board is not performing its duties under this Charter the Council shall be entitled to provide a notice in writing to the Board ('Council Notice') identifying those matters in respect of the performance by the Authority and/or the Board of its duties under this Charter which are not satisfactory to the Council together with details of any corrective action which the Council requires the Authority and/or the Board to take in order to rectify the identified performance issues.

## 6.3

6.3.1 The Board shall within thirty (30) days of receipt of the Council Notice provide a written response to the Council as to the matters raised in the Council Notice ('Notice in Response') which notice shall identify any corrective action which the Authority and/or the Board intends to undertake in order to address the issues raised in the Council Notice.

6.3.2 If the Authority or the Board disputes any matters raised in the Council Notice then the Notice of Response must identify any matters in respect of which the Authority and/or the Board do not agree.

6.4 The CEO of the Council and the Chair of the Board shall meet within fourteen (14) days of receipt by the Council of the Notice in Response to discuss the matters raised in the Council Notice and the Notice in Response.

6.5 Either:

6.5.1 Following the meeting between the CEO of the Council and the Chair of the Board pursuant to Clause 6.4 and having considered the matters raised in the notice of response and the matters discussed between the CEO of the Council and the Chair of the Board at their meeting; or

6.5.2 If the Board does not provide a Notice in Response, the Council shall be entitled to take such further action (if any) as it determines with respect to the matters raised in the Council Notice which action may include but shall not be limited to the removal of the Board and the appointment of a replacement Board in accordance with the provisions of Clause 2.3.

## HOUSING IMPROVEMENT ACT 1940

*Erratum*

IN *Government Gazette* dated 24 June 1993, on page 2152, fifth entry below was printed in error and *should* be replaced with the following:

No. of House and Street	Locality	Allotment, Section, etc.	Certificate of Title	
			Volume	Folio
11 Bondowie Street	Gladstone	Allotment 107 in Deposited Plan 401, Hundred of Yangya	5215	525

Dated at Adelaide, 2 May 2012.

R. HULM, Director, Corporate Services, Housing SA

## GOVERNMENT GAZETTE ADVERTISEMENT RATES

To apply from 1 July 2011

	\$		\$
Agents, Ceasing to Act as.....	45.50	Firms:	
Associations:		Ceasing to Carry on Business (each insertion) .....	30.25
Incorporation .....	23.00	Discontinuance Place of Business .....	30.25
Intention of Incorporation .....	57.00	Land—Real Property Act:	
Transfer of Properties .....	57.00	Intention to Sell, Notice of.....	57.00
Attorney, Appointment of.....	45.50	Lost Certificate of Title Notices .....	57.00
Bailiff's Sale .....	57.00	Cancellation, Notice of (Strata Plan).....	57.00
Cemetery Curator Appointed.....	33.75	Mortgages:	
Companies:		Caveat Lodgement .....	23.00
Alteration to Constitution .....	45.50	Discharge of .....	24.10
Capital, Increase or Decrease of .....	57.00	Foreclosures.....	23.00
Ceasing to Carry on Business .....	33.75	Transfer of .....	23.00
Declaration of Dividend.....	33.75	Sublet.....	11.60
Incorporation .....	45.50	Leases—Application for Transfer (2 insertions) each.....	11.60
Lost Share Certificates:		Lost Treasury Receipts (3 insertions) each.....	33.75
First Name.....	33.75	Licensing.....	67.50
Each Subsequent Name.....	11.60	Municipal or District Councils:	
Meeting Final.....	38.00	Annual Financial Statement—Forms 1 and 2 .....	636.00
Meeting Final Regarding Liquidator's Report on		Electricity Supply—Forms 19 and 20.....	452.00
Conduct of Winding Up (equivalent to 'Final		Default in Payment of Rates:	
Meeting')		First Name .....	90.50
First Name.....	45.50	Each Subsequent Name.....	11.60
Each Subsequent Name .....	11.60	Noxious Trade .....	33.75
Notices:		Partnership, Dissolution of.....	33.75
Call.....	57.00	Petitions (small) .....	23.00
Change of Name.....	23.00	Registered Building Societies (from Registrar-General) .....	23.00
Creditors.....	45.50	Register of Unclaimed Moneys—First Name .....	33.75
Creditors Compromise of Arrangement .....	45.50	Each Subsequent Name .....	11.60
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) .....	289.00
be appointed').....	57.00	Rate per page (in 6pt) .....	382.00
Release of Liquidator—Application—Large Ad .....	90.50	Sale of Land by Public Auction.....	57.50
—Release Granted .....	57.00	Advertisements .....	3.20
Receiver and Manager Appointed .....	52.50	¼ page advertisement .....	135.00
Receiver and Manager Ceasing to Act .....	45.50	½ page advertisement .....	270.00
Restored Name.....	42.50	Full page advertisement.....	529.00
Petition to Supreme Court for Winding Up.....	79.00	Advertisements, other than those listed are charged at \$3.20 per	
Summons in Action.....	67.50	column line, tabular one-third extra.	
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Proof of Debts .....	45.50	that which is usually published a charge of \$3.20 per column line	
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Pages	Main	Amends	Pages	Main	Amends
1-16	2.80	1.30	497-512	38.50	37.50
17-32	3.70	2.30	513-528	39.50	38.25
33-48	4.85	3.45	529-544	41.00	39.50
49-64	6.10	4.70	545-560	42.00	41.00
65-80	7.10	5.90	561-576	43.00	42.00
81-96	8.30	6.85	577-592	44.50	42.50
97-112	9.45	8.10	593-608	45.75	44.00
113-128	10.60	9.30	609-624	46.50	45.50
129-144	11.80	10.50	625-640	47.75	46.00
145-160	13.00	11.60	641-656	49.00	47.75
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193-208	16.60	15.30	689-704	52.50	50.50
209-224	17.50	16.20	705-720	53.50	52.00
225-240	18.70	17.30	721-736	55.00	53.00
241-257	20.10	18.30	737-752	55.50	54.00
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321-336	25.75	24.30	817-832	61.50	60.50
337-352	27.00	25.50	833-848	63.00	61.50
353-368	27.75	26.75	849-864	64.00	62.50
369-384	29.25	27.75	865-880	65.50	64.00
385-400	30.50	29.00	881-896	66.00	64.50
401-416	31.75	30.00	897-912	67.50	66.00
417-432	33.00	31.50	913-928	68.00	67.50
433-448	34.00	32.75	929-944	69.00	68.00
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## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to Section 52 (2) (b) of the Liquor Licensing Act 1997, that Industrial and Commercial Developments Pty Ltd has applied to the Licensing Authority for a Residential licence in respect of premises situated at Lot 105, Kingsford Road, Kingsford, S.A. 5118 and to be known as Kingsford Homestead.

The application has been set down for hearing on 5 June 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: 29 May 2012).

The applicant's address for service is c/o Patrick Kent, P.O. Box 2, She-oak Log, S.A. 5371.

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 30 April 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 Matthew David Brown and Karen Rae Heatherbell as trustee for The Heatherbell Brown have applied to the Licensing Authority for the removal of a Producer's Licence in respect of premises situated at 17 Kangarilla Road, McLaren Vale, S.A. 5171 to be situated at Lot 25, Almond Grove Road, Willunga, S.A. 5172 and known as The Good Doctors Wine Group.

The application has been set down for hearing on 5 June 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 applicants at the applicants' address, at least seven days before the hearing date (viz: 29 May 2012).

The applicants' address for service is c/o Matthew David Brown and Karen Rae Heatherbell, G.P.O. Box 772, McLaren Vale, S.A. 5171.

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 30 April 2012.

Applicants

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to Section 52 (2) (b) of the Liquor Licensing Act 1997, that K Illusion Pty Ltd has applied to the Licensing Authority for the transfer of an Entertainment Venue Licence in respect of premises situated at 84 Hindley Street, Adelaide, S.A. 5000 known as K-Box Karaoke and to be known as Kartini Karaoke Lounge.

The application has been set down for hearing on 5 June 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: 29 May 2012).

The applicant's address for service is c/o Tony Tropeano, G.P.O. Box 470, Adelaide, S.A. 5001.

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 30 April 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 Damian Brett McArdle has applied to the Licensing Authority for a Producer's Licence in respect of premises situated at 169 Murphy Road, Paracombe, S.A. 5132 and to be known as Paracombe Premium Perry.

The application has been set down for hearing on 4 June 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: 28 May 2012).

The applicant's address for service is c/o Damian McArdle, 169 Murphy Road, Paracombe, S.A. 5132.

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 26 April 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 Sanjiv Sakhujia has applied to the Licensing Authority for a Restaurant Licence in respect of premises situated at Mount Barker Central Shopping Centre, 56 Hutchinson Street, Mount Barker, S.A. 5251 and to be known as Legacy of India.

The application has been set down for hearing on 4 June 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: 28 May 2012).

The applicant's address for service is c/o Sanjiv Sakhujia, 33 Norton Street, Angle Park, S.A. 5010.

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 26 April 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 Saffron Sky Pty Ltd has applied to the Licensing Authority for a Restaurant Licence with Section 34 (1) (c) Trading Approval in respect of premises situated at 162B King William Street, Hyde Park, S.A. 5061 and to be known as Saffron Sky.



The application has been set down for hearing on 4 June 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: 28 May 2012).

The applicant's address for service is c/o DMAW Lawyers, Level 3, 80 King William Street, Adelaide, S.A. 5000 (Attention: Adrian Battiston or Caderyn McEwen). Telephone: 8210 2222.

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 24 April 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 Hotel Tivoli Pty Ltd has applied to the Licensing Authority for a variation to an Entertainment Consent in respect of the Hotel Licence situated at 265 Pirie Street, Adelaide, S.A. 5000 and known as Hotel Tivoli.

The application has been set down for hearing on 4 June 2012 at 9.30 a.m.

##### *Conditions*

The following licence conditions are sought:

- Variation to Entertainment Consent to include the area outlined in blue on the plans lodged in the application.

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: 28 May 2012).

The applicant's address for service is c/o Wallmans Lawyers, G.P.O. Box 1018, Adelaide, S.A. 5001 (Attention: Ben Allen or Alex Bastian).

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 24 April 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 Aldinga Shores Residents Association Inc. has applied to the Licensing Authority for a Limited Club Licence and Entertainment Consent in respect of premises situated at 9 Emerald Boulevard, Aldinga Beach, S.A. 5713 and to be known as Aldinga Shores Residents Association Inc.

The application has been set down for hearing on 28 May 2012 at 9.30 a.m.

##### *Conditions*

The following licence conditions are sought:

- Entertainment Consent is sought for the indoor and alfresco areas for the following days and times:
  - Monday to Thursday: 11.30 a.m. to 11.30 p.m.
  - Friday to Saturday: 11.30 a.m. to midnight.
  - Sunday: 11.30 a.m. to 8 p.m.
  - New Years Eve: 11.30 a.m. to 2 a.m. the following day.

Days preceding other Public Holidays: 11.30 a.m. to 11.30 p.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: 21 May 2012).

The applicant's address for service is c/o Kym W. S. Driscoll, 18/9 Emerald Boulevard, Aldinga Beach, S.A. 5173.

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 23 April 2012.

Applicant

#### MINING ACT 1971

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

Applicant: Endeavour Copper Gold Pty Ltd

Location: South Coorlay Ridge area—Approximately 50 km south-west of Andamooka.

Pastoral Leases: Roxby Downs, Purple Downs and Andamooka.

Term: 2 years

Area in km<sup>2</sup>: 74

Ref.: 2009/00101

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

J. MARTIN, Mining Registrar

#### MINING ACT 1971

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

Applicant: Sturt Exploration Pty Ltd

Location: Roxby Downs area—Approximately 55 km south-west of Andamooka.

Pastoral Leases: Parakylia, Roxby Downs and Purple Downs.

Term: 2 years

Area in km<sup>2</sup>: 192

Ref.: 2009/00227

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

J. MARTIN, Mining Registrar

#### MINING ACT 1971

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

Applicant: Hiltaba Gold Pty Ltd

Location: Lake Woorong area—Approximately 80 km south-west of Coober Pedy.

Pastoral Lease: Mabel Creek

Term: 1 year

Area in km<sup>2</sup>: 888

Ref.: 2009/00339

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

J. MARTIN, Mining Registrar

#### MINING ACT 1971

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

Applicant: Posar Family Superannuation Pty Ltd  
 Location: Lake Gregory area—Approximately 120 km north-east of Marree.  
 Pastoral Leases: Etadunna, Dulkaninna and Murnpeowie.  
 Term: 1 year  
 Area in km<sup>2</sup>: 846  
 Ref.: 2011/00049

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

J. MARTIN, Mining Registrar

#### MINING ACT 1971

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

Applicant: Phosphate Australia Limited  
 Location: Mikkira area—Approximately 20 km west of Port Lincoln.  
 Term: 2 years  
 Area in km<sup>2</sup>: 177  
 Ref.: 2011/00082

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

J. MARTIN, Mining Registrar

#### MINING ACT 1971

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

Applicant: Endeavour Copper Gold Pty Ltd  
 Location: Tarcoola area—Approximately 40 km west of Kingoonya.  
 Pastoral Lease: Wilgena  
 Term: 2 years  
 Area in km<sup>2</sup>: 26  
 Ref.: 2011/00162

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

J. MARTIN, Mining Registrar

#### MINING ACT 1971

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

Applicant: Curnamona Energy Limited  
 Location: Frome area—Approximately 130 km north of Olary  
 Pastoral Lease: Frome Downs

Term: 2 years  
 Area in km<sup>2</sup>: 53  
 Ref.: 2012/00088

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

J. MARTIN, Mining Registrar

#### NOTICE TO MARINERS

NO. 11 OF 2012

*South Australia—Port Bonython—Hazard to Navigation—Scaffolding Damaged and Boards Drifting*

MARINERS are advised that due to rough weather associated with king tides the scaffolding from breasting dolphin 3 has been damaged. As a result several scaffolding boards approximately 2.4 m long and 300 mm wide have been dislodged and drifting along the coastline.

Mariners are advised that the missing boards are a potential hazard to navigation and are advised to exercise extreme caution when navigating in the area.

Charts affected: Aus 778 and 136.

Adelaide, 27 April 2012.

PATRICK CONLON, Minister for Transport

DPTI 2012/00765

#### PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Temporary Cessation of Suspension of  
 Petroleum Exploration Licences  
 PELs 138 and 499*

PURSUANT to Section 90 of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the suspensions of PEL 138 dated 15 August 2011 and PEL 499 dated 18 March 2011, have been temporarily ceased under the provisions of the Petroleum and Geothermal Energy Act 2000, with effect from 27 April 2012, pursuant to delegated powers dated 21 March 2012.

The expiry date of these PELs is now determined to be:

- PEL 138 will now expire on 21 December 2015.
- PEL 499 will now expire on 7 January 2014.

Dated 26 April 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

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

#### NOTICE OF CONFIRMATION OF ROAD PROCESS ORDER

*Road Closure—Jared Road, Seaford Meadows*

BY Road Process Order made on 21 March 2012, the City of Onkaparinga ordered that:

1. The whole of the public road (eastern end of Jared Road) situate extending easterly from the western boundary of Allotment 22 in Deposited Plan 29547 to Sauerbiers Road, more particularly delineated and lettered 'A' in Preliminary Plan No. 10/0051 be closed.

2. The whole of the land subject to closure be transferred to LandSA Pty Ltd and Fairmont Homes Group Pty Ltd and MSP Property Holdings Pty Ltd in accordance with agreement for transfer dated 21 March 2012, entered into between the City of Onkaparinga and LandSA Pty Ltd and Fairmont Homes Group Pty Ltd and MSP Property Holdings Pty Ltd.

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

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

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

On 19 April 2012, that order was confirmed by the Minister for Transport and Infrastructure conditionally upon the deposit by the Registrar-General of Deposited Plan 89107, 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 3 May 2012.

P. M. KENTISH, Surveyor-General

#### SEWERAGE ACT 1929

##### *Removal of Land from Adelaide Drainage Area*

PURSUANT to Section 18 of the Sewerage Act 1929, the South Australian Water Corporation:

- (a) removes from the Adelaide Drainage Area all the land contained in Allotment 301 in Deposited Plan 86956;
- (b) declares that this notice will have effect from 1 July 2012.

Dated 24 April 2012.

Signed for and on behalf of the South Australian Water Corporation by a person duly authorised so to do:

A. SCHIRRIPA, Manager Billing and Collection

In the presence of:

N. HUDSON, Team Leader Rating

SAWATER 10/06419 D1460

#### WILDERNESS PROTECTION REGULATIONS 2006

##### *Closure of Cape Torrens Wilderness Protection Area*

PURSUANT to Regulations 6 (2) (c) of the Wilderness Protection Regulations 2006, I, Edward Gregory Leaman, Director of National Parks and Wildlife close to the public the whole of Cape Torrens Wilderness Protection Area from 6 a.m. on Sunday, 20 May 2012, until 6 a.m. Wednesday, 6 June 2012.

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

##### *Use of Firearms within the Wilderness Protection Area*

Pursuant to Regulations 6 (4), 16 (1) (a) and 34 of the Wilderness Protection Regulations 2006, I, Edward Gregory Leaman, Director of National Parks and Wildlife grant permission to staff employed by the Kangaroo Island Natural Resources Management Board in possession of both a current Hunting Permit and a firearm to enter and remain in the whole Cape Torrens Wilderness Protection Area from 6 a.m. on Sunday, 20 May 2012, until 6 a.m. Wednesday, 6 June 2012, for the purpose of taking feral animals.

This permission is conditional upon the observance by each of those persons of the requirements of the Wilderness Protection Act 1992, Wilderness Protection Regulations 2006 and the National Parks and Wildlife (Hunting) Regulations 2011, including those requiring compliance with the Director's requests, requirements and orders of a Warden.

Note: This notice supersedes the information previously detailed in a notice published in the *South Australian Government Gazette* dated 29 March 2012, on page 1280.

Dated 1 May 2012.

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

#### WILDERNESS PROTECTION REGULATIONS 2006

##### *Closure of Western River Wilderness Protection Area*

PURSUANT to Regulations 6 (2) (c) of the Wilderness Protection Regulations 2006, I, Edward Gregory Leaman, Director of National Parks and Wildlife close to the public the whole of Western River Wilderness Protection Area from 6 a.m. on Sunday, 20 May 2012 until 6 a.m. Wednesday, 6 June 2012.

From 6 a.m. on Wednesday, 6 June 2012, the northern section of the wilderness protection area will re-open however, the southern section of the wilderness protection area will remain closed until 6 a.m. on Saturday, 30 June 2012, as previously detailed in a notice published in the *South Australian Government Gazette* dated 22 December 2011, on page 5129.

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

##### *Use of Firearms within the Wilderness Protection Area*

Pursuant to Regulations 6 (4), 16 (1) (a) and 34 of the Wilderness Protection Regulations 2006, I, Edward Gregory Leaman, Director of National Parks and Wildlife grant permission to staff employed by the Kangaroo Island Natural Resources Management Board in possession of both a current Hunting Permit and a firearm to enter and remain in the whole Western River Wilderness Protection Area from 6 a.m. on Sunday, 20 May 2012, until 6 a.m. Wednesday, 6 June 2012, for the purpose of taking feral animals.

This permission is conditional upon the observance by each of those persons of the requirements of the Wilderness Protection Act 1992, Wilderness Protection Regulations 2006 and the National Parks and Wildlife (Hunting) Regulations 2011, including those requiring compliance with the Director's requests, requirements and orders of a Warden.

Note: This notice supersedes the information previously detailed in a notice published in the *South Australian Government Gazette* dated 29 March 2012, on page 1280.

Dated 1 May 2012.

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

#### WILDERNESS PROTECTION REGULATIONS 2006

##### *Closure of Ravine des Casoars Wilderness Protection Area*

PURSUANT to Regulations 6 (2) (c) of the Wilderness Protection Regulations 2006, I, Edward Gregory Leaman, Director of National Parks and Wildlife close to the public the whole of Ravine des Casoars Wilderness Protection Area, with the exception of Shackle Road which will remain open for through traffic only (no stopping) from 6 a.m. on Thursday, 24 May 2012, until 6 a.m. on Wednesday, 6 June 2012.

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

##### *Use of Firearms within the Wilderness Protection Area*

Pursuant to Regulations 6 (4), 16 (1) (a) and 34 of the Wilderness Protection Regulations 2006, I, Edward Gregory Leaman, Director of National Parks and Wildlife grant permission to staff employed by the Kangaroo Island Natural Resources Management Board in possession of both a current Hunting Permit and a firearm to enter and remain in the part of Ravine des Casoars Wilderness Protection Area from 6 a.m. on Thursday, 24 May 2012, until 6 a.m. Wednesday, 6 June 2012, for the purpose of taking feral animals.

This permission is conditional upon the observance by each of those persons of the requirements of the Wilderness Protection Act 1992, Wilderness Protection Regulations 2006 and the National Parks and Wildlife (Hunting) Regulations 2011, including those requiring compliance with the Director's requests, requirements and orders of a Warden.

Dated 1 May 2012.

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

**WATER MAINS AND SEWERS**

Office of the South Australian Water Corporation  
Adelaide, 3 May 2012

**WATER MAINS LAID**

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

**ADELAIDE WATER DISTRICT**

**ADELAIDE HILLS COUNCIL**  
Waterworks land (lot 2 in LTRO FP 129456), Onkaparinga Road, Verdun. p16-22  
Across Onkaparinga Road, Verdun. p16-22

**CITY OF PLAYFORD**

In and across Nolan Place, Munno Para. p10-12  
Gold Street, Munno Para. p10 and 11  
Havan Lane, Munno Para. p10 and 11  
Shribank Street, Munno Para. p10 and 11  
The Greenway, Munno Para. p10 and 11  
Easements in lot 8014 in LTRO DP 87687, Coventry Road, Munno Para. p10-12  
Adair Street, Munno Para. p10 and 12  
Bursaria Avenue, Munno Para. p10-12  
Evita Avenue, Munno Para. p10 and 12  
Scarlet Avenue, Munno Para. p10 and 11  
Across Coventry Road, Munno Para. p10 and 12  
Palmer Road, Elizabeth Park. p46  
Tudor Crescent, Smithfield Plains. p47  
Ayling Street, Smithfield Plains. p48  
Tudor Crescent, Smithfield Plains. p49  
Tudor Crescent, Smithfield Plains. p50

**CITY OF PORT ADELAIDE ENFIELD**

Willochra Street, Largs North. p4  
Across and in George Robertson Drive, Largs North. p4 and 5  
Shipwright Road, Largs North. p4 and 6-8  
Allan Rice Court, Largs North. p6  
Charles Davis Court, Largs North. p7

**BAROSSA COUNTRY LANDS WATER DISTRICT**

**THE BAROSSA COUNCIL**  
Docking Road, Sandy Creek. p9

**BLUE LAKE COUNTRY LANDS WATER DISTRICT**

**DISTRICT COUNCIL OF GRANT**  
Attiwill Road, Glenburnie. p14  
Across and in Princes Highway, Glenburnie. p15

**BUNDALEER COUNTRY LANDS WATER DISTRICT**

**PORT PIRIE REGIONAL COUNCIL**  
Ingram Gap Road, Mundoorra. p36

**EUDUNDA WATER DISTRICT**

**REGIONAL COUNCIL OF GOYDER**  
Across and in Worlds End Highway, Eudunda. p37-40

**PENNESHAW WATER DISTRICT**

**KANGAROO ISLAND COUNCIL**  
Trethewey Terrace, Penneshaw. p3

**PORT LINCOLN WATER DISTRICT**

**CITY OF PORT LINCOLN**  
Monash Street, Port Lincoln. p1  
In and across Gawler Terrace, Port Lincoln. p13  
Easements in lot 70 in LTRO DP 61465, Power Terrace, Port Lincoln. p13  
Across and in Hawson Square, Port Lincoln. p13

**PORT VICTOR WATER DISTRICT**

**CITY OF VICTOR HARBOR**  
White Close, Encounter Bay. p2  
In and across Inman Valley Road, Encounter Bay. p32  
Murray Street, Encounter Bay. p32  
In and across Shields Crescent, Encounter Bay. p32  
Cameron Court, Encounter Bay. p32

**STANSBURY WATER DISTRICT**

**DISTRICT COUNCIL OF YORKE PENINSULA**  
Waterworks land (lot 101 in LTRO DP 70333 and lot 681 in LTRO FP 196103), Brentwood Road, Stansbury. p24-31

**WARREN COUNTRY LANDS WATER DISTRICT**

**REGIONAL COUNCIL OF GOYDER**  
Stock Route Road, Robertstown. p41 and 42

**YACKA WATER DISTRICT**

**NORTHERN AREAS COUNCIL**  
Broughton Road, Yacka. p51

**WATER MAINS ABANDONED**

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

**ADELAIDE WATER DISTRICT**

**ADELAIDE HILLS COUNCIL**  
Waterworks land (lot 2 in LTRO FP 129456), Onkaparinga Road, Verdun. p16  
Onkaparinga Road, Verdun. p16

**CITY OF PLAYFORD**

Palmer Road, Elizabeth Park. p46  
Tudor Crescent, Smithfield Plains. p47  
Ayling Street, Smithfield Plains. p48  
Tudor Crescent, Smithfield Plains. p49  
Tudor Crescent, Smithfield Plains. p50

**BLUE LAKE COUNTRY LANDS WATER DISTRICT**

**DISTRICT COUNCIL OF GRANT**  
Attiwill Road, Glenburnie. p14  
Across and in Princes Highway, Glenburnie. p15

**BUNDALEER COUNTRY LANDS WATER DISTRICT**

**PORT PIRIE DISTRICT COUNCIL**  
Ingram Gap Road, Mundoorra. p36

**PORT LINCOLN WATER DISTRICT**

**CITY OF PORT LINCOLN**  
Gawler Terrace, Port Lincoln. p13  
Easement in lot 70 in LTRO DP 61465, Power Terrace, Port Lincoln. p13

**WARREN COUNTRY LANDS WATER DISTRICT**

REGIONAL COUNCIL OF GOYDER  
Stock Route Road, Robertstown. p41

**YACKA WATER DISTRICT**

NORTHERN AREAS COUNCIL  
Broughton Road, Yacka. p51

**OUTSIDE WATER DISTRICTS**

ADELAIDE HILLS COUNCIL  
In and across North-East Road, Chain of Ponds. p23  
Waterworks land (lot 51 in LTRO FP 12659), North-East Road,  
Chain of Ponds. p23

**WATER MAINS LAID**

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

**WARREN COUNTRY LANDS WATER DISTRICT**

THE BAROSSA COUNCIL  
Easement in lot 71 in LTRO DP 58330, Coppermine Road,  
Williamstown. p33-35  
Across Coppermine Road, Williamstown. p33-35  
Easements in allotment piece 2 in LTRO DP 43872, Coppermine  
Road, Williamstown. p33-35

**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 PLAYFORD**

In and across Nolan Place, Munno Para. FB 1218 p19-23  
Gold Street, Munno Para. FB 1218 p19, 20 and 22  
Havan Lane, Munno Para. FB 1218 p19, 20 and 22  
Shribank Street, Munno Para. FB 1218 p19, 20 and 23  
Easement in reserve (lot 43 in LTRO DP 87687), Nolan Place,  
Munno Para. FB 1218 p19, 20 and 23  
Adair Street, Munno Para. FB 1218 p19, 21 and 23  
Across Coventry Road, Munno Para. FB 1218 p19, 21 and 23  
Easement in lot 112 in LTRO DP 87689, Newton Boulevard,  
Munno Para. FB 1218 p19, 21 and 23  
In and across The Greenway, Munno Para. FB 1218 p19, 20 and  
24  
Easements in lot 8014 in LTRO DP 87687, Coventry Road,  
Munno Para. FB 1218 p19-21 and 24  
In and across Bursaria Avenue, Munno Para. FB 1218 p19-21 and  
24  
Harmony Lane, Munno Para. FB 1218 p19, 21, 23 and 24  
Evita Avenue, Munno Para. FB 1218 p19, 21 and 24  
Scarlet Avenue, Munno Para. FB 1218 p19, 20 and 24

**CITY OF PORT ADELAIDE ENFIELD**

Easements in drainage reserve (lot 42 in LTRO DP 75708),  
George Robertson Drive, Largs North. FB 1218 p10-13 and 17  
Across and in George Robertson Drive, Largs North. FB 1218  
p10, 11, 13 and 14  
In and across Shipwright Road, Largs North. FB 1218 p10-14  
Charles Davis Court, Largs North. FB 1218 p10, 12 and 13  
Allan Rice Court, Largs North. FB 1218 p10-13  
Easements in lot 30 in LTRO DP 75708, George Robertson Drive,  
Largs North. FB 1218 p10, 11, 14 and 18

**PORT LINCOLN COUNTRY DRAINAGE AREA**

CITY OF PORT LINCOLN  
Monash Street, Port Lincoln. FB 1216 p30

**STIRLING COUNTRY DRAINAGE AREA**

ADELAIDE HILLS COUNCIL  
Wright Road, Crafers. FB 1216 p31

**VICTOR HARBOR COUNTRY DRAINAGE AREA**

CITY OF VICTOR HARBOR  
Easements in lot 73 in LTRO DP 64713, lots 20-17 and lot 81 in  
LTRO DP 89228, White Close, Encounter Bay. FB 1217 p58  
White Close, Encounter Bay. FB 1217 p58

**SEWERS LAID**

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

**ADELAIDE DRAINAGE AREA****CITY OF PORT ADELAIDE ENFIELD**

Easement in drainage reserve (lot 42 in LTRO DP 75708), George  
Robertson Drive, Largs North—125 mm PE100 pumping main.  
FB 1218 p10, 11, 15 and 17  
Across and in Shipwright Road, Largs North—125 mm PE100  
pumping main. FB 1218 p10, 11 and 15  
In and across Willochra Street, Largs North—125 mm PE100  
pumping main. FB 1218 p10, 11 and 15  
In and across Elder Road, Largs North and Largs Bay—125 mm  
PE100 pumping main. FB 1218 p10-12, 15 and 16  
Creswell Road, Largs Bay—125 mm PE100 pumping main. FB  
1218 p10, 12 and 16  
Easements in lot 30 in LTRO DP 75708, George Robertson Drive,  
Largs North—90 mm PE100 pumping main. FB 1218 p10, 11, 16  
and 18  
Across and in George Robertson Drive, Largs North—90 mm  
PE100 pumping main. FB 1218 p10, 11 and 16

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

South Australia

## **Statutes Amendment (Budget 2011) Act (Commencement) Proclamation 2012**

### **1—Short title**

This proclamation may be cited as the *Statutes Amendment (Budget 2011) Act (Commencement) Proclamation 2012*.

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

Part 3 of the *Statutes Amendment (Budget 2011) Act 2011* (No 31 of 2011) will come into operation on 3 May 2012.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 3 May 2012

MLI0007/12CS

South Australia

## **Liquor Licensing (General) Variation Regulations 2012**

under the *Liquor Licensing Act 1997*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Liquor Licensing (General) Regulations 1997***

- 4 Variation of heading to Part 5
  - 5 Insertion of regulation 17A
    - 17A Annual fees
    - 17B Waiver, reduction or refund of fees
  - 6 Variation of Schedule 1—Fees and default penalties
- 

### **Part 1—Preliminary**

#### **1—Short title**

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

#### **2—Commencement**

These regulations will come into operation on the day on which section 11 of the *Statutes Amendment (Budget 2011) Act 2011* 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 *Liquor Licensing (General) Regulations 1997***

#### **4—Variation of heading to Part 5**

Heading to Part 5—delete the heading and substitute:

#### **Part 5—Returns and fees**

## 5—Insertion of regulation 17A

After regulation 17 insert:

### 17A—Annual fees

- (1) For the purposes of section 50A of the Act and subject to subregulation (3), the annual fee for a licence is payable on or before 30 April 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) However, the annual fee payable under section 50A of the Act in respect of the 2012/2013 financial year is payable on or before 29 June 2012.
- (3) If, on 29 June 2012 or on 30 April in any subsequent 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 on which the licence ceases to be suspended.
- (4) The annual fee payable under subregulation (3) 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).

### 17B—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.

## 6—Variation of Schedule 1—Fees and default penalties

- (1) Schedule 1, item 8—after the wording in column 2 insert:

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.

- (2) Schedule 1—after item 13 insert:

14	Licence fee on grant of a limited licence if the application for the licence is made on or after 1 July 2012 and—	\$700
	<ol style="list-style-type: none"> <li>(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</li> <li>(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</li> <li>(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</li> </ol>	



- (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 level 4 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 4 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 3 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 3 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     | level 4 fee |

No annual fee is payable for a limited club licence.

The Commissioner may—

- (a) if the business operated under a special circumstances 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 \$2 500 plus if the licence authorises the sale of liquor for consumption on the premises past 4 am a further \$2 500; 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 \$5 000 plus if the licence authorises the sale of liquor for consumption on the premises past 4 am a further \$5 000; and
- (e) 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
- (f) 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

**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 3 May 2012

No 31 of 2012

MLI0007/12CS

DETERMINATION AND REPORT OF THE REMUNERATION  
TRIBUNAL

NO. 2 OF 2012

*Conveyance Allowance—Court Officers, Judges and  
Statutory Officers***A. Report**

The following Determination has been issued to amend Determination No. 3 of 2011. The Allowances at paragraph 3 have been adjusted to reflect increases in the Fleet SA Annual Charges Payable.

**B. Determination****1. Scope of Determination**

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

**2. Interpretation****2.1** In this Determination, unless the contrary appears:

'Court Officer' means Commissioners of the Environment, Resources and Development Court.

'Executives' means persons appointed to an executive position under the Public Sector Act 2009;

'Judges' means any of the following members of the judiciary:

the Chief Justice of the Supreme Court;  
Puisne Judges of the Supreme Court;  
Masters of the Supreme Court;  
the Chief Judge of the District Court;  
Judges of the Environment, Resources and Development Court;

Masters of the District Court;  
other District Court Judges;  
the Chief Magistrate;  
the Deputy Chief Magistrate;  
Supervising Magistrates;  
the Assisting Supervising Magistrate of the Adelaide Magistrates Court;  
Stipendiary Magistrates;  
the Supervising Industrial Magistrate;  
other Industrial Magistrates;  
the State Coroner;  
the Deputy State Coroner;  
the Senior Judge of the Industrial Relations Court and President of the Workers Compensation Tribunal;  
the President of the Industrial Relations Commission and Judge of the Industrial Relations Court;  
other Judges of the Industrial Relations Court who hold joint commissions in Fair Work Australia and the Industrial Relations Commission of South Australia.

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

'Retirement' bears the same meaning as in the Judges' Pensions Act 1971, Southern State Superannuation Act 2009 and in the Superannuation Act 1988.

'Resignation' bears the same meaning as in the Judges' Pensions Act 1971, Southern State Superannuation Act 2009 and in the Superannuation Act 1988.

'Statutory Officers' means any of the following statutory office holders:

Deputy Presidents of the Industrial Relations Commission;  
Commissioners of the Industrial Relations Commission;  
the Auditor General;  
the Electoral Commissioner;  
the Deputy Electoral Commissioner;

the Employee Ombudsman; and  
the Health and Community Services Complaints Commissioner.

2.2 For the purposes of this Determination, 'salary' bears the same meaning as in the Judges' Pensions Act 1971, Southern State Superannuation Act 2009 and in the Superannuation Act 1988 to the intent and effect that any amount paid by way of allowance is not 'salary', and that any abatement or reduction of salary in accordance with this Determination will not affect the determination of entitlements or obligations pursuant to those Acts.

**3. Conveyance Allowances****3.1 Amount of Allowances**

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

**3.1.1** For:

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

an amount which is the higher of:

- (a) \$20 808; and  
(b) the amount determined from time to time by Fleet SA as the annual charge payable by Executives for a Holden Calais VE V-Series Sedan, less the sum of \$758.

**3.1.2** For:

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

an amount which is the higher of:

- (a) \$17 951; and  
(b) the amount determined from time to time by Fleet SA as the annual charge payable by Executives for a Holden Calais VE II Sedan, less the sum of \$758.

**3.1.3** For:

The Chief Magistrate;  
the Deputy Chief Magistrate;  
Supervising Magistrates;  
Stipendiary Magistrates;  
Industrial Magistrates;  
Masters of the District Court;  
the State Coroner;  
the Deputy State Coroner;  
Deputy Presidents (other than Judges) and Commissioners of the Industrial Relations Commission;

Commissioners of the Environment, Resources and Development Court;  
the Employee Ombudsman; and  
the Deputy Electoral Commissioner;

an amount which is the higher of:

- (a) \$15 008; and  
(b) the amount determined from time to time by Fleet SA as the annual charge payable by Executives for a Holden Commodore VE II Omega Sedan, less the sum of \$758.

### 3.2 *Temporary Appointees*

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

### 3.3 *Use of Taxis and Private Vehicles*

#### 3.3.1 *Judges and Court Officers*

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

- (a) it has been certified by the State Courts Administrator that it was inefficient for the Judge or Court Officer to use the vehicle available for their private use; or
- (b) such use or engagement is consistent with a general direction given by the Chief Judicial Officer of the relevant Court, or in the case of Court Officers, the presiding officer of the relevant Tribunal, as to the circumstances where the vehicle available for private use, need not be used by reason of efficiency.

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

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

#### 3.3.2 *Other Statutory Officers*

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

#### 3.3.3 *Amount of Reimbursement*

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

## 4. *Vehicles for Private Use*

### 4.1 *Selection of Vehicle*

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

### 4.2 *Alternative Vehicle*

An alternative vehicle may be supplied where approval has been granted by the Remuneration Tribunal in recognition of a Judge's, Court Officer's or Statutory Officer's disability or family circumstances. The annual charge for the use of the vehicle will be calculated on the same basis as the calculation made by Fleet SA for annual charges for use of motor vehicles by Executives.

### 4.3 *Temporary Appointees*

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

### 4.4 *Charges for Use of Vehicles*

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

### 4.5 *Payment of Vehicle Charges*

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

### 4.6 *New Models or Types*

#### 4.6.1 *If:*

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

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

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

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

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

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

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

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

4.7 *Accessories*

The Judge, Court Officer or Statutory Officer, may choose to have approved accessories fitted to the vehicle. All such accessories fitted must be manufacturer approved options. The full cost of the accessories and the expense of having them fitted (and including any tax incurred) is payable by the Judge, Court Officer or Statutory Officer. When the vehicle is due for return the Judge, Court Officer or Statutory Officer, may have personally-installed accessories removed from the vehicle, providing the Judge, Court Officer or Statutory Officer, meets the full cost of restoring the vehicle to the same condition as if the accessories had not been fitted.

No compensation will be paid if options are left on the vehicle unless agreed by:

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

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

4.8 *Retention of Vehicle*

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

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

4.9 *Conditions of Use*

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

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

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

- 4.9.1 The Judge, Court Officer, or Statutory Officer, must make the vehicle available for official use (including for official use by the Judge, Court Officer, or Statutory Officer) at all times whilst the vehicle is parked at or near the usual place of work of the Judge, Court Officer, or Statutory Officer, and the Judge, or Statutory Officer, does not require the vehicle for private use; and
- 4.9.2 The State Courts Administrator, in relation to Judges and Court Officers, the Director of Fleet SA, and the Registrar in relation to members of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal, in relation to Statutory Officers will enable the Judge, Court Officer, or Statutory Officer to refuel the vehicle providing that the vehicle is fuelled in accordance with any requirements specified by Fleet SA, which may include requirements that the vehicle be fuelled using a particular brand of motor fuel and that it be only fuelled in South Australia. (If fuelled otherwise than in accordance with those requirements, it will be at the cost of the Judge, Court Officer, or Statutory Officer).

4.9.3 The Judge or Court Officer must make the vehicle available as required by the State Courts Administrator and the Statutory Officer must make the vehicle available as required by the Director, Fleet SA, and the member of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal must make the vehicle available as required by the Registrar for the purposes of the maintenance and repair of the vehicle and must deliver the vehicle to such place as may be specified by the State Courts Administrator, Director, Fleet SA, or Registrar from time to time for that purpose.

4.9.4 The State Courts Administrator, in relation to Judges and Court Officers, the Director, Fleet SA, in relation to Statutory Officers and the Registrar in relation to members of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal will ensure that Judges, Court Officers and Statutory Officers are insured (which may be pursuant to Government 'self insurance') in respect of compulsory third party liability, third party property damage and any property damage to the vehicle and will hold the Judge, Court Officer, or Statutory Officer harmless in respect of any such property damage. Personal items within the vehicle need not be covered. The Judge, Court Officer, or Statutory Officer must comply with any requirements of the insurance policy of which the member is aware or should have been aware.

4.9.5 The Judge, Court Officer or Statutory Officer, will be responsible for any driving or parking fines for offences incurred.

4.9.6 The vehicle is available to the Judge, Court Officer or Statutory Officer, while on leave. Where the Judge, Court Officer or Statutory Officer, is absent from duty for a period greater than 7 days then the Judge, Court Officer, or Statutory Officer, will be responsible for fuelling the vehicle until the Judge, Court Officer, or Statutory Officer, returns to duty.

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

4.10 *Special Conditions of Use*

Notwithstanding anything else in this Determination:

- 4.10.1 where any damage is the result of wilful or deliberate act of any person, the State Courts Administrator, in relation to Judges or Court Officers, the Director, Fleet SA, in relation to Statutory Officers, and the Registrar, in relation to members of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal, may take such action as he or she thinks fit to recover the cost of such damage;
- 4.10.2 the insurance and discharges are not applicable if the driver is under the influence of drugs and/or alcohol;
- 4.10.3 the insurance and discharges are not applicable if the insurance has been brought to the attention of the Judge, Court Officer or Statutory Officer and is avoided by an action of the driver of the vehicle;
- 4.10.4 where the insurance policy contains an excess clause, then the Judge, or Court Officer will be liable to repay the State Courts Administrator, in relation to Statutory Officers liable to pay the Director, Fleet SA, and members of the Industrial Relations Court and Commission of South Australia and the Workers Compensation Tribunal will be liable to repay the Registrar the amount of that excess (or any part thereof) in the event that it becomes payable by reason of the driver of the vehicle being blameworthy for any of the damage giving rise to a claim on the policy when the vehicle is being used other than for official use.

4.11 *Care of Vehicle*

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

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

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

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

4.12 *Additional Drivers*

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

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

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

4.13 *Right to Purchase*

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

4.14 *No Changeover*

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

4.15 *Conditions of Purchase*

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

4.15.1 The price will be the fair market value for such a vehicle sold without any statutory warranty.

4.15.2 The price shall be agreed between the Director, Fleet SA, and the Judge/Court Officer/Statutory Officer, due regard being had to prices generally recovered for such vehicles at Fleet SA public auctions.

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

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

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

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

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

5. *Transitional Provisions*

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

6. *Date of Operation*

6.1 The Conveyance Allowances prescribed in Clauses 3.1.1, 3.1.2 and 3.1.3 are operative from 1 May 2012.

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

6.3 This Determination supersedes Determination No. 3 of 2011.

Dated 27 April 2012.

D. R. PRIOR, President

J. A. OBST, Member

D. J. SMYTHE, Member



SCHEDULE  
*Judicial Remuneration Vehicles*

Vehicle	Annual Charge Payable \$
Toyota Prius Hybrid (4 cyl)	14 903
Toyota Camry Hybrid (4 cyl)	15 372
Holden Cruze CD (4 cyl) Sedan Petrol auto	12 023
Holden Cruze SRi (4 cyl) Sedan Petrol manual	12 185
Holden Cruze SRi (4 cyl) Sedan Petrol auto	12 940
Holden Cruze SRi-V (4 cyl) Sedan Petrol manual	13 300
Holden Cruze SRi-V (4 cyl) Sedan Petrol auto	13 952
Holden Cruze CD (4 cyl) Sedan Diesel auto	13 210
Holden Cruze CDX (4 cyl) Sedan Diesel auto	14 127
Holden Cruze CD (4 cyl) Hatch Petrol auto	12 275
Holden Cruze SRi (4 cyl) Hatch Petrol manual	12 438
Holden Cruze SRi (4 cyl) Hatch Petrol auto	13 191
Holden Cruze SRi-V (4 cyl) Hatch Petrol manual	13 553
Holden Cruze SRi-V (4 cyl) Hatch Petrol auto	14 204
Holden Cruze CD (4 cyl) Hatch Diesel auto	13 432
Holden Commodore VE II Omega Sedan*	15 766
Holden Commodore VE II Omega Wagon	16 519
Holden Commodore VE II Berlina Sedan*	17 043
Holden Commodore VE II Berlina Wagon	17 766
Holden Calais VE II Sedan	18 709
Holden Calais VE II Wagon	19 390
Holden Calais VE II V-Series Sedan	21 566
Holden Calais VE II V-Series Wagon	21 801
Holden Calais VE II V-Series Sedan (V8 6.0L)	23 525
Holden Commodore VE II Ute*	13 337
Holden Commodore VE II SV6 Sedan	17 275
Holden Commodore VE II SV6 Wagon	17 626
Holden Commodore VE II SS Sedan (V8 6.0L)	20 341
Holden Commodore VE II SS V-Series Sedan (V8 6.0L)	22 494
Holden Caprice WM II Sedan (V6 3.6L)	20 521
Holden Caprice WM II V Sedan (V8 6.0L)	22 451

\*Petrol or duel fuel option available

Note: All vehicles 6 cylinder version unless otherwise stated

REPORT AND DETERMINATION OF THE REMUNERATION  
TRIBUNAL

NO. 3 OF 2012

*Travelling and Accommodation Allowances—Court Officers,  
Judges and Statutory Officers*

**A. Report**

Travelling and Accommodation Allowances payable to Court Officers, Judges and Statutory Officers have been varied to reflect the increased costs that have occurred since the Tribunal last adjusted them in April 2011, viz: Determination and Report No. 2 of 2011, and the increased travelling and accommodation allowances granted to the South Australian public sector.

**B. Determination**

**1. Scope of Determination**

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

**2. Interpretation**

In this Determination, unless the contrary appears:

‘Court Officer’ means Commissioners of the Environment, Resources and Development Court.

‘Judges’ means any of the following members of the judiciary:

- the Chief Justice of the Supreme Court;
- Puisne Judges of the Supreme Court;
- Masters of the Supreme Court;
- the Chief Judge of the District Court;
- Judges of the Environment, Resources and Development Court;

Masters of the District Court;  
other District Court Judges;  
the Chief Magistrate;  
the Deputy Chief Magistrate;  
Supervising Magistrates;  
the Assisting Supervising Magistrate of the Adelaide Magistrates Court;  
Stipendiary Magistrates;  
the Supervising Industrial Magistrate;  
other Industrial Magistrates;  
the State Coroner;  
the Deputy State Coroner;  
the Senior Judge of the Industrial Relations Court and President of the Workers Compensation Tribunal;  
the President of the Industrial Relations Commission and Judge of the Industrial Relations Court; and  
Judges of the Industrial Relations Court.

‘Statutory Officers’ means any of the following statutory office holders:

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

**3. Travelling and Accommodation Allowances**

A person who actually incurs expenditure when travelling on official business and which necessitates absence from home overnight shall be paid an allowance as follows:

- 3.1 Outside the metropolitan area as defined by the Development Act 1993 but within the State—at the rate of two hundred and fifty-three dollars (\$253) for each day that involves an overnight absence, plus any extra expenditure necessarily incurred.
- 3.2 Within the metropolitan area as defined by the Development Act 1993—at the rate of two hundred and ninety-two dollars (\$292) for each day which involves an overnight absence, plus any extra expenditure necessarily incurred.
- 3.3 Interstate—at the rate of four hundred and fifty-two dollars (\$452) for Sydney and four hundred and eighteen dollars (\$418) for places other than Sydney for each day which involves an overnight absence, plus any extra expenditure necessarily incurred.
- 3.4 When an additional period of less than 24 hours absence occurs without overnight accommodation consecutive with and immediately following a period of absence in paragraph 3.1, 3.2 or 3.3, then a further payment calculated at the rate of one half of the allowance shall be paid with respect to the excess hours.
- 3.5 Reimbursement is not to be made for luncheon for single day absences within South Australia.
- 3.6 Employees who travel interstate and return on the same day may be reimbursed for luncheon on the basis of actual expenditure up to twenty-two dollars and ten cents (\$22.10).

**4. Date of Operation**

The allowances prescribed in Clause 3 of this Determination shall operate on and from 1 May 2011 and supersede those prescribed in previous Determinations covering persons whose office is listed herein.

Dated 27 April 2012.

D. R. PRIOR, President

J. A. OBST, Member

D. J. SMYTHE, Member

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## PORT AUGUSTA CITY COUNCIL

*Revocation of Community Land Classification*

NOTICE is hereby given that council at its meeting held on 23 April 2012, resolved to revoke the Community Land Classification applicable to Allotment 66 in Certificate of Title 5581, Folio 431, Homestead Park Pioneer Museum site, having complied with all requirements in relation to Section 194 of the Local Government Act 1999.

G. PERKIN, City Manager

## PORT AUGUSTA CITY COUNCIL

*Application and Enforcement of Council's By-laws*

PURSUANT to Section 246 of the Local Government Act 1999, Council at its meeting held on Monday, 23 April 2012, resolved to apply specific provisions in regard to the application and enforcement of its by-laws as follows:

1. Having regard to the provisions of By-law No. 1—Permits and Penalties, hereby resolves that the maximum penalty for a breach of any provision within Council's by-laws will be \$750 (where Court action is taken) with a further penalty of \$50 for every day on which the offence or breach of the by-law continues.

2. Having regard to the provisions of By-law No. 1—Permits and Penalties, hereby resolves that the expiation fee for any breach of Council's by-laws be set of the maximum amount payable, being \$187.50 (GST fee) and that it is the preferred option of Council, that expiation fees be issued in the first instance, rather than proceeding direct to Court action.

3. Having regard to the provisions of By-law No. 3—Local Government Land, hereby resolves that any person may participate in any game, recreation or amusement which involves the use of a ball, missile or other object, or play/participate any organised activity, on the following land which is either owned or under the care, control and management of the Council:

- (a) Chinnery Park Reserve (football, cricket, soccer, softball and greyhound racing, boot camp);
- (b) Port Augusta Golf Club land (golf);
- (c) Westside Tennis Reserve (tennis);
- (d) Disraeli Square (lawn bowls);
- (e) Port Augusta Tennis Association Courts (tennis);
- (f) Central Oval Precinct and adjacent sealed carpark area (football, softball, soccer, basketball, *be active Centre*, model cars);
- (g) Railway Parade Reserve (netball);
- (h) ETSA Oval Complex (football, baseball, cricket, swimming, judo, soccer, softball);
- (i) Robert 'Bert' McKenzie Park (football, basketball, horse riding, BMX);
- (j) Bailey Street Reserve (horse riding, trotting);
- (k) Racecourse Reserve (horseracing and training);
- (l) Eastside Foreshore (basketball, netball, skateboarding, bicycles, boot camp);
- (m) Rotary Park (skateboarding, bicycles, scooters, football, softball);
- (n) Northey Crescent Reserve (football, cricket, basketball, netball);
- (o) Volunteer Park (basketball, handball, football, cricket);
- (p) Lions Park (boot camp, football, softball); and
- (q) Back Beach Area (basketball, netball, volleyball, badminton, bicycles).

4. Having regard to the provisions of By-law No. 3—Local Government Land resolves that the playing or practising the game of golf on Lions Park is prohibited pursuant to Clause 9.26.3 of the by-law.

5. Having regard to the provisions of By-law No. 3—Local Government Land resolves that marriage ceremonies and special events may be undertaken at the following locations:

- (a) Eastside Foreshore;
- (b) Westside Water Tower;
- (c) Gladstone Square;
- (d) Fountain Gallery; and
- (e) Keith Jones Memorial Park.

6. Having regard to the provisions of By-law No. 3—Local Government Land resolves that any person may exercise their horse(s) by swimming them in the following areas within the Port Augusta Harbour:

- (a) from high water mark at the end of Gardiner Avenue, Port Augusta West adjacent to the Foreshore Caravan Park between the hours of 4 a.m. and 9 a.m. on any day; and
- (b) from high water mark on the Eastside Foreshore between the Great Western Bridge and the jetty between the hours of 6 a.m. to 8 a.m. on any day.

7. Having regard to the provisions of By-law No. 3—Local Government Land resolves that Clause 9.3 applies to all Local Government land subject to any limited liquor license applications approved under the Liquor Licensing Act 1997 which are supported by Council for the following Local Government land only:

- (a) Rotary Park;
- (b) Keith Jones Memorial Park;
- (c) Robert 'Bert' McKenzie Park (Stirling North);
- (d) Volunteer Park;
- (e) Central Oval;
- (f) Chinnery Oval; and
- (g) ETSA Oval.

It is noted that the Port Augusta Football League and Port Augusta Greyhound Association have specific licensing arrangements approved for Central Oval and Chinnery Oval.

8. Having regard to the provisions of By-law No. 5—Dogs resolves that Clause 9.1 'Dogs On Leash areas' apply to the following Local Government land (except an accredited guide dog, hearing dog or disability dog):

- (a) Be active Park Flinders Terrace;
- (b) Rotary Park;
- (c) Gladstone Square;
- (d) Eastside Foreshore (special restrictions apply);
- (e) Westside Foreshore (special restrictions apply);
- (f) Keith Jones Park, Lions Park;
- (g) Robert 'Bert' McKenzie Park (Stirling North);
- (h) Whiting Parade;
- (i) Sid Gill Memorial Park (Stirling North);
- (j) Water Tower Park;
- (k) Johnson Avenue Park (Stirling North);
- (l) Carpenters Landing Boat Ramp;
- (m) Christopher Street Park (Stirling North);
- (n) Northey Crescent Park;
- (o) View Street Park;
- (p) Maule Avenue Park (Stirling North);
- (q) Pastoral Lawns;
- (r) Nicholson Terrace Lawns;
- (s) Scharenberg Court Lawns;
- (t) Richardson Crescent Park;
- (u) Loudon Road Lawns;
- (v) Davies Crescent Park;
- (w) Peterson Street Park;
- (x) Apex Park;
- (y) Mackay Street Lawns;
- (z) Sanderson Street Park;

- (aa) Gardiner Avenue Park;
- (ab) Mathews Street Park;
- (ac) Cook Street;
- (ad) Hurcombe Crescent;
- (ae) Stuart Highway Reserve;
- (af) Fullerton Crescent;
- (ag) Hall Street;
- (ah) Victoria Parade (Withers Street Reserve);
- (ai) Victoria Parade (opposite side to Withers Street Reserve);
- (aj) Carlton Parade/Rogers Street;
- (ak) Bailey Street Reserve;
- (al) ex Flinders Ranges Pony Club (Stirling North);
- (am) All cemeteries;
- (an) Horse stable area;
- (ao) Port Augusta Golf Course;
- (ap) Braddock Oval; and
- (aq) Council buildings.

Special Conditions for Eastside and Westside Foreshores—Dogs must be on-leash between 9 a.m. to 8 p.m. daily. These provisions have been provided to ensure that the community still have an opportunity to exercise and swim their dogs off-leash, however during the busy period of the day, dogs are required to be on-leash.

9. Having regard to the provisions of By-law No. 5—Dogs resolves that dogs are prohibited from the following Local Government land (except for Guide dogs, hearing dogs or disability dogs):

- (a) Central Oval;
- (b) Chinnery Oval (special conditions apply—greyhounds permitted);
- (c) Stormwater Collection/Date Palm Reserve;
- (d) Port Augusta Bowling Club;
- (e) Council Works Depot;
- (f) Port Augusta Outdoor Adventure Centre;
- (g) Port Augusta Town Hall;
- (h) Cultural Centre;
- (i) ETSA Oval;
- (j) Ryan Mitchell Swim Centre and BBQ Area; and
- (k) Port Augusta Racecourse.

10. Having regard to the provisions of By-law No. 2—Moveable Signs hereby resolves that the removing and storing fee of \$35 be set in relation to Moveable Signs which breach the provisions of By-law No. 2.

G. PERKIN, City Manager

#### PORT AUGUSTA CITY COUNCIL

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

#### *By-law No. 1 of 2012—Permits and Penalties*

TO create a permit system for Council by-laws, to fix maximum and continuing penalties for offences, and for the construction of Council by-laws.

#### PART 1—PRELIMINARY

##### 1. Title

This by-law may be cited as the Permits and Penalties By-law 2012 and is By-law No. 1 of the Port Augusta City Council.

##### 2. Authorising Law

This by-law is made under Section 246 of the Act and Sections 667 (1) 3.LIV and 9.XVI of the Local Government Act 1934, as amended.

##### 3. Purpose

The objectives of this by-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:

- 3.1 creating a permit system to authorise certain activities under Council by-laws;
- 3.2 providing for the enforcement of breaches of Council by-laws and fixing penalties; and
- 3.3 clarifying the construction of Council by-laws.

##### 4. Commencement, Revocation and Expiry

4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation<sup>1</sup>:

4.1.1 By-law No. 1 Permits and Penalties 2005.<sup>2</sup>

4.2 This by-law will expire on 1 January 2020.<sup>3</sup>

Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is *gazetted*: Section 249 (5) of the Act.

<sup>2</sup> Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

<sup>3</sup> Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

##### 5. Application

5.1 This by-law applies throughout the Council area.

##### 6. Interpretation

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *Council* means Port Augusta City Council;
- 6.3 *person* includes a body corporate.

Note:

Section 14 of the Interpretation Act 1915 provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Act.

##### 7. Construction of By-laws Generally

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

7.2 In any by-law of the Council, unless the contrary intention appears *permission* means permission of the Council, granted in writing prior to the act, event or activity to which it relates.

#### PART 2—PERMITS AND PENALTIES

##### 8. Permits

8.1 Where a by-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.

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

8.3 A permit holder must comply with every such condition.

8.4 The Council may suspend or revoke a grant of permission at any time by notice in writing to the permit holder.

##### 9. Offences and Penalties

9.1 A person who commits a breach of any by-law of the Council is guilty of an offence and may be liable to pay:

9.1.1 the maximum penalty, being the maximum penalty referred to in the Act that may be fixed for any breach of a by-law; or

9.1.2 any expiation fee fixed by resolution of the Council for alleged offences against the Council's by-laws.

9.2 A person who commits a breach of a by-law of the Council of a continuing nature is guilty of an offence and, in addition to any other penalty that may be imposed, is liable to a further penalty for every day on which the offence continues, such penalty being the maximum amount referred to in the Act that may be fixed by a by-law for a breach of a by-law of a continuing nature.

Note:

The maximum penalty for a breach of a by-law is currently \$750, and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50—see Section 246 (3) (g) of the Act.

The foregoing by-law was duly made and passed at a meeting of the Port Augusta City Council held on 23 April 2012, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

G. PERKIN, City Manager

#### PORT AUGUSTA CITY COUNCIL

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

###### *By-law No. 3 of 2012—Local Government Land*

FOR the management and regulation of the use of and access to Local Government land vested in or under the control of Council, excluding roads.

#### PART 1—PRELIMINARY

##### 1. Title

This by-law may be cited as the Local Government Land By-law 2012 and is By-law No. 3 of the Port Augusta City Council.

##### 2. Authorising Law

This by-law is made under Sections 238 and 246 of the Act and Sections 667 (1) 4.1 and 9.XVI of the Local Government Act 1934, as amended.

##### 3. Purpose

The objectives of this by-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:

- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government land;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council area; and
- 3.5 for the good rule and government of the area.

##### 4. Commencement, Revocation and Expiry

4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation<sup>1</sup>:

4.1.1 By-law No. 3—Local Government Land 2005.<sup>2</sup>

4.2 This By-law will expire on 1 January 2020.<sup>3</sup>

Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is gazetted: Section 249 (5) of the Act.

<sup>2</sup> Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

<sup>3</sup> Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the gazetting of the by-law.

##### 5. Application

- 5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2012.
- 5.2 Subject to Clauses 5.3, this by-law applies throughout the Council area.

5.3 Clauses 9.3, 9.9.1, 9.9.4, 9.26.3, 10.3, 10.11.3 of this by-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with Section 246 (3) (e) of the Act.

#### 6. Interpretation

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;
- 6.2 *animal or animals* does not include a dog or cat;
- 6.3 *boat* includes a raft, house boat, pontoon or personal watercraft or other similar device;
- 6.4 *camp* includes setting up a camp, or causing a tent, caravan or motor home to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 6.5 *children's playground* means an enclosed area in which there is equipment or other devices installed for the purpose of children's play (or within 3 m of such devices if there is no enclosed area);
- 6.6 *Council* means Port Augusta City Council;
- 6.7 *electoral matter* has the same meaning as in the Electoral Act 1985 provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 6.8 *effective control* means a person exercising effective control of an animal either:
  - 6.8.1 by means of a physical restraint; or
  - 6.8.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.9 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999;
- 6.10 *foreshore* means land extending from the edge of any navigable waterway or body of water in the Council's area to the nearest road or section boundary or for a distance of 50 m (whichever is the lesser);
- 6.11 *funeral ceremony* means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.12 *liquor* has the same meaning as in the Liquor Licensing Act 1997;
- 6.13 *Local Government land* means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.14 *offensive* includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.15 *open container* means a container which:
  - (a) after the contents of the container have been sealed at the time of manufacture:
    - (i) being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
    - (ii) being a can, it has been opened or punctured;
    - (iii) being a cask, it has had its tap placed in a position to allow it to be used;
    - (iv) being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
    - (v) is a flask, glass, mug or other container able to contain liquid.
- 6.16 *park* means Community land reserved or delineated as a park or designated by the Council as a park;
- 6.17 *personal watercraft* means a device that:
  - 6.17.1 is propelled by a motor;
  - 6.17.2 has a fully enclosed hull;

- 6.17.3 is designed not to retain water if capsized; and
- 6.17.4 is designed to be operated by a person who sits astride, stands, or kneels on the device, and includes the device commonly referred to as a jet ski;
- 6.18 *tobacco product* has the same meaning as in the Tobacco Products Regulation Act 1997;
- 6.19 *vehicle* has the same meaning as in the Road Traffic Act 1961;
- 6.20 *waters* includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council.

Note:

Section 14 of the Interpretation Act 1915, provides that an expression used in a by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-law was made.

#### PART 2—ACCESS TO LOCAL GOVERNMENT LAND

##### 7. Access

Note:

Pursuant to Section 238 (7) of the Act, if a Council makes a by-law about access to or use of a particular piece of Local Government land (under Section 238), the Council must erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the by-law applies.

The Council may:

- 7.1 close, or regulate or restrict access to, any part of Local Government land to the public for specified times and days; and
- 7.2 fix charges or fees payable for entry onto any part of Local Government land.

##### 8. Closed Lands

A person must not without permission, enter or remain on any Local Government land:

- 8.1 which has been closed, or in respect of which access by the public is regulated or restricted in accordance with Clause 7.1;
- 8.2 where entry fees or charges are payable, without paying those fees or charges; or
- 8.3 where the land has been enclosed by fences and/or walls and gates that have been closed and locked.

#### PART 3—USE OF LOCAL GOVERNMENT LAND

##### 9. Activities Requiring Permission

Note:

Pursuant to Section 238 (7) of the Act, if a Council makes a by-law about access to or use of a particular piece of Local Government land (under Section 238), the Council must erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the by-law applies.

A person must not without the permission of the Council, do any of the following on Local Government land.

- 9.1 *Advertising*  
Subject to Clause 14, display, paint or erect any sign or hoarding for the purpose of commercial advertising or any other purpose.
- 9.2 *Aircraft*  
Subject to the Civil Aviation Act 1988, land any aircraft on, or take off any aircraft from the land.
- 9.3 *Alcohol*  
On Local Government land comprising parks or reserves consume or carry or be in possession or in charge of any liquor stored in an open container.
- 9.4 *Amplification*  
Use an amplifier or other mechanical or electrical device for the purpose of broadcasting sound, or magnifying sound, to an audience.

##### 9.5 Animals

- 9.5.1 cause or allow an animal to stray onto, move over, graze or be left unattended on Local Government land; or
- 9.5.2 cause or allow an animal to enter, swim, bathe or remain in any waters located on Local Government land; or
- 9.5.3 lead, herd or exercise an animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided that the animal or animals are under effective control.

##### 9.6 Annoyance

Do anything likely to offend or unreasonably interfere with any other person:

- (a) using that land; or
- (b) occupying nearby premises, by making a noise or creating a disturbance.

##### 9.7 Attachments

Subject to Clause 14, attach anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.

##### 9.8 Bees

Place a hive of bees on such land, or allow it to remain thereon.

##### 9.9 Boats

- 9.9.1 launch or retrieve a boat to or from any waters where the Council has determined that this subclause applies;
- 9.9.2 launch or retrieve a boat other than from a boat ramp constructed for that purpose;
- 9.9.3 propel, float or otherwise use a boat on or in any waters except:
- (a) a body of water that the Council has set aside for that purpose; or
- (b) in an area where a nearby sign states that such activity is allowed, and in accordance with any condition stated in the sign.
- 9.9.4 hire out a boat or otherwise use a boat for commercial purposes on any waters to which the Council has determined this clause applies; or
- 9.9.5 moor a boat on any waters or on or to Local Government land except:
- (a) upon waters or on or to Local Government land that the Council has set aside for use for that purpose; and
- (b) other than in accordance with any conditions determined by resolution of the Council and contained in any signage erected thereon.

##### 9.10 Boat Ramps

Use a Council owned and/or operated boat ramp without having first made payment of any applicable fee determined by the Council.

##### 9.11 Bouncy Castle

Erect a bouncy castle or other similar structure requires inflation.

##### 9.12 Bridge Jumping

Jump or dive from a bridge or jetty on Local Government land.

##### 9.13 Buildings

Use a building, or structure on Local Government land for a purpose other than its intended purpose.

##### 9.14 Burials and Memorials

- 9.14.1 Bury, inter or spread the ashes of any human or animal remains.
- 9.14.2 Erect any memorial.

9.15 *Camping and Tents*

- 9.15.1 Erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation.
- 9.15.2 Camp or sleep overnight except where a person is in a caravan park on Local Government land, the proprietor of which has been given permission to operate the caravan park on that land.

9.16 *Canvassing*

Subject to Clause 14, convey any advertising, religious or other message to any bystander, passer-by or other.

9.17 *Defacing Property*

Deface, paint, spray, write, cut names, letters or make marks on any tree, rock, gate, fence, building, sign, bridge or property of the Council.

9.18 *Distribution*

Subject to Clause 14, place on a vehicle (without the consent of the owner of the vehicle), or give out or distribute any hand bill, book, notice, leaflet, or other printed matter to any bystander, passer-by or other person.

9.19 *Donations*

Ask for or receive or indicate that he or she desires a donation of money or any other thing.

9.20 *Entertainment and Busking*

- 9.20.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of either entertaining others or receiving money.
- 9.20.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.

9.21 *Equipment*

Use an item of equipment, facilities or property belonging to the Council if that person is of or over the age indicated by a sign or notice as the age limit for using such equipment, facility or property.

9.22 *Fires*

Subject to the Fire and Emergency Services Act 2005, light a fire except:

- 9.22.1 in a place provided by the Council for that purpose; or
- 9.22.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four metres.

9.23 *Fireworks*

Ignite or discharge any fireworks.

9.24 *Flora and Fauna*

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

- 9.24.1 damage, pick, disturb, interfere with or remove any plant or flower thereon;
- 9.24.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
- 9.24.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.24.4 take, interfere with, tease, harm or disturb any animal, bird or marine creature or the eggs or young of any animal, bird or marine creature;
- 9.24.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.24.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 9.24.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or marine creature; or
- 9.24.8 burn any timber or dead wood.

9.25 *Foreshore*

On Local Government land comprising the foreshore:

- 9.25.1 drive or propel a vehicle onto or from the foreshore other than by a ramp or thoroughfare constructed or set aside by the Council for that purpose;
- 9.25.2 drive or propel a vehicle on the foreshore except on an area or road that is constructed or set aside by the Council for that purpose;
- 9.25.3 launch or retrieve a boat from the foreshore without using a boat ramp or thoroughfare constructed or set aside by the Council for that purpose;
- 9.25.4 allow a vehicle to remain stationary on a boat ramp longer than is necessary to launch or retrieve a boat; or
- 9.25.5 hire out a boat on or from the foreshore.

9.26 *Games*

- 9.26.1 Participate in, promote or organise any organised competition or sport, as distinct from organised social play.
- 9.26.2 Play or practise any game which involves kicking, hitting or throwing a ball or other object on Local Government land which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.
- 9.26.3 Play or practise the game of golf on Local Government land to which the Council has resolved this subclause applies.

9.27 *Litter*

- 9.27.1 Throw, cast, place, deposit or leave any rubbish, dirt or refuse of any kind whatsoever except in a garbage container provided for that purpose.
- 9.27.2 Deposit any soil, clay, stone, gravel, green waste or other putrescible waste or any other matter.

9.28 *Marine Life*

Introduce any marine life to any waters located on Local Government land.

9.29 *Model Aircraft, Boats and Cars*

Fly or operate a model aircraft, boat or model or remote control vehicle in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land.

9.30 *Overhanging Articles or Displaying Personal Items*

Suspend or hang an article or object from a building, verandah, pergola, post or other structure on Local Government land where it might present a nuisance or danger to a person using the land or be of an unsightly nature.

9.31 *Playing Area*

Use or occupy a playing area:

- 9.31.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
- 9.31.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.31.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.

- 9.32 *Pontoons*  
Install or maintain a pontoon or jetty in any waters.
- 9.33 *Posting of Bills*  
Subject to Clause 14, post or allow or cause to be posted any bills, advertisements or other papers or items on a building or structure (including on or near) on Local Government land or in a public place.
- 9.34 *Preaching*  
Subject to Clause 14, preach, harangue or solicit for religious purposes.
- 9.35 *Ropes*  
Place a buoy, cable, chain, hawser, rope or net in or across any waters.
- 9.36 *Swimming*  
Subject to the provisions of the Harbors and Navigation Act 1993, swim in, bathe or enter any waters except:
- 9.36.1 in an area which the Council has set aside for that purpose; and
- 9.36.2 in accordance with any conditions that the Council may have determined by resolution apply that are displayed on any nearby signage on the land.
- 9.37 *Trading*  
Sell, buy, offer or display anything for sale.
- 9.38 *Vehicles*
- 9.38.1 Drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose.
- 9.38.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.
- 9.38.3 Repair, wash, paint, panel beat or carry out other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.39 *Weddings, Functions and Special Events*
- 9.39.1 Hold, conduct or participate in a marriage ceremony, funeral or special event.
- 9.39.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral or special event.
- 9.39.3 Hold or conduct any filming where the filming is for a commercial purpose.
10. *Prohibited Activities*  
A person must not do any of the following on Local Government land.
- 10.1 *Animals*
- 10.1.1 Cause or allow any animal to enter, swim, bathe or remain in any waters to the inconvenience, annoyance or danger of any other person bathing or swimming.
- 10.1.2 Cause or allow an animal to damage a flowerbed, garden plot, tree, lawn or like thing or place.
- 10.1.3 Lead, herd or exercise a horse in such manner as to cause a nuisance or endanger the safety of a person.
- 10.2 *Equipment*  
Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.
- 10.3 *Fishing*  
Fish in any waters to which the Council has determined this subclause applies.
- 10.4 *Glass*  
Willfully break any glass, china or other brittle material.
- 10.5 *Interference with Land*  
Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 10.5.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 10.5.2 erecting or installing a structure in, on, across, under or over the land;
- 10.5.3 changing or interfering with the construction, arrangement or materials of the land;
- 10.5.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 10.5.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 10.6 *Interference with Permitted Use*  
Interrupt, disrupt or interfere with any other person's use of Local Government land which is permitted or for which permission has been granted.
- 10.7 *Nuisance*  
Behave in such a manner as to cause discomfort, inconvenience, annoyance or offence to any other person.
- 10.8 *Obstruction*  
obstruct:
- 10.8.1 any path in or on Local Government land; or
- 10.8.2 any door entrance stairway or aisle in any building in or on Local Government land; or
- 10.8.3 any gate or entrance to, in or on Local Government land.
- 10.9 *Playing Games*  
Play or practise a game:
- 10.9.1 which is likely to cause damage to the land or anything on it; or
- 10.9.2 in any area where a sign indicates that the game is prohibited.
- 10.10 *Sand dunes*
- 10.10.1 use a sand board or other item to slide down a sand dune, coastal slope or cliff;
- 10.10.2 destabilise sand on a sand dune, coastal slope or cliff so as to cause it to unnecessarily mass waste down slope;
- 10.10.3 destroy, remove or cause interference to live or dead vegetation within a sand dune, coastal slope or coastal cliff.
- 10.10.4 light or cause to be lit or permit to remain alight any fire within a sand dune or on a coastal slope or coastal cliffs.
- 10.10.5 introduce non-indigenous flora and fauna or dump any material in the sand dunes or down coastal slopes or coastal cliffs.
- 10.10.6 carry out other activity which may threaten the integrity of sand dunes, coastal slopes and cliffs in the area.
- 10.11 *Smoking*  
Smoke, hold or otherwise have control over an ignited tobacco product:
- 10.11.1 in any building;
- 10.11.2 in any children's playground; or
- 10.11.3 on any land to which the Council has determined this subclause applies.



10.12 *Solicitation*

Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.

10.13 *Throwing Objects*

Throw, roll, project or discharge a stone, substance or other missile, excluding sport and recreational equipment designed to be used in that way.

10.14 *Toilets*

In any public convenience on Local Government land:

- 10.14.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
- 10.14.2 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
- 10.14.3 use it for a purpose for which it was not designed or constructed;
- 10.14.4 enter a toilet that is set aside for use of the opposite sex except:
  - (a) where a child under the age of eight years is accompanied by an adult parent or guardian of that sex; or
  - (b) to provide assistance to a disabled person; or
  - (c) in the case of a genuine emergency.

10.15 *Waste*

- 10.15.1 Deposit or leave thereon:
  - (a) anything obnoxious or offensive;
  - (b) any offal, dead animal, dung or filth; or
  - (c) any mineral, mineral waste, industrial waste or bi-products.
- 10.15.2 foul or pollute any waters situated thereon.
- 10.15.3 deposit any rubbish other than in receptacles provided by the Council for that purpose.
- 10.15.4 deposit in a receptacle any rubbish emanating from domestic or trade purposes, unless designated by a sign or signs.

## PART 4—ENFORCEMENT

11. *Directions*

- 11.1 A person on Local Government land must comply with a reasonable direction from an authorised person relating to:
  - 11.1.1 that person's use of the land;
  - 11.1.2 that person's conduct and behaviour on the land;
  - 11.1.3 that person's safety on the land; or
  - 11.1.4 the safety and enjoyment of other persons on the land.
- 11.2 A person who, in the opinion of an authorised person, is likely to commit or has committed, a breach of this by-law must immediately comply with a direction of an authorised person to leave that part of Local Government land.

12. *Orders*

If a person fails to comply with an order of an authorised person made pursuant to Section 262 of the Act in respect of a breach of this by-law, the Council may seek to recover its costs of any action taken under Section 262 (3) of the Act from the person to whom the order was directed.

## Note:

Section 262 (1) of the Act states:

- (1) If a person (*the offender*) engages in conduct that is a contravention of this Act or a by-law under this Act, an authorised person may order the offender:
  - (a) if the conduct is still continuing—to stop the conduct; and
  - (b) whether or not the conduct is still continuing—to take specified action to remedy the contravention.

Subsections (2) and (3) of Section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease smoking on Local Government land;
- remove an object or structure encroaching on Local Government land; and
- dismantle and remove a structure erected on Local Government land without permission.

13. *Removal of Animals and Objects*

An authorised person may remove an animal or object that is on Local Government land in breach of a by-law if no person is in charge of, or apparently in charge of, the animal or object.

## PART 5—MISCELLANEOUS

14. *Exemptions*

- 14.1 The restrictions in this by-law do not apply to a Police Officer, Emergency Worker, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a Contractor while performing work for the Council and while acting under the supervision of a Council Officer.
- 14.2 The restrictions in Clauses 9.1, 9.7, 9.16, 9.18, 9.33 and 9.34 of this by-law do not apply to electoral matter authorised by a candidate and which is:
  - 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
  - 14.2.2 related to an election under the Act or the Local Government (Elections) Act 1999 and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
  - 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.
- 14.3 The restrictions in Clauses 9.1, 9.7, 9.16, 9.18, 9.33 and 9.34 of this by-law do not apply to any form of lawful communication on government and political matters, and are not intended to restrict communication in relation to such matters.

The foregoing by-law was duly made and passed at a meeting of the Port Augusta City Council held on 23 April 2012, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

G. PERKIN, City Manager

## PORT AUGUSTA CITY COUNCIL

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

*By-law No. 4 of 2012—Roads*

TO regulate certain activities on roads in the Council area.

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Roads By-law 2012 and is By-law No. 4 of the Port Augusta City Council.

2. *Authorising Law*

This by-law is made under Sections 239 and 246 of the Act, Regulation 13 (1) (c) of the Local Government (Implementation) Regulations 1999, Regulation 18A of the Local Government (General) Regulations 1999 and Sections 667 (1), 4.1, and 9.XVI of the Local Government Act 1934, as amended.

3. *Purpose*

The objectives of this by-law are to manage and regulate the prescribed uses of roads in the Council area:

- 3.1 to protect the convenience, comfort and safety of road users and members of the public;

- 3.2 to prevent damage to buildings and structures on roads;  
 3.3 to prevent certain nuisances occurring on roads; and  
 3.4 for the good rule and government of the Council area.

#### 4. Commencement, Revocation and Expiry

4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation<sup>1</sup>:

4.1.1 By-law No. 4—Roads 2005.<sup>2</sup>

4.2 This by-law will expire on 1 January 2020.<sup>3</sup>

Note:

- 1 Generally a by-law comes into operation four months after the day on which it is *gazetted*: Section 249 (5) of the Act.  
 2 Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.  
 3 Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

#### 5. Application

5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2012.

5.2 This by-law applies throughout the Council area.

#### 6. Interpretation

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;  
 6.2 *animal* does not include a dog or a cat;  
 6.3 *camp* includes setting up a camp, or causing a tent, caravan or motor home to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;  
 6.4 *Council* means Port Augusta City Council;  
 6.5 *effective control* means a person exercising effective control of an animal either:  
 6.5.1 by means of a physical restraint; or  
 6.5.2 by command, the animal being in close proximity to the person, and the person being able to see the animal at all times;  
 6.6 *electoral matter* has the same meaning as in the Electoral Act 1995 provided that such electoral matter is not capable of causing physical damage or injury to a person within its immediate vicinity;  
 6.7 *emergency worker* has the same meaning as in the Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 1999;  
 6.8 *road* has the same meaning as in the Act;  
 6.9 *vehicle* has the same meaning as in the Road Traffic Act 1961.

Note:

Section 14 of the Interpretation Act 1915, provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-law was made.

#### PART 2—USE OF ROADS

#### 7. Activities Requiring Permission

A person must not do any of the following activities on a road without the permission of the Council:

##### 7.1 Amplification

Use an amplifier or other device whether mechanical or electrical for the purpose of broadcasting announcements or advertisements.

##### 7.2 Animals

7.2.1 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided the animal or animals are under effective control.

7.2.2 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.

#### 7.3 Camping and Tents

7.3.1 Erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation.

7.3.2 Camp or sleep overnight.

#### 7.4 Obstructions

Erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road or footway, water-channel, or watercourse in a road.

#### 7.5 Posting of Bills

Subject to Clause 11, post or allow or cause to be posted any bills, advertisements, or other papers or items on a building or structure on a road.

#### 7.6 Public Exhibitions and Displays

7.6.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.

7.6.2 Conduct or hold a concert, festival, show, circus, performance or a similar activity.

7.6.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.

7.6.4 Cause any public exhibitions or displays.

#### 7.7 Soliciting for Religious or Charitable Purposes

Ask for or receive or indicate a desire for a donation of money or any other thing, or otherwise solicit for religious or charitable purposes.

#### 7.8 Vehicles

Repair, wash, paint, panel beat or perform other work of a similar nature to a vehicle, except for running repairs in the case of a vehicle breakdown.

Note:

Movable signs on roads are regulated by Sections 226 and 227 of the Act and the Council's Moveable Signs By-law (if any).

#### PART 3—ENFORCEMENT

#### 8. Directions

A person who, in the opinion of an authorised person is committing or has committed a breach of this by-law, must immediately comply with a direction of an authorised person to leave that part of the road.

#### 9. Orders

If a person does not comply with an order of an authorised person made pursuant to Section 262 of the Act in respect of a breach of this by-law, the Council may recover its costs of any action taken under Section 262 (3) of the Act from the person to whom the order was directed.

Note:

Section 262 (1) of the Act states:

(1) If a person (*the offender*) engages in conduct that is a contravention of this Act or a by-law under this Act, an authorised person may order the offender:

- (a) if the conduct is still continuing—to stop the conduct; and  
 (b) whether or not the conduct is still continuing—to take specified action to remedy the contravention.

Subsections (2) and (3) of Section 262 also provide that it is an offence to fail to comply with an order and that if a person does not comply, the authorised person may take action reasonably required to have the order carried out. For example, an authorised person may order a person to:

- cease busking on a road;
- remove an object or structure blocking a footpath;
- remove bills posted on a structure on a road;
- dismantle and remove a tent from a road.

### 10. *Removal of Animals and Objects*

An authorised person may remove an animal or object that is on a road in breach of a by-law if no person is in charge, or apparently in charge, of the animal or object.

#### PART 4—MISCELLANEOUS

### 11. *Exemptions*

11.1 The restrictions in this by-law do not apply to a Police Officer, Emergency Worker, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a Contractor while performing work for the Council and while acting under the supervision of a Council Officer.

11.2 The restrictions in Clause 7.5 of this by-law do not apply to electoral matter authorised by a candidate and which is:

11.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or

11.2.2 related to an election under the Act or the Local Government (Elections) Act 1999 and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or

11.2.3 related to, and occurs during the course of and for the purpose of a referendum.

11.3 The restriction in Clause 7.5 of this by-law does not apply to any form of lawful communication relating to government and political matters, and is not intended to restrict communication in relation to such matters.

The foregoing by-law was duly made and passed at a meeting of the Port Augusta City Council held on 23 April 2012, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

G. PERKIN, City Manager

#### PORT AUGUSTA CITY COUNCIL

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

#### *By-law No. 5 of 2012—Dogs*

TO limit the number of dogs kept on premises and for the management and control of dogs in the Council area.

#### PART 1—PRELIMINARY

### 1. *Title*

This by-law may be cited as the Dog By-law 2012 and is By-law No. 5 of the Port Augusta City Council.

### 2. *Authorising Law*

This by-law is made under Section 90 (5) of the Dog and Cat Management Act 1995, and Section 246 of the Act, and Sections 667 (1), 9.XVI of the Local Government Act 1934, as amended.

### 3. *Purpose*

The objectives of this by-law are to control and manage dogs in the Council area:

- 3.1 to reduce the incidence of environmental nuisance caused by dogs; and
- 3.2 to promote responsible dog ownership; and
- 3.3 to protect the convenience, comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council area.

### 4. *Commencement, Revocation and Expiry*

4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation<sup>1</sup>:

4.1.1 By-law No. 5—Dogs.<sup>2</sup>

4.2 This by-law will expire on 1 January 2020.<sup>3</sup>

Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is *gazetted*: Section 249 (5) of the Act.

<sup>2</sup> Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

<sup>3</sup> Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

### 5. *Application*

5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2011.

5.2 Subject to Clause 5.3, this by-law applies throughout the Council area.

5.3 Clauses 8.1, 9.1.1 and 10.1.2 of this by-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with Section 246 (3) (e) of the Act.

### 6. *Interpretation*

In this by-law, unless the contrary intention appears:

6.1 *Act* means the Local Government Act 1999;

6.2 *approved kennel establishment* means a building, structure or area approved by a relevant authority, pursuant to the Development Act 1993 for the keeping of dogs on a temporary or permanent basis;

6.3 *children's playground* means an enclosed area in which there is equipment or other installed devices for the purpose of children's play (or within 3 m of such devices if there is no enclosed area);

6.4 *Council* means Port Augusta City Council;

6.5 *detached dwelling, row dwelling and semi-detached dwelling* have the same meanings as in the Development Act 1993;

6.6 *dog* (except for in Clause 7.1) has the same meaning as in the Dog and Cat Management Act 1995;

6.7 *effective control* means a person exercising effective control of a dog either:

6.7.1 by means of a physical restraint; or

6.7.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;

6.8 *keep* includes the provision of food or shelter;

6.9 *premises* includes land, whether used or occupied for domestic or non-domestic purposes, except an approved kennel establishment;

6.10 *small dwelling* means a self-contained residence that is:

6.10.1 a residential flat building; or

6.10.2 contained in a separate strata unit; or

6.10.3 on an allotment less than 400-600 m<sup>2</sup> in area; or

6.10.4 without a secure yard of at least 100 m<sup>2</sup> in area;

6.11 *working dog* means a dog used principally for droving or tending livestock.

Note:

Section 14 of the Interpretation Act 1915, provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-laws was made.

#### PART 2—LIMITS ON DOG NUMBERS

### 7. *Limits on Dog Numbers in Private Premises*

7.1 Subject to Clauses 7.3 and 7.5, a person must not, without the Council's permission keep:

7.1.1 more than one dog in a small dwelling;

7.1.2 more than two dogs in premises other than a small dwelling;

7.2 For the purposes of Clause 7.1, 'dog' means a dog that is three months of age or older or, a dog that has lost its juvenile teeth.

7.3 Clause 7.1 does not apply to:

- 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or
- 7.3.2 any business involving dogs provided that the business is registered in accordance with the Dog and Cat Management Act 1995.
- 7.4 The Council may require that premises which are the subject of an application for permission to keep additional dogs, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing dogs.
- 7.5 No dog is to be kept on any premises where, in the opinion of an authorised person, there is no secure or appropriate area where a dog may be effectively confined.

#### PART 3—DOG CONTROLS

##### 8. Dog Exercise Areas

- 8.1 A person may enter a public place or part of Local Government land to which the Council has determined this clause applies, for the purpose of exercising a dog under his or her effective control.
- 8.2 A person entering a dog exercise area designated by the Council must ensure that any dog under that person's control, charge or authority is under effective control at all times.

##### 9. Dog on Leash Areas

- 9.1 A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an accredited guide dog, hearing dog or disability dog that is required to remain off-lead in order to fulfil its functions) to be or remain:
- 9.1.1 on Local Government land or public place to which the Council has resolved that this subclause applies; and
- 9.1.2 on any park or reserve during times when organised sport is being played;
- unless the dog is secured by a strong leash not exceeding 2 m in length which is either tethered securely to a fixed object capable of securing the dog or held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

##### 10. Dog Prohibited Areas

- 10.1 A person must not allow a dog under that person's control, charge or authority (except an accredited guide dog, hearing dog or disability dog) to enter or remain:
- 10.1.1 on any children's playground on Local Government land;
- 10.1.2 on any other Local Government land or public place to which the Council has determined that this subclause applies.

##### 11. Dog Faeces

No person is to allow a dog under that person's control, charge or authority to be in a public place or on Local Government land unless that person has in their possession a bag or other suitable container for the collection and lawful disposal of any faeces that the dog may deposit (for the purpose of complying with their obligation under Section 45 A (6) of the Dog and Cat Management Act 1995).

#### PART 4—ENFORCEMENT

##### 12. Orders

- 12.1 If a person engages in conduct that is in contravention of this by-law, an authorised person may order that person:
- 12.1.1 if the conduct is still continuing—to stop the conduct; and
- 12.1.2 whether or not the conduct is still continuing—to take specified action to remedy the contravention.
- 12.2 A person must comply with an order under this Clause.

- 12.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may recover its costs of any action so taken from the person to whom the order was directed.
- 12.4 However, an authorised person may not use force against a person under this section.

##### Note:

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of dogs on that person's premises; or
- remove a dog from a dog prohibited area.

The foregoing by-law was duly made and passed at a meeting of the Port Augusta City Council held on 23 April 2012, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

G. PERKIN, City Manager

#### PORT AUGUSTA CITY COUNCIL

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

##### *By-law No. 7 of 2012—Cats*

TO limit the number of cats kept on premises and for the management and control of cats in the Council area.

#### PART 1—PRELIMINARY

##### 1. Title

This by-law may be cited as the Cats By-law 2012 and is By-law No. 7 of the Port Augusta City Council.

##### 2. Authorising Law

This by-law is made under Section 90 (5) of the Dog and Cat Management Act 1995, Section 246 of the Act and Sections 667 (1), 4.1 and 9.XVI of the Local Government Act 1934, as amended.

##### 3. Purpose

The objectives of this by-law are to control and manage cats in the Council area:

- 3.1 to promote responsible cat ownership;
- 3.2 to reduce the incidence of the public and environmental nuisance caused by cats;
- 3.3 to protect the comfort and safety of members of the public; and
- 3.4 for the good rule and government of the Council area.

##### 4. Commencement, Revocation and Expiry

- 4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation<sup>1</sup>:
- 4.1.1 By-law No. 8—Cats 2005.<sup>2</sup>
- 4.2 This by-law will expire on 1 January 2020.<sup>3</sup>

##### Note:

- 1 Generally a by-law comes into operation four months after the day on which it is *gazetted*: Section 249 (5) of the Act.
- 2 Section 253 of the Act provides that the revocation of a by-law by another by-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.
- 3 Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* of the by-law.

##### 5. Application

- 5.1 This by-law operates subject to the Council's Permits and Penalties By-law 2011.

##### 6. Interpretation

In this by-law, unless the contrary intention appears:

- 6.1 *Act* means the Local Government Act 1999;

- 6.2 *approved cattery* means a building, structure or area approved by a relevant authority, pursuant to the Development Act 1993 for the keeping of cats on a temporary or permanent basis;
- 6.3 *cat* means an animal of the species *felis cactus* which is three months of age or has lost its juvenile canine teeth;
- 6.4 *Council* means Port Augusta City Council;
- 6.5 *identified cat* means a cat identified in the manner set out in Regulation 8 of the Dog and Cat Management Regulations 2010, pursuant to which a cat is identified if:
- (a) the cat has a collar around its neck and the collar, or a tag securely attached to the collar is marked with the current address or telephone number of the owner or other person entitled to possession of the cat; or
  - (b) the cat has a microchip implanted in its body containing information that may be used to obtain the current address or telephone number of the owner or other person entitled to permission of the cat and had the letter M tattooed on the inside of either of its ears.
- 6.6 *keep* includes the provision of food or shelter;
- 6.7 *nuisance* means:
- 6.7.1 unreasonably interfering with the peace, comfort or convenience of a person;
  - 6.7.2 injurious to a person's real or personal property; or
  - 6.7.3 obnoxious, offensive or hazardous to health;
- 6.8 *premises* includes land whether used or occupied for domestic or non-domestic purposes except an approved cattery.

## Note:

Section 14 of the Interpretation Act 1915, provides that an expression used in this by-law has, unless the contrary intention appears, the same meaning as in the Acts under which the by-law is made.

## PART 2—LIMITS ON CAT NUMBERS

7. *Limits on Cat Numbers*

- 7.1 Subject to Clause 7.2, a person must not, without the Council's permission keep in any premises:
- 7.1.1 more than two cats; or
  - 7.1.2 a cat of or over the age of four months, or which has lost its juvenile canine teeth, unless the cat is an identified cat.
- 7.2 Clause 7.1 does not apply to approved catteries operating in accordance with all required approvals and consents.
- 7.3 Clause 7.1 does not apply if the person has the permission of the Council in writing. Such permission may be given if the Council is satisfied that:
- 7.3.1 no insanitary condition exists on the premises as a result of the keeping of cats;
  - 7.3.2 a nuisance is not caused to any neighbour as a result of the keeping of cats on the premises;
  - 7.3.3 all cats kept on the premises over the age of four months are desexed unless the person obtains a letter signed by a veterinary surgeon indicating that the health of the cat will be jeopardised if it is desexed either before reaching a stated age or at all;
  - 7.3.4 if such a letter is produced, where applicable, the owner of the cat will undertake to have an appropriately qualified person to desex the cat when it reaches the stated age; and
  - 7.3.5 the cats are effectively confined to the premises with the aid of a cat run.
- 7.4 The Council may require that premises which are the subject of an application for permission to keep additional cats, must be inspected by an authorised person for the purpose of assessing the suitability of the premises for housing cats.

8. *Cats not to be a Nuisance*

- 8.1 An owner or occupier of premises is guilty of an offence if a cat or cats kept or allowed to remain on the premises causes a nuisance by reason of:
- 8.1.1 noise or odour created by the cat or cats; or
  - 8.1.2 wandering from the land; or
  - 8.1.3 the aggressive nature of the cat or cats.

## PART 3—ENFORCEMENT

9. *Orders*

- 9.1 If a person engages in conduct that is a contravention of this by-law, an authorised person may order that person:
- 9.1.1 if the conduct is still continuing—to stop the conduct; and
  - 9.1.2 whether or not the conduct is still continuing—to take specified action to remedy the contravention.
- 9.2 A person must comply with an order under this Clause.
- 9.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may recover its costs of any action so taken from the person to whom the order was directed.
- 9.4 However, an authorised person may not use force against a person under this section.

## Note:

For example, an authorised person may order a person to:

- cease keeping more than the permitted number of cats on that person's premises; or
- take the necessary steps to mitigate a nuisance caused by howling cats.

The foregoing was duly made and passed at a meeting of the Port Augusta City Council held on 23 April 2012, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.

G. PERKIN, City Manager

## PORT AUGUSTA CITY COUNCIL

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

*By-law No. 8 of 2012—Australian Arid Lands Botanic Garden*

FOR the management of land vested in, held in trust for or under the care, control and management of the Council known as the Australian Arid Lands Botanic Garden.

## PART 1—PRELIMINARY

1. *Title*

This by-law may be cited as the Australian Arid Lands Botanic Garden By-law 2012 and is By-law No. 8 of the Port Augusta City Council.

2. *Authorising Law*

This by-law is made under Sections 238 and 246 of the Local Government Act 1999 and Section 667 (1) 4.1 of the Local Government Act 1934, as amended.

3. *Purpose*

The objective of this by-law is to ensure the effective management of the Australian Arid Lands Botanic Garden by the Council so it may be enjoyed by the public and appropriately conserved for the benefit of future generations.

4. *Operation and Revocation*

- 4.1 The following by-laws previously made by the Council are revoked from the day on which this by-law comes into operation<sup>1</sup>:
- 4.1.1 Australian Arid Lands Botanic Garden By-law No. 7 2005.<sup>2</sup>
  - 4.2 This by-law will expire on January 2020.<sup>3</sup>

## Note:

<sup>1</sup> Generally a by-law comes into operation four months after the day on which it is *gazetted*: Section 249 (5) of the Act.

<sup>2</sup> Section 253 of the Act provides that the revocation of a by-law does not affect certain resolutions such as those applying a by-law to a part or parts of the Council area.

<sup>3</sup> Pursuant to Section 251 of the Act, a by-law will expire on 1 January following the seventh anniversary of the *gazetted* by-law.

## 5. Interpretation

In this by-law:

- 5.1 *Australian Arid Lands Botanic Garden* means the area of land described in the Trust Grant over Allotments 84 and 85 of Deposited Plan 36449 in the Hundred of Copley, Port Augusta West and more particularly described in Register Book V4401 F598;
- 5.2 *authorised person* means a person appointed as an authorised person pursuant to Section 260 of the Local Government Act 1999;
- 5.3 *concession card holder* means a person who is the holder of:
- a current concession card issued by the appropriate State or Commonwealth agency;
  - a current student identification card issued to a student of a secondary or tertiary education institution by that institution; or
  - any other current concession card approved by the Council;
- 5.4 *family group* means a group of adults and children not exceeding four in number and not including more than two adults;
- 5.5 *the Garden* means all the land and buildings within the Australian Arid Lands Botanic Garden.

Note:

Section 14 of the Interpretation Act 1915, provides that an expression used in a by-law has, unless the contrary intention appears, the same meaning as in the Act.

## PART 2—REGULATION

### 6. Administration Charges

- 6.1 The City Manager may from time to time determine an entrance fee to the Garden, parts of the Garden or any building in the Garden;
- 6.2 If the City Manager considers it appropriate he or she may waive or reduce payment of a fee otherwise payable under this by-law or grant concessions to a family group or a concession card holder.

### 7. Control of Activities

#### 7.1 Entrance to Garden

- 7.1.1 The City Manager may from time to time give notice of the hours during which the Garden or parts of the Garden are open to the public and the appropriate charges to be paid upon entry to the Gardens. Such notice is to be displayed at the entrance to the Garden or those parts of the Garden open to the public;
- 7.1.2 The City Manager may close the Garden or parts of the Garden when it is in the interests of public safety to do so.
- 7.1.3 A person must not without the approval of an authorised person enter or remain in the Garden or a part of the Garden when that area is closed to the public.

#### 7.2 Entrance to Buildings

A person must not enter or remain in those buildings open to the public unless the appropriate charge (if any) for admission has been paid.

#### 7.3 Buildings

A person must not take food or drink into any building in the Garden unless authorised to do so by an authorised officer. A person must not smoke in any building in the Garden.

#### 7.4 Flora

A person must not without permission:

- 7.4.1 remove from the Garden any soil, rock, mineral or similar material; or
- 7.4.2 dig or otherwise intentionally disturb any soil or similar material in the Garden; or
- 7.4.3 take, damage, climb on or interfere with any tree, shrub, plant, flower or other plant material in the Garden; or
- 7.4.4 take or molest any bird or fish in the Garden; or
- 7.4.5 take or intentionally damage the nest of any bird in the Garden.

#### 7.5 Protection of Council's Property

A person must not in the Garden:

- 7.5.1 remove, damage, deface or interfere with any label, sign, seat, statue, building or other structure erected or placed there on behalf of the Council; or
- 7.5.2 step or walk on any garden bed or border; or
- 7.5.3 climb over, pass under or break through any gate, fence or hedge; or
- 7.5.4 drive or propel a motor vehicle, unless on an area or road constructed or set aside by the Council for the parking or travelling of motor vehicles; or
- 7.5.5 damage or disturb whatsoever any area constructed or set aside by the Council as walking trails.

#### 7.6 Animals

A person must not without permission, bring an animal into the Garden or permit an animal to enter the Garden;

- 7.6.1 Clause 38.6.1 does not apply to the Encounter Trail or beach areas of the Garden so long as the animal is restrained on a leash not exceeding 2 m in length at all times while in the Garden.
- 7.6.2 Clause 8.6.1 does not apply to a guide dog as defined in the Dog and Cat Management Act 1995.

#### 7.7 Camping

A person must not, without permission of the Council, camp or stay overnight in the Garden.

#### 7.8 Fires

A person must not without permission light or maintain a fire in the Garden except in a BBQ, stove or other receptacle safely positioned in a place set aside by the Council for that purpose.

#### 7.9 Fire Arms

A person must not bring a fire arm, catapult or other weapon into the Garden.

#### 7.10 Sport and Other Recreational Activities

A person must not without permission in the Garden:

- 7.10.1 engage in any form of sport or sporting activity, or in any game involving the use of a ball or any game in which an object is thrown or discharged; or
- 7.10.2 ride or use a skateboard, roller skates or other similar device.
- 7.10.3 engage in any organised sport or organised sporting activity.

#### 7.11 Behaviour

- 7.11.1 a person must not behave in a drunken, disorderly, offensive or indecent manner or create any disturbance or nuisance in the Garden.
- 7.11.2 a person must not throw, roll or discharge any stone, substance or missile or engage in any other activity that may endanger the safety of any person in the Garden.
- 7.11.3 a person must not urinate or defecate in any place within the Garden except in a public convenience.

- 7.12 *Noise*  
A person must not without permission:
- 7.12.1 use or cause to be used any loud speaker, amplifier, radio, television, video or similar device in the Garden; or
- 7.12.2 play or sound any musical instrument or whistle in the Garden.
- 7.12.3 Clauses 7.12.1 and 7.12.2 do not apply if the device or instrument is not audible to any other person except to the person using it by reason of that person's use of headphones, earplugs or other similar device.
- 7.13 *Litter and Pollution*
- 7.13.1 a person must not deposit litter, refuse or waste matter in the Garden except in a receptacle provided for that purpose.
- 7.13.2 a person must not without permission deposit goods, materials, earth, stone, gravel, or any other substance in the Garden.
- 7.13.3 a person must not foul or pollute any waters in the Garden.
- 7.14 *Commercial activities*  
A person must not without permission:
- 7.14.1 use any part of the Garden for commercial purposes;
- 7.14.2 advertise any goods or services in the Garden;
- 7.14.3 sell any goods or services in the Garden;
- 7.14.4 subject to Clause 9, distribute or leave for collection any pamphlet, paper or other written matter in the Garden.
- 7.14.5 display or erect any flag, sign, hoarding or similar object in the Garden.
- 7.15 *Public Assembly or Announcement*  
A person must not without permission:
- 7.15.1 engage or take part in public speaking, or make any public announcement in the Garden; or
- 7.15.2 organise, attend or participate in any public meeting, demonstration or gathering in the Garden.
- 7.16 *Donations*  
A person must not without permission:
- 7.16.1 collect or seek money or other donations in the Garden; or
- 7.16.2 obtain or seek to obtain any promise or undertaking to pay any money or other donation in the Garden.
- 7.17 *Consumption of Alcohol*  
A person must not consume alcohol in the Garden, except in licensed premises within the meaning of the Liquor Licensing Act 1997.
8. *Exemptions*
- 8.1 The restrictions in this by-law do not apply to any Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a Contractor while performing work for the Council and while acting under the supervision of a Council Officer.
- 8.2 The restrictions in Clause 7.14.4 of this by-law do not apply to electoral matter authorised by a candidate and which is:
- 8.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 8.2.2 related to an election under the Act or the Local Government (Elections) Act 1999 and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 8.2.3 related to, and occurs during the course of and for the purpose of a referendum.
- 8.3 The restriction in Clauses 7.14.4 and 7.15 of this by-law does not apply to any form of lawful communication relating to government and political matters, and is not intended to restrict communication in relation to such matters.
- The foregoing by-law was duly made and passed at a meeting of the Port Augusta City Council held on 23 April 2012, by an absolute majority of the members for the time being constituting the Council, there being at least two-thirds of the members present.
- G. PERKIN, City Manager
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- ALEXANDRINA COUNCIL  
LOCAL GOVERNMENT ACT 1934  
*Road Closure—Un-named Road between Sheoak Road and Alexandrina Road, Currency Creek*
- NOTICE is hereby given, that in accordance with Section 359 of the Local Government Act 1934, Council excludes all vehicles, with the exception of Council vehicles, emergency services vehicles, utility provider service vehicles (SA Water, ETSA and telecommunications providers) and vehicles approved by Council from that portion of un-made and un-named road reserve between Sheoak Road and Alexandrina Road and from Sheoak Road to approximately 75 m from Airport Road, following the Council meeting held on Monday, 2 April, 2012.
- P. DINNING, Chief Executive
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- DISTRICT COUNCIL OF CLEVE  
BY-LAWS MADE UNDER THE LOCAL GOVERNMENT ACT 1999  
*By-law No. 3 of 2011—Roads*
- PURSUANT to the power contained in Section 246 (3) (e) of the Local Government Act 1999, Council resolves that Clause 7.2.3 (animals) of By-law No. 3—Roads 2011, applies to the following area:
- Public Areas such as roads and footpaths within the towns of Cleve and Arno Bay being the area outlined in red on the map available for review at the Council Office, 10 Main Street, Cleve or Council's website [www.cleve.sa.gov.au](http://www.cleve.sa.gov.au).
- By-law No. 4 of 2011—Local Government Land*
- Pursuant to the power contained in Section 246 (3) (e) of the Local Government Act 1999, Council resolves that Clause 9.14.3 (camping) of By-law No. 4—Local Government Land 2011, applies to the following areas:
- Yeldulknie Weir, The Soaks, Redbanks, Alsbra Park Rest Area being the area outlined in red on the map available for review at the Council Office, 10 Main Street, Cleve or Council's website [www.cleve.sa.gov.au](http://www.cleve.sa.gov.au).
- Pursuant to the power contained in Section 246 (3) (e) of the Local Government Act 1999, Council resolves that Clause 9.8.1 (boats and mooring) of By-law No. 4—Local Government Land 2011, applies to the following area:
- Arno Bay Jetty, being the area outlined in red on the map available for review at the Council Office, 10 Main Street, Cleve or Council's website [www.cleve.sa.gov.au](http://www.cleve.sa.gov.au).
- Pursuant to the power contained in Section 246 (3) (e) of the Local Government Act 1999, Council resolves that Clause 9.3 (alcohol) of By-law No. 4—Local Government Land 2011, applies to the following area:

Observation Hill (locally known as Ticklebelly Hill), Wittwer Park, and the Arno Bay Jetty being the area outlined in red on the map available for review at the Council Office, 10 Main Street, Cleve or Council's website [www.cleve.sa.gov.au](http://www.cleve.sa.gov.au).

*By-law No. 5 of 2011—Dogs*

Pursuant to the power contained in Section 246 (3) (e) of the Local Government Act 1999, Council resolves that Clause 9.1.1 (dogs on leash) of By-law No. 5—Dogs 2011, applies to the following area:

Turnbull Park, Centenary Park, Arno Bay foreshore south of the North Breakwater to the southern end of the Arno Bay Caravan Park, Creek Road Carpark and the Boardwalks in Arno Bay and being the area outlined in red on the map available for review at the Council Office, 10 Main Street, Cleve or Council's website [www.cleve.sa.gov.au](http://www.cleve.sa.gov.au).

P. CAMERON, Chief Executive Officer

DISTRICT COUNCIL OF MALLALA

DEVELOPMENT ACT 1993

*Better Development Plan (BDP) and General Development Plan Amendment—Public Consultation*

NOTICE is hereby given that the District Council of Mallala, pursuant to Sections 24 and 25 of the Development Act 1993, has prepared a Development Plan Amendment Report (DPA) to amend its Development Plan.

The DPA is proposing to rewrite, update and restructure the policies and mapping of the Council's existing Development Plan dated 22 March 2012.

The changes can be summarised as:

- Updating most of the policies in the Council-wide section of the Development Plan with equivalent policies developed by the State Government's 'Better Development Plans' (BDP) project.
- Restructuring the Zone section in the Development Plan to amalgamate selected zones and rename others with standardised zone titles developed by the BDP project.
- Reordering headings in the Council-wide section and zones in alphabetical order under a new General Section.
- Correcting historical anomalies or typographical errors in existing policy and mapping.
- Introducing colour maps and Concept Plans to replace the black-and-white maps in the existing Development Plan.

The updating of policies means that there will be some degree of change to the policy intent of the existing Development Plan, both in wording and its effects on landowners and developers.

The DPA report will be on public consultation from Thursday, 3 May 2012 until Thursday, 5 July 2012.

Copies of the DPA report are available during normal office hours at:

- Two Wells Service Centre, 69 Old Port Wakefield Road, Two Wells.
- Two Wells Library, 61 Old Port Wakefield Road, Two Wells.
- Mallala Council Offices, 2A Wasleys Road, Mallala.

Alternatively, the DPA report can be viewed on the Internet at Council's Website at [www.mallala.sa.gov.au](http://www.mallala.sa.gov.au).

Written submissions regarding the DPA should be submitted no later than 5 p.m. on Thursday, 5 July 2012. All submissions should be addressed to the Chief Executive Officer, District Council of Mallala, P.O. Box 18, Mallala, S.A. 5502 and should clearly indicate whether you wish to be heard in support of your submission at the public hearing. If you wish to lodge your submission electronically, please email it to:

[info@mallala.sa.gov.au](mailto:info@mallala.sa.gov.au)

and title the email: Response to Better Development Plan (BDP) and General DPA.

Copies of all submissions will be available for inspection at the Mallala Council Offices, 2A Wasleys Road, Mallala, and the Two Wells Service Centre, 69 Old Port Wakefield Road, Two Wells from Friday, 6 July 2012 until the conclusion of the public hearing.

A public hearing will be held on Wednesday, 18 July 2012 at 7 p.m. at the Two Wells Community Centre, Two Wells Sports Complex, Old Port Wakefield Road, Two Wells at which time interested persons may be heard in relation to the DPA and the submissions. The public hearing will not be held if no submissions are received or if no submission makes a request to be heard.

If you would like further information about the DPA, contact Gary Mavrinc, General Manager Infrastructure and Planning Services on 8527 0252 or at [info@mallala.sa.gov.au](mailto:info@mallala.sa.gov.au).

Dated 2 May 2012.

C. MANSUETO, Chief Executive Officer

SALE OF PROPERTY

Auction Date: Thursday, 17 May 2012 at 2 p.m.

Online auction: Auction Blue, [www.auctionblue.com](http://www.auctionblue.com)

NOTICE is hereby given that on the above date at the time and place stated, by virtue of Orders for Sale issued by the Fines Payment Unit of South Australia, Penalty No. EXREG-11-56166/1 and others, are directed to the Sheriff of South Australia in an action wherein Kevin O'Hare is the Defendant, I, Mark Stokes, Sheriff of the State of South Australia, will by my auctioneers, Auction Blue make sale of the following:

1991 Mitsubishi Station Wagon  
Registration Number: VFE 107

SALE OF PROPERTY

Auction Date: Thursday, 17 May 2012 at 2 p.m.

Online auction: Auction Blue, [www.auctionblue.com](http://www.auctionblue.com)

NOTICE is hereby given that on the above date at the time and place stated, by virtue of Warrant for Sale issued by the Magistrate's Court of South Australia, Matter No. AMCCI-12-775, are directed to the Sheriff of South Australia in an action wherein Kevin O'Hare is the Defendant, I, Mark Stokes, Sheriff of the State of South Australia, will by my auctioneers, Auction Blue make sale of the following:

Crown Walkie Stacker 20IMT130A Forklift  
Registration Number: N/A



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