



THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

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

ADELAIDE, THURSDAY, 15 OCTOBER 2015

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GOVERNMENT GAZETTE NOTICES

Notices for publication in the *South Australian Government Gazette* should be emailed to governmentgazette@dpc.sa.gov.au. Content should be sent as Word format attachment(s). Covering emails should include the date the notice is to be published and to whom the notice will be charged. **Closing time for lodgement is 4 p.m. on the Tuesday preceding the regular Thursday publication.** Gazette enquiries to: **Phone 8207 1045**. The *Government Gazette* is available online at: www.governmentgazette.sa.gov.au.

Department of the Premier and Cabinet
Adelaide, 15 October 2015

HIS Excellency the Governor in Executive Council has been pleased to appoint the Honourable Stephen Campbell Mullighan, MP, Minister for Transport and Infrastructure, Minister Assisting the Minister for Planning and Minister Assisting the Minister for Housing and Urban Development to be also Acting Minister for Investment and Trade, Acting Minister for Defence Industries and Acting Minister for Veterans' Affairs for the period from 19 October 2015 to 24 October 2015 inclusive, during the absence of the Honourable Martin Leslie James Hamilton-Smith, MP.

By command,

IAN KEITH HUNTER, for Premier

MDI15/003CS

Department of the Premier and Cabinet
Adelaide, 15 October 2015

HIS Excellency the Governor in Executive Council has revoked the appointments of Margot Radford and Arnold Dodd as Visiting Inspectors for the purposes of the Correctional Services Act 1982, effective from 15 October 2015, pursuant to Section 20 of the Correctional Services Act 1982 and Section 36 of the Acts Interpretation Act 1915.

By command,

IAN KEITH HUNTER, for Premier

MCS15/06CS

Department of the Premier and Cabinet
Adelaide, 15 October 2015

HIS Excellency the Governor in Executive Council has been pleased to appoint Geoffrey Linden Steer, Terrence Neil Hall and Paul John Skidmore as Visiting Inspectors for the purposes of the Correctional Services Act 1982, commencing on 15 October 2015, pursuant to Section 20 of the Correctional Services Act 1982.

By command,

IAN KEITH HUNTER, for Premier

MCS15/06CS

ADMINISTRATIVE ARRANGEMENTS ACT 1994

INSTRUMENT OF DELEGATION

Delegation of Powers Under the Motor Vehicles Act 1959

I, STEPHEN CAMPBELL MULLIGHAN, Minister for Transport and Infrastructure in the State of South Australia, in accordance with the powers conferred on me pursuant to Section 9 of the Administrative Arrangements Act 1994 ('the Act'), hereby delegate to the Minister for Road Safety the powers and functions exercisable by me under the Motor Vehicles Act 1959, as follows:

Section	Description of Power
98AAG (1) (a)	Provision enabling the Minister to exempt a specified person, or a person of a specified class, from specified provisions of Part 3 of the Motor Vehicles Act 1959, subject to such conditions as the Minister thinks fit.
98AAG (1) (b)	Provision enabling the Minister to vary or revoke an exemption, or a condition of an exemption, under Section 98AAG (1) (a) or to impose a further condition.

Conditions of Delegation

This Instrument of Delegation may be revoked or varied at any time by me by further notice published in the *Gazette*.

Dated 6 October 2015.

STEPHEN MULLIGHAN, Minister for
Transport and Infrastructure

BUILDING WORK CONTRACTORS ACT 1995

Exemption

TAKE notice that, pursuant to Section 45 of the Building Work Contractors Act 1995, I, George Kamencak, Acting 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

Alistair McClure Angus (BLD 45655).

SCHEDULE 2

Construction of a single storey detached house on land situated at Allotment 505 in Deposited Plan 72519 in the area named Hindmarsh Island, Hundred of Nangkita, Certificate of Title Volume 5981, Folio 436, more commonly known as Lot 505, Captain Sturt Road, Hindmarsh Island.

SCHEDULE 3

1. This exemption is limited to domestic building work personally performed by the licensee in relation to the building work described in Schedule 2.

2. This exemption does not apply to any domestic building work the licensee 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 his 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 9 October 2015.

G. KAMENCAK, Acting Commissioner for
Consumer Affairs, Delegate for the
Minister for Business Services and
Consumers

Ref.: 610/14-00116

FIRE AND EMERGENCY SERVICES ACT 2005

SECTIONS 78 AND 80

Fire Ban Districts

I, GREGORY HUGH NETTLETON, the Chief Officer of the South Australian Country Fire Service, hereby declare that the following Fire Ban Districts as set out in rack plans are now rescinded and replaced with updated rack plans as detailed below, and are approved under Sections 78 and 80 for determining the whole or any part of the State. These changes will be effective from 12 November 2015.

Rack Plan No.	Fire Ban District No.	Fire Ban District Name	Fire Area Type
1010 (rescinded)	10	Flinders	Fire Ban District
1012 (rescinded)	12	Eastern Eyre Peninsula	Fire Ban District
1014 (rescinded)	14	North West Pastoral	Fire Ban District
1084	10	Flinders	Fire Ban District
1085	12	Eastern Eyre Peninsula	Fire Ban District
1086	14	North West Pastoral	Fire Ban District

Dated 8 October 2015.

G. NETTLETON, Chief Officer, SA Country Fire Service

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to Section 115 of the Fisheries Management Act 2007, the holders of a Spencer Gulf Prawn Fishery Licence issued pursuant to the Fisheries Management (Prawn Fisheries) Regulations 2006, listed in Schedule 1, or their registered masters (the 'exemption holder'), are exempt from notices made under Section 79 of the Fisheries Management Act 2007, prohibiting prawn fishing activities pursuant to a Spencer Gulf Prawn Fishery Licence, insofar as the exemption holder shall not be guilty of an offence when using prawn trawl nets pursuant to their fishery licence for the purpose of undertaking prawn surveys (the 'exempted activity'), subject to the conditions contained in Schedule 2.

SCHEDULE 1

Licence No.	Licence Holder	Boat Name
P06	Nora Davies	<i>Lunar Sea</i>
P09	Bartolomeo Puglisi	<i>Angelina</i>
P38	Tacoma Pty Ltd	<i>Atlas</i>
P14	Ross Haldane	<i>Bartallumba K</i>
P33	Wellmet Pty Ltd	<i>Beauie J</i>
P12	Fromager Pty Ltd	<i>Brianna-Rene-Adele</i>
P34	Frane Bralic	<i>Cvita B</i>
P31	Barry Bowyer	<i>Evelyn-L</i>
P08	Anton Blaslov	<i>Grozdana B</i>
P13	Ante Lukin	<i>Kylie</i>
P04	Robert Bailey	<i>Melanie B</i>
P26	Ljiljana Vitlov	<i>Michelle</i>
P16	Barry Evans	<i>Night Stalker</i>
P28	Eugene Montgomery	<i>Skandia</i>

SCHEDULE 2

1. The exempted activity may only be undertaken from 8 October 2015 until 7 October 2016, unless varied or revoked earlier.

2. For the purposes of this notice the trawl survey areas cannot include any waters of a habitat protection zone or a sanctuary zone of a marine park established under the Marine Parks Act 2007.

3. The exemption holder must comply with all regulations and conditions that apply to fishing activities undertaken pursuant to their licence, in addition to the conditions imposed by this exemption. Exemption No. ME9902802.

4. The exemption holder must accurately complete both of the tables attached as Schedules 2 and 3 to this notice, and submit to PIRSA Fisheries and Aquaculture by email to pirsa.fishwatch@sa.gov.au at least one hour prior to the departure of the first vessel from port to engaging in the exempted activity for each survey period.

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

6. The exemption holder or an authorised licence 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.

This notice does not purport to override the provisions or operation of any other Act including, but not limited to, the Marine Parks Act 2007. The exemption holder and his agents must comply with any relevant regulations, permits, requirements and directions from the Department of Environment, Water and Natural Resources when undertaking activities within a marine park.

Dated 8 October 2015.

S. SLOAN, Director, Fisheries and Aquaculture Policy, Delegate of the Minister for Agriculture, Food and Fisheries

FISHERIES MANAGEMENT ACT 2007: SECTION 115

TAKE notice that pursuant to Section 115 of the Fisheries Management Act 2007, the holder of a Prawn Fishery Licence issued pursuant to the Fisheries Management (Prawn Fisheries) Regulations 2006 (the 'exemption holder') or their registered masters, are exempt from any closure notice made under Section 79 of the Fisheries Management Act 2007, prohibiting the taking of King Prawns, *Penaeus (melicertus) latisulcatus*, in the waters specified in Schedule 1, in that the exemption holder shall not be guilty of an offence when using prawn trawl nets in accordance with the conditions of their Fishery Licence for the purpose of trialling fishing gear (the 'exempted activity'), subject to the conditions contained in Schedule 2.

SCHEDULE 1

The waters of Spencer Gulf, West Coast of South Australia and the Gulf St Vincent contained within the following co-ordinates:

Anxious Bay

Those waters of the West Coast bounded by a line commencing at position latitude 33°16.75'S, longitude 134°40.50'E, then to position latitude 33°16.75'S, longitude 134°39.25'E, then to position latitude 33°17.50'S, longitude 134°40.80'E, then to position latitude 33°17.60'S, longitude 134°41.80'E, then to the point of commencement.

Port Lincoln

Those waters of Spencer Gulf bounded by a line commencing at position latitude 34°42.00'S, longitude 135°52.70'E, then to position latitude 34°41.70'S, longitude 135°53.40'E, then to position latitude 34°43.40'S, longitude 135°54.50'E, then to position latitude 34°43.70'S, longitude 135°53.80'E, then to the point of commencement.

Wallaroo

Those waters of Spencer Gulf bounded by a line commencing at position latitude 33°53.20'S, longitude 137°32.00'E, then to position latitude 33°53.50'S, longitude 137°32.50'E, then to position latitude 33°55.00'S, longitude 137°31.50'E, then to position latitude 33°54.70'S, longitude 137°31.00'E, then to the point of commencement.

Port Pirie

Those waters of Spencer Gulf bounded by a line commencing at position latitude 33°07.90'S, longitude 137°46.50'E, then to position latitude 33°08.10'S, longitude 137°46.70'E, then to position latitude 33°10.10'S, longitude 137°45.80'E, then to position latitude 33°09.90'S, longitude 137°45.60'E, then to the point of commencement.

Port Adelaide

Those waters of Gulf St Vincent commencing at position latitude 34°45.00'S, longitude 138°17.00'E, then to position latitude 34°47.00'S, longitude 138°17.00'E, then to position latitude 34°47.00'S, longitude 138°15.00'E, then to position latitude 34°45.00'S, longitude 138°15.00'E, then to the point of commencement.

SCHEDULE 2

1. The exempted activity may only be undertaken from 8 October 2015 until 7 October 2016, unless varied or revoked.

2. The exemption holder may only conduct the exempted activity between 0800 hours and 1700 hours on any day.

3. The exemption holder may only engage in the exempted activity in those waters described in Schedule 1 that are greater than 10 metres in depth.

4. Any fish taken during the exempted activity are to be returned to the water immediately.

5. The exemption holder must contact PIRSA Fishwatch on 1800 065 522 not less than one hour prior to departure from port and provide the following information:

- a description of the boat to be used including the registration number marked on that boat;
- the estimated time of departure from port;
- the area in which the gear trials are to be conducted;
- the estimated time of return to port;
- the registered Master who will be in charge of the boat during the exempted activity; and
- Exemption No. ME9902801.

6. While engaged in the exempted activity, the exemption holder must have a copy of this notice on board the vessel or near his person. This notice must be produced to a PIRSA Fisheries Officer if requested.

7. The exemption holder must contact the PIRSA Fishwatch on 1800 065 522, not less than one hour prior to the boat returning to port and provide the following information:

- a description of the boat used including the registration number marked on that boat;
- the estimated time of return to port; and
- Exemption No. ME9902801.

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

Dated 8 October 2015.

S. SLOAN, Director, Fisheries and Aquaculture Policy, Delegate of the Minister for Agriculture, Food and Fisheries

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: Sunshine Alliance Resources Pty Ltd
 Location: Wirrealpa Area—Approximately 90 km south-east of Leigh Creek.
 Pastoral Leases: Wirrealpa, Martins Well, Willow Springs
 Term: 2 years
 Area in km²: 678
 Ref.: 2015/00009

Plan and co-ordinates can be found on the Department of State Development website www.minerals.statedevelopment.sa.gov.au/exploration/public_notices or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar, Department of State Development

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: OZ Exploration Pty Ltd
 Location: Lake Torrens Area—Approximately 90 km south-west of Leigh Creek.
 Pastoral Leases: Pernatty, South Gap
 Term: 2 years
 Area in km²: 912
 Ref.: 2015/00137

Plan and co-ordinates can be found on the Department of State Development website www.minerals.statedevelopment.sa.gov.au/exploration/public_notices or by phoning Mineral Tenements on (08) 8463 3103.

J. MARTIN, Mining Registrar, Department of State Development

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Suspension of Petroleum Exploration Licences—PELs 123 and 124

PURSUANT to Section 90 of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the abovementioned Petroleum Exploration Licences have been suspended for the period from and including 12 October 2015 until 11 October 2016, under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 21 March 2012.

The expiry date of PEL 123 is now determined to be 2 October 2021 and the expiry date for PEL 124 is now determined to be 3 October 2021.

Dated 12 October 2015.

B. A. GOLDSTEIN,
 Executive Director,
 Energy Resources Division,
 Department of State Development,
 Delegate of the Minister for Mineral Resources and Energy

PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

Suspension of Petroleum Exploration Licence—PEL 71

PURSUANT to Section 90 of the Petroleum and Geothermal Energy Act 2000, notice is hereby given that the abovementioned Petroleum Exploration Licence has been suspended for the period from and including 26 September 2015 until 25 March 2016, under the provisions of the Petroleum and Geothermal Energy Act 2000, pursuant to delegated powers dated 21 March 2012.

The expiry date of PEL 71 is now determined to be 6 May 2019.
 Dated 12 October 2015.

B. A. GOLDSTEIN,
 Executive Director,
 Energy Resources Division,
 Department of State Development,
 Delegate of the Minister for Mineral Resources and Energy

ROADS (OPENING AND CLOSING) ACT 1991:
SECTION 34

*O-Bahn City Access Project—Road Widening and Narrowing
Associated with the Adelaide Park Lands, Adelaide*

NOTICE is hereby given, pursuant to Section 34G of the Roads (Opening and Closing) Act 1991, that an application has been made to the Minister for Transport and Infrastructure by the Commissioner of Highways, to make an order to:

- widen the south-western corner of the intersection of Hackney Road and Bundeys Road delineated and numbered '1', '2' and '3' on Preliminary Plan No. 15/0034 to increase storage for the left turn slip lane;
- widen Hackney Road along the western side between Plane Tree Drive and Botanic Drive into the existing car park delineated and numbered '4' on Preliminary Plan No. 15/0034;
- widen the south-western corner of the intersection of Dequetteville Terrace and Botanic Road delineated and numbered '5' on Preliminary Plan No. 15/0034 to provide a left turn slip lane; and
- narrow the north-western and south-western corners of Dequetteville Terrace and Rundle Road and change the designation of road reserve that is no longer required into Park Lands land delineated and lettered 'A' and 'B' on Preliminary Plan No. 15/0034.

The proposed widening is part of a proposal to provide dedicated bus only lanes on Hackney Road and improve intersection capacity as part of the O-Bahn City Access Project.

A copy of the application, including Preliminary Plans, are available upon request during normal business hours for public inspection at the Adelaide office of the Surveyor-General, 101 Grenfell Street, Adelaide. To request an inspection of the application, please contact the Project Enquiry Line 1300 443 198 or email: DPTI.OBahn@sa.gov.au.

The application and Preliminary Plan can also be viewed at:

http://www.infrastructure.sa.gov.au/public_transport_projects/o-bahn_city_access

A person who objects to the proposal, wishes to comment on the proposal or make an application for easement may lodge a written objection, provide a written comment or make application for an easement for consideration of the Commissioner of Highways.

The written objection or written comment or application for easement must:

- be lodged with the Project Manager, O-Bahn City Access Project, Department of Planning, Transport and Infrastructure, G.P.O. Box 1533, Adelaide, S.A. 5001;
- be marked 'Roads Opening and Closing' and include the full name and address of the person making the objection, comment or application for easement; and
- be made within 28 days of the date of this notice.

For further inquiries regarding the O-Bahn City Access Project, please contact the Project Enquiry Line 1300 443 198 or via email: DPTI.OBahn@sa.gov.au

Dated 14 October 2015.

P. GELSTON, Commissioner of Highways Delegate

HOUSING IMPROVEMENT ACT 1940

Rent Control

WHEREAS by notice published in the *Government Gazette* on the dates mentioned in the following table the South Australian Housing Trust Board Delegate did declare the houses described in the said table to be substandard for the purposes of Part 7 of the Housing Improvement Act 1940, the South Australian Housing Trust Board Delegate in the exercise of the powers conferred by the said Part, does hereby fix as the maximum rental per week which shall be payable subject to Section 55 of the Residential Tenancies Act 1995, in respect of each house described in the following table the amount shown in the said table opposite the description of such house and this notice shall come into force on the date of this publication in the *Gazette*.

Address of House	Allotment, Section, etc.	Certificate of Title		Date and page of <i>Government Gazette</i> in which notice declaring house to be substandard published	Maximum rental per week payable in respect of each house \$
		Volume	Folio		
273 Hampstead Road, Northfield, S.A. 5085	Hundred of Yatala	5677	583	13.8.15, page 3773	140.00

Dated at Adelaide, 8 October 2015.

P. REARDON, Director, Property and Contract Management, Housing SA (Delegate SAHT)

HOUSING IMPROVEMENT ACT 1940

Substandard Declaration

NOTICE is hereby given that the South Australian Housing Trust Board Delegate in the exercise of the powers conferred by the Housing Improvement Act 1940, does hereby declare the houses described in the table hereunder to be substandard for the purposes of Part 7 of the Housing Improvement Act 1940.

Address of House	Allotment, Section, etc.	Certificate of Title	
		Volume	Folio
18 Moules Road, Magill, S.A. 5072	Allotment 37 in Filed Plan 134188, Hundred of Adelaide	5274	80

Dated at Adelaide, 15 October 2015.

P. REARDON, Director, Property and Contract Management, Housing SA (Delegate SAHT)

LOCAL GOVERNMENT ACT 1999

NORTHERN ADELAIDE WASTE MANAGEMENT AUTHORITY

*Regional Subsidiary Charter, July 2015***1. INTRODUCTION**

This Charter governs the affairs of the Northern Adelaide Waste Management Authority (referred to in this Charter as ‘the Authority’) a regional subsidiary established pursuant to Section 43 of the Local Government Act 1999 (‘the Act’).

2. CONSTITUENT COUNCILS

The Authority has been established by the City of Playford, the Town of Gawler and the City of Salisbury (Constituent Councils), which comprise the Northern Adelaide Region of Local Government (‘the Region’).

The Constituent Councils have resolved to work together through the Authority to facilitate waste management within the Region.

The Authority is subject to the joint direction of the Constituent Councils.

The establishment of the Authority does not derogate from the power of the Constituent Councils to themselves act in a matter.

3. LOCAL GOVERNMENT ACT

This Charter must be read in conjunction with Parts 2 and 3 of Schedule 2 to the Act. The Authority shall conduct its affairs in accordance with Schedule 2 to the Act except as modified by this Charter in a manner permitted by Schedule 2.

4. ABOUT THIS CHARTER

4.1 This Charter is the Charter of the Authority

4.2 This Charter binds the Authority and each Constituent Council.

4.3 Despite any other provision in this Charter:

4.3.1 if the Act prohibits a thing being done, the thing may not be done;

4.3.2 if the Act requires a thing to be done, authority is given for that thing to be done; and

4.3.3 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.

4.4 This Charter may not be amended except as all the Constituent Councils may agree by each passing a resolution in the same terms. An amendment is not effective unless and until published in the *Gazette*.

4.5 The Constituent Councils may review this Charter at any time, but must in any event review this Charter at least once in every four years.

5. OBJECTS AND PURPOSE

The Authority is established to:

5.1 provide kerbside waste management collection services to the Constituent Councils;

5.2 receive and dispose or market waste and recyclables collected from within the Region;

5.3 receive and dispose or market waste and recyclables collected from outside the Region;

5.4 operate and maintain the Waste Processing Facility at Edinburgh North, South Australia;

5.5 operate and maintain the Baled Landfill Facility at Uleybury, South Australia;

5.6 undertake regional promotions and education on the principles of the nationally accepted waste management hierarchy to be expanded to Councils outside the Region on approval of the Board;

5.7 provide customer service to Constituent Councils and residents on all waste management issues to be expanded to Councils outside the Region on approval of the Board;

5.8 advance the optional use of waste materials as a potential resource for the achievement of the highest net benefit to the Constituent Councils;

5.9 oversee infrastructure requirements of local government in establishing, processing and resource recovery operations as appropriate;

5.10 proactively manage its business in a competitive and changing environment;

5.11 provide a forum for discussion and/or research for the ongoing improvement of management of waste;

5.12 associate, collaborate and work in conjunction with other local government bodies for the advancement of matters of common interest; and

5.13 be financially self-sufficient.

and in so doing will give due weight to economic, social and environmental considerations.

6. POWERS

6.1 The Authority is constituted as a body corporate under the Act and in all things acts through the Board.

6.2 Subject to Clause 6.3 the Authority has:

6.2.1 the power to acquire, deal with and dispose of real and personal property (wherever situated) and rights in relation to real and personal property;

6.2.2 the power to sue and be sued in its corporate name;

6.2.3 the power to enter into any kind of contract or arrangement;

6.2.4 the power to return surplus funding revenue to Constituent Councils in such proportions as the Board considers appropriate at the end of any financial year either by way of cash payment or reduction of annual contribution;

6.2.5 the power to set aside surplus revenue for future capital expenditure;

- 6.2.6 the power to invest funds provided that in doing so it takes into account Part 4 of Chapter 9 of the Act; and
- 6.2.7 the power to do anything else necessary or convenient for, or incidental to, the excise, performance or discharge of its powers, functions or duties.
- 6.3 The Authority may enter into any contract arrangement or other transaction provided that it is within an approved budget and the Business Plan. Any contract arrangement or other transaction which will incur expenditure by the Authority in excess of \$100 000 and which is not referred to in an approved budget and the Business Plan requires the approval of all the Constituent Councils.
- 6.4 The Authority may operate an overdraft facility as approved in a budget or otherwise by the Constituent Councils.

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

7. BOARD OF MANAGEMENT

7.1 Functions of the Board

- 7.1.1 The formulation of strategic plans including a Long Term Financial Plan and strategies aimed at facilitating the fulfilment of the objects and purpose of the Authority and improving the activities of the Authority.
- 7.1.2 Providing professional input and policy direction to the Authority.
- 7.1.3 Monitoring, overseeing and evaluating the performance of the Executive Officer of the Authority.
- 7.1.4 Ensuring that ethical behaviour and integrity is established and maintained by the Authority and its Board Members in all activities undertaken by the Authority.
- 7.1.5 Subject to Clause 7.4.13 ensuring that the activities of the Authority are undertaken in an open and transparent manner.
- 7.1.6 The preparation and development of Business Plans to be considered in consultation with the Constituent Councils.
- 7.1.7 Exercising the care, diligence and skill that a prudent person of business would exercise in managing the affairs of other persons.

7.2 Membership of the Board

- 7.2.1 The Board will be comprised of 10 members appointed as follows:
- (a) three persons each appointed for a term of two years by each Constituent Council with skills and/or knowledge in any of the following:
- 7.2.1.a.1 Marketing/public relations;
- 7.2.1.a.2 Finance;
- 7.2.1.a.3 Legal/governance;
- 7.2.1.a.4 Business; and/or
- 7.2.1.a.5 The local community.
- The Chief Executive Officer (or nominee) of each Constituent Council will meet to collectively discuss their proposed appointees, prior to final appointment for the purpose of ensuring that the required skill set is satisfied;
- (b) one person appointed jointly by the Constituent Councils for a term of two years and who is not a member or officer of a Constituent Council and who, in the opinion of the Constituent Councils, has expertise in waste management and/or business. This person will be nominated by the Board and circulated to the Constituent Councils to be appointed by resolution of each of the Constituent Councils.
- 7.2.2
- (a) Subject to Clause 7.2.2 (b) and (c) members of the Board shall be entitled to a sitting fee as determined by the Board.
- (b) Any person who is an elected member of a Constituent Council and also a Board Member (irrespective of the basis of their initial appointment to the Board) is not entitled to a sitting fee.
- (c) Any Council employees appointed to the Board are not entitled to a sitting fee.
- 7.2.3 Each Constituent Council shall appoint a Deputy or Deputies (to a maximum of three for their Board Members).
- 7.2.4 An Instrument of Appointment signed by the Chief Executive Officer of the appointing Constituent Council is sufficient evidence of an appointment of a Board Member and a Deputy Board Member.
- 7.2.5 The Board Member appointed under Clause 7.2.1 (b) is the Chairperson of the Board.
- 7.2.6 There will also be a Deputy Chairperson of the Board elected by ballot of the Board for a two year period.
- 7.2.7 The Chair and Deputy Chair are eligible for re-appointment at the expiration of their respective terms of office.

7.3 Term of Office—The Board

- 7.3.1 Subject only to the following sub-clauses, the term of office of each member of the Board will be determined by the Constituent Council appointing the member.
- 7.3.2 The term of office of a member of the Board who is not an elected member of a Constituent Council ceases upon the appointing Constituent Council providing written notice to the Board, or upon the happening of any other event through which the member would be ineligible to remain as a member of the Board.
(See Clause 20, Part 2 of Schedule 2)
- 7.3.3 The Board may by a two-third majority vote of the members present (excluding the member subject to this Clause) make a recommendation to the Constituent Council responsible for the appointment of the member requesting that it terminate the appointment of the member in the event of:
- (a) any behaviour of the member which in the opinion of the Board amounts to impropriety;
- (b) serious neglect of duty in attending to the responsibilities of a member of the Board;

- (c) breach of fiduciary duty to the Board or a Constituent Council;
 - (d) breach of the duty of confidentiality to the Board and the Constituent Council;
 - (e) breach of the conflict of interest rules of the Board; or
 - (f) any other behaviour which may discredit the Board.
- 7.3.4 The Constituent Council which appointed the member whose term of office has become vacant will be responsible to appoint the replacement member.

7.4 Meetings of the Board

- 7.4.1 Subject to Clause 7.4.2 the Board has the power to determine its meeting procedures.
- 7.4.2 However, the provisions of Part 2 of the Local Government (Procedures at Meetings) Regulations 2013 shall, insofar as the same may be applicable and not inconsistent with this Charter or meeting procedures set by the Board apply to the proceedings at and conduct of all meetings of the Board.
- 7.4.3 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. In the event of the Chair and 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 Deputy Chair is present.
- 7.4.4 Subject only to the provisions of this Clause, no meeting of the Board will commence until a quorum of members is present and no meeting may continue unless there is a quorum of members present. A quorum of members is five members of the Board.
- 7.4.5 For the purpose of this Clause, the contemporary linking together by a telephone, audio-visual or other instantaneous means ('telecommunication meeting') of a number of members of the Board provided that at least a quorum is present, is deemed to constitute a meeting of the Board. Each of the Board Members taking part in the telecommunication meeting must be able to hear and be heard by each of the other Board Members present. At the commencement of the meeting, each Board Member must announce his/her presence to all other Board Members taking part in the meeting. A Board Member must not leave a telecommunication meeting by disconnecting his/her telephone, audio-visual or other communication equipment, unless that Board Member has previously notified the Chairperson of the meeting.
- 7.4.6 A proposed resolution in written form (including by email) and given to all Board Members in accordance with procedures determined by the Board will be a valid decision of the Board where a majority of Board Members vote in favour of the resolution either by signing and returning the resolution to the Executive Officer or otherwise giving written notice (including by email) to the Executive Officer of their consent to the proposed resolution. The resolution shall either fail or succeed at the time that the Executive Officer receives notification of majority support for or rejection of the proposed resolution. If the proposed resolution receives majority support it will be as valid and effectual as if it had been passed at a meeting of the Board duly convened and held.
- 7.4.7 In the event that there is not a quorum present at two consecutive meetings of the Board, an extraordinary meeting of the Board may be convened in the same manner as a special meeting (see Clause 7.4.11), at which the business which was on the agendas for the two previous but failed meetings may be transacted at the extraordinary meeting of the Board where the requirement for a quorum is that there be at least one member appointed by each of the Constituent Councils in attendance. Decisions made at such a meeting will be binding on all members of the Board and the Constituent Councils.
- 7.4.8 Subject only to any specific requirement of this Charter, all matters for decision at a meeting of the Board will be decided by a simple majority of the Board Members present and entitled to vote on the matter. All Board Members present and entitled to vote on a matter are required to cast a vote. All Board Members (including the Chairperson) are entitled only to a deliberative vote. Board Members may not vote by proxy.
- 7.4.9 In the event of an equality of votes, the Chairperson will not have a casting vote and the matter will be deemed to have lapsed but may at some later time (including at the same meeting) be reconsidered.
- 7.4.10 Meetings of the Board will be held at such time and such place as the Board decides subject only to the requirement that there will be at least one meeting in every two calendar months.
- 7.4.11 A special meeting of the Board may be held at any time and may be called at the request of the Chairperson or at the written request of three members of the Board where each member is an appointee of a different Constituent Council. The request for a special meeting must be accompanied by the agenda.
- 7.4.12 Notice of all meetings will be given in accordance with the provisions applicable to a Committee Meeting under Part 2 of Chapter 6 of the Act and any associated regulations.
- 7.4.13 The Executive Officer may indicate on a document (Agenda) or report provided to Board Members that any information or matter contained in or arising from the document/report is confidential until such time as the Board determines whether the document/report will be considered in confidence under Clause 7.4.14
- 7.4.14 The Board may order that the public be excluded from attendance at any meeting in order to enable the Board to consider any information or matter listed in Section 90 (3) of the Act (after taking into account any relevant consideration under that sub-section).
- 7.4.15 All Board Members must keep confidential all documents and any information provided to them on a confidential basis for their consideration prior to a meeting of the Board.
- 7.4.16 The Board must ensure that accurate written Minutes of its proceedings are kept and are produced for verification at the next or a subsequent meeting of the Board. The Minutes must be prepared and distributed to Board Members and Constituent Councils within five business days of the meeting to which they relate.
- 7.4.17 Subject to Clause 7.4.19 a person is entitled to inspect, without payment of a fee:
- (a) minutes of a Board meeting;
 - (b) reports received by a Board meeting; and
 - (c) recommendations presented to the Board in writing and adopted by resolution of the Board.
- 7.4.18 Subject to Clause 7.4.19, a person is entitled, on payment to the Authority of a fee fixed by the Board, to obtain a copy of any documents available for inspection under Clause 7.4.17.

- 7.4.19 Clauses 7.4.17 and 7.4.18 do not apply in relation to a document or part of a document if:
- (a) the document or part of the document relates to a matter of a kind considered by the Board in confidence under Clause 7.4.14; and
 - (b) the Board orders that the document or part of the document be kept confidential (provided that in so ordering the Board must specify the duration of the order or the circumstances in which it will cease to apply or a period after which it must be reviewed).

7.5 Governance Issues for Members of the Board

- 7.5.1 The principles regarding conflict of interest prescribed in the Act apply to all members of the Board as if they were elected members of a Council.
- 7.5.2 The members of the Board are not required to comply with Division 2, Chapter 5 (Register of Interests) of the Act.
- 7.5.3 The members of the Board 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 Board as required by Part 4, Division 1, Chapter 5 of the Act and Clause 23 of Part 2 of Schedule 2 to the Act.
- 7.5.4 The Board must prepare and adopt and thereafter keep under review policies on:
- 7.5.4.1 contracts and tenders, that would conform to Section 49 of the Act;
 - 7.5.4.2 a code of conduct to be observed by Board Members;
 - 7.5.4.3 governance including as concerns:
 - (a) the operation of any account with a bank or Local Government Finance Authority;
 - (b) human resource management;
 - (c) improper assistance to a prospective contract party;
 - (d) improper offering of inducements to Board Members or staff of the Authority;
 - (e) improper lobbying of Board Members or staff of the Authority.
 - 7.5.4.4 Work Health and Safety; and
 - 7.5.4.5 protection of the environment.

8. ADMINISTRATIVE MATTERS

- 8.1 There will be an Executive Officer of the Authority appointed by the Board on terms and conditions determined by the Board.
- 8.2 The Executive Officer will be responsible to the Board including for but not limited to the following:
- 8.2.1 ensuring that the policies and lawful decisions of the Authority are implemented in a timely manner;
 - 8.2.2 the efficient and effective management of the operations and affairs of the Authority;
 - 8.2.3 providing advice and reports to the Board on the exercise and performance of the Authority's powers and functions;
 - 8.2.4 giving effect to the principles of human resource management generally applicable within the local government industry.
- 8.3 The Executive Officer has such powers, functions and duties prescribed by this clause and as determined by the Board from time to time to ensure the efficient and effective management of the operations and affairs of the Authority. The functions of the Executive Officer include, but are not limited to, those outlined in Section 99 of the Local Government Act 1999.
- 8.4 The Board may authorise the Executive Officer to employ such other officers of the Authority as are required for the efficient and effective management of the operations and affairs of the Authority.
- 8.5 In the absence of the Executive Officer for any period exceeding one week an acting Executive Officer will be appointed by the Executive Officer or in default by the Board.
- 8.6 The Board may engage professional consultants and it may authorise the Executive Officer to engage professional consultants to provide services to the Authority to ensure the proper execution of its decisions, the efficient and effective management of the operations and affairs of the Authority, and for giving effect to the general management objectives and principles of personnel management prescribed by this Charter or as otherwise mandated.

9. DELEGATIONS

- 9.1 As a matter of record, Schedule 2, Clause 36 of the Act vests a power of delegation in the Authority. However, the Board may not delegate the following powers or functions:
- 9.1.1 the power to impose charges;
 - 9.1.2 the power to enter into transactions in excess of \$100 000 which are not authorised in the Business Plan;
 - 9.1.3 the power to borrow money or obtain any other form of financial accommodation which is not authorised in the Business Plan;
 - 9.1.4 the power to approve expenditure of money on the work, services or operations of the Authority not set out in a budget approved by the Authority or, where required by this Charter, approved by the Constituent Councils;
 - 9.1.5 the power to approve the reimbursement of expenses of payment of allowances to members of the Board;
 - 9.1.6 the power to adopt or revise an approved budget;
 - 9.1.7 the power to adopt or revise financial estimates or reports; and
 - 9.1.8 the power to make any application or recommendation to the Minister.

10. FINANCIAL CONTRIBUTIONS TO THE AUTHORITY

- 10.1 The Board will be responsible to provide the Constituent Councils with sufficient information for each of them to ascertain the level of and understand the reasons behind the funding required in the next financial year. This will be achieved through the Business Plan and the annual budget.
- 10.2 Subject to Clause 10.1 the Board will annually determine the funds required by the Authority to enable it to function in accordance with this Charter. Subject to all of the Constituent Councils approving the annual budget, the Constituent Councils shall contribute the funds requested by the Board in the annual budget. The Board may during any year determine that additional funds are required for the continuing function of the Authority. The Board must gain agreement from the Constituent Councils regarding the need for additional funds before the Constituent Councils will be obliged to meet any request for additional funds.
- 10.3 The annual contribution will be paid by each Constituent Council in advance by monthly instalments.
- 10.4 Additional contributions (if any) will be paid by each Constituent Council in the manner and at the time determined by the Board.
- 10.5 The Board is accountable to the Constituent Councils individually and collectively to ensure that the Authority functions in accordance with its Business Plan and approved budget.

11. BUDGETS

- 11.1 The Authority must prepare a budget for each financial year.
- 11.2 The budget must:
 - 11.2.1 deal with each principal activity of the Authority on a separate basis;
 - 11.2.2 be consistent with and account for activities and circumstances referred to in the Authority's business plan;
 - 11.2.3 be submitted in draft form to each Constituent Council for approval before 31 March for the next financial year;
 - 11.2.4 not be adopted by the Board until after 31 May but before 30 September; and
 - 11.2.5 identify the amount of and the reasons for the financial contributions to be made by each Constituent Council to the Authority.
- 11.3 The Authority must provide a copy of its adopted budget to each Constituent Council within five business days after adoption by the Board.

(See Clause 25, Part 2, Schedule 2 to the Act for the contents of the Budget.)

12. BUSINESS PLAN

- 12.1 The Authority shall have a Business Plan that continues in force for the period specified therein or until the earlier adoption by the Authority of a new Business Plan.
- 12.2 The Authority must, in consultation with the Constituent Councils, review its Business Plan on an annual basis.
- 12.3 The Authority may, after consultation with the Constituent Councils, amend its Business Plan at any time.
- 12.4 The Business Plan must include:
 - 12.4.1 the performance targets that the Authority is to pursue;
 - 12.4.2 a statement of the financial and other resources, and internal processes, that will be required to achieve the Authority's performance targets; and
 - 12.4.3 the performance measures that are to be used to monitor and assess the performance of the Authority against the adopted targets.

(See Clause 24, Part 2, Schedule 2 to the Act for the content of the Business Plan.)

13. SERVICE AGREEMENT

Where required, by agreement of all three Constituent Councils, the Authority will enter into a service agreement with each of the Constituent Councils in a form and upon terms and conditions agreed by the Constituent Councils.

14. AUDIT

- 14.1 The Authority shall appoint an Auditor in accordance with the Local Government (Financial Management) Regulations 2011, on terms and conditions set by the Board.
- 14.2 The Auditor will have the same powers and responsibilities as set out in the Local Government Act 1999, in relation to a Council.
- 14.3 The audit of Financial Statements of the Authority, together with the accompanying report from the Auditor, shall be submitted to both the Board and the Constituent Councils.
- 14.4 The books of account and financial statements of the Authority shall be audited at least once per year.
- 14.5 The Authority must establish an Audit Committee.

(See Clause 30, Part 2, Schedule 2 to the Act for the functions of the Audit Committee.)

15. FINANCIAL MANAGEMENT

- 15.1 The Authority shall keep its financial statements in accordance with the requirements of the Local Government (Financial Management) Regulations 2011.
- 15.2 The Authority must reconsider its budget between 30 September and 31 May (inclusive) in each Financial Year as required by the Local Government (Financial Management) Regulations 2011.
- 15.3 The Authority's financial statements must be available on request for inspection by any Board Member or authorised representative of any Constituent Council at any time.
- 15.4 The Authority must establish and maintain a bank account with such banking facilities and at a bank to be determined by the Board.
- 15.5 All cheques must be signed by two persons authorised by resolution of the Board.

- 15.6 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.
- 15.7 The Executive Officer must act prudently in the handling of all financial transactions for the Board and must provide quarterly financial and corporate reports to the Board and if requested, the Constituent Councils.
- 15.8 The Board will, at the end of each financial year prepare a schedule of assets and liabilities. In addition, the Board must maintain a record to be known as the 'Schedule of Constituent Council's Interest in Net Assets'.
- 15.9 The 'Schedule of Constituent Councils Interest in Net Assets' will reflect the proportionate contribution each Constituent Council has made to the growth of the net assets of the Authority having regard to the proportionate contribution to subscriptions. The Schedule when updated by the Board at the end of each financial year will reflect the proportionate contribution of each Constituent Council since the commencement of the Authority and once accepted by each Constituent Council will be evidence of the agreed proportion of a Constituent Council's interests in the net assets as at 30 June in that year.
- 15.10 Where there is any dispute as to the Schedule, Clause 20 shall apply.
- 16. REPORTING**
- 16.1 The Board must submit to the Constituent Councils by 30 September 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 the Constituent Councils.
- 16.2 The Board shall present its audited financial statements in accordance with the Local Government (Financial Management) Regulations 2011 to the Constituent Councils by 15 September of each Financial Year.
- 16.3 The Board shall report at any time on request from a Constituent Council on matters being undertaken by the Authority.
- 17. ALTERATIONS TO THE CHARTER**
- 17.1 This Charter may be amended by a resolution in the same or similar terms passed by each of the Constituent Councils.
- 17.2 The Executive Officer of the Authority must ensure that the amended Charter is published in the *Gazette* and a copy provided to the Minister.
- 17.3 Before the Constituent Councils vote on a proposal to alter this Charter they must take into account any recommendations of the Board.
- 18. INSURANCE AND SUPERANNUATION REQUIREMENTS**
- 18.1 The Authority shall register with the Local Government Mutual Liability Scheme and comply with the Rules of that Scheme.
- 18.2 The Authority shall register with the LGAMS Local Government Association Mutual Asset Fund for its insurance requirements relating to Local Government Special Risks including buildings, structures, vehicles and equipment under the management, care and control of the Authority.
- 18.3 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.
- 19. WITHDRAWAL OF A CONSTITUENT COUNCIL**
- 19.1 Subject to the approval of the Minister, a Constituent Council may withdraw from the Authority by giving not less than six months notice of its intention to do so to all other Constituent Councils and the Executive Officer.
- 19.2 In any event a withdrawal cannot become effective until 30 June following the expiry of the six months in the preceding sub-clause. Until withdrawal becomes effective, the Constituent Council proposing withdrawal from the Authority will remain liable for all financial contributions in the remaining period and through its members on the Board, the responsibility of ensuring the continued proper conduct of the affairs of the Authority.
- 19.3
- 19.3.1 A withdrawing Council shall indemnify the remaining Councils for all liabilities of the Authority caused or arising prior to the withdrawal taking effect.
- 19.3.2 The indemnity shall be in the same proportion as the withdrawing Council's interest in the net assets of the Authority calculated as at the date the withdrawal takes effect.
- 19.4 Upon withdrawal taking effect a Constituent Council will be entitled to be paid not more than 80% of its interest in the net assets of the Authority as determined and agreed under Clause 15. The withdrawing Constituent Council will be entitled to receive that sum by equal quarterly instalments to be paid over a period of two years with the first instalment being due on 1 January following the effective date of the withdrawal.
- 20. ADDITION OF A NEW MEMBER**
- 20.1 The Board may consider the addition of a new member to the Authority.
- 20.2 The Constituent Councils must each resolve in the same or substantially the same terms to approve the addition of a new member to the Authority and must obtain Ministerial approval.
- 20.3 The Charter shall be amended to address the addition of the new member.
- 21. DISPUTE RESOLUTION**
- 21.1 About this clause:
- 21.1.1 The procedure in this clause must be applied to any dispute that arises between the Authority and a Constituent Council concerning the affairs of the Authority, or between Constituent Councils concerning the affairs of the Authority, including a dispute as to the meaning or effect of this Charter and whether the dispute concerns a claim in common law, equity or under statute.
- 21.1.2 The Authority and a Constituent Council must continue to observe and perform this Charter despite the application or operation of this clause.
- 21.1.3 This clause does not prejudice the right of a party:
- (a) to require the continuing observance and performance of this Charter by all parties; or
- (b) to institute proceedings to enforce payment due under this Charter or to seek injunctive relief to prevent immediate and irreparable harm.

- 21.1.4 Pending completion of the procedures set out in this clause, and subject to this clause, a dispute must not be the subject of legal proceedings between any of the parties in dispute. If legal proceedings are initiated or continued in breach of this provision, a party to the dispute is entitled to apply for and be granted an order of the court adjourning those proceedings pending completion of the procedures set out in this clause.
- 21.2 **Step 1: Notice of Dispute:** A party to the dispute must promptly notify each other party to the dispute:
- 21.2.1 the nature of the dispute, giving reasonable details; and
- 21.2.2 what action (if any) the party giving notice thinks will resolve the dispute;
- but a failure to give such notice does not entitle any other party to damages.
- 21.3 **Step 2: Meeting of the Parties:** A party to the dispute who complied with the previous step may at the same or a later time notify each other party to the dispute that the first party requires a meeting within 14 business days after the giving of such notice. In that case, each party to the dispute must send to the meeting a Senior Manager of that party with the Board to resolve the dispute and at the meeting make a good faith attempt to resolve the dispute.
- 21.4 **Step 3: Mediation:** Despite whether any previous step was taken, a dispute not resolved within 30 days must be referred to mediation, as to which:
- 21.4.1 the Mediator must be a person agreed by the parties in dispute or, if they cannot agree within 14 business days, a Mediator nominated by the then President of the South Australian Bar Association (or equivalent officer of any successor organisation);
- 21.4.2 the role of a Mediator is to assist in negotiating a resolution of a dispute. A Mediator may not make a decision binding on a party unless that party has so agreed in writing;
- 21.4.3 the mediation must take place in a location in Adelaide agreed by the parties;
- 21.4.4 a party in dispute must co-operate in arranging and expediting mediation;
- 21.4.5 a party in dispute must send to the mediation a Senior Manager with authority to resolve the dispute;
- 21.4.6 the Mediator may exclude lawyers acting for the parties in dispute and may co-opt expert assistance as the new Mediator thinks fit;
- 21.4.7 a party in dispute may withdraw from mediation if there is reason to believe the Mediator is not acting in confidence, or with good faith or is acting for the purpose other than resolving the dispute;
- 21.4.8 unless otherwise agreed in writing:
- (a) everything that occurs before the Mediator is in confidence and in closed session;
- (b) discussions (including admissions and concessions) are without prejudice and may not be called into evidence in any subsequent litigation by a party;
- (c) documents brought into existence specifically for the purpose of the mediation may not be admitted in evidence in any subsequent legal proceedings by a party;
- (d) the parties in dispute must report back to the Mediator within 14 business days on actions taken, based on the outcome of the mediation;
- 21.4.9 a party in dispute need not spend more than one day in mediation for a matter under dispute;
- 21.4.10 a party in dispute must bear an equal share of the costs and expenses of the Mediator and otherwise bears their own costs.
- 21.5 **Step 4: Arbitration:** Despite whether any previous step was taken, a dispute not resolved within 60 days must be referred to arbitration, as to which:
- 21.5.1 there must be only one Arbitrator and who is a natural person agreed by the parties or, if they cannot agree within 14 business days, an Arbitrator nominated by the then Chairperson of The Institute of Arbitrators and Mediators (South Australian Chapter);
- 21.5.2 the role of the Arbitrator is to resolve the dispute and make decisions binding on the parties;
- 21.5.3 the arbitration must take place in an agreed location in Adelaide,
- 21.5.4 a party must co-operate in arranging and expositing arbitration;
- 21.5.5 a party must send out to the arbitration a Senior Manager with authority to resolve the dispute;
- 21.5.6 the parties may provide evidence and given written and verbal submissions to the Arbitrator with the time set by the Arbitrator;
- 21.5.7 the Arbitrator must:
- (a) consider the evidence and submissions;
- (b) decide the dispute; and
- (c) give written reasons to each party;
- 21.5.8 subject to this clause, the arbitration must take place under Rules 5 to 18 (inclusive) of the Rules of the Institute of Arbitrators and Mediators for the Conduct of Commercial Arbitrations and the provisions of the Commercial Arbitration Act 1986 (SA) and which Rules are taken to be incorporated by reference to this clause OR subject to this clause, the Arbitrator must fix the rules or arbitration; and
- 21.5.9 the costs and expenses of the Arbitrator and of each party must be borne as the Arbitrator decides.
22. **WINDING UP**
The Authority may be wound up in circumstances as Schedule 2, Clause 33 (1) of the Act allows or requires.
23. **DISTRIBUTION OF ASSETS AND LIABILITIES ON WINDING UP**
In the event the Authority commences to wind up it must divide among the Constituent Council in kind all of the Authority's assets and liabilities in proportion to their interest in the net assets of the Authority as determined and agreed under Clause 15 or as otherwise directed by decision made in the same or similar terms by each of the Constituent Councils.

24. COMMITTEES

- 24.1 The Board may establish a Committee of Board Members for the purpose of:
- 24.1.1 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 by the Board to the Committee; or
 - 24.1.2 exercising, performing or discharging delegated powers, functions or duties.
- 24.2 A member of a Committee established under this clause holds office at the pleasure of the Board.
- 24.3 The Board may also 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.
- 24.4 The Chair of the Board is an *ex-officio* member of any Committee or Advisory Committee established by the Board.

25. COMMON SEAL

- 25.1 The Authority shall have a Common Seal upon which its corporate name shall appear in legible characters.
- 25.2 The Common Seal shall not be used without the express authorisation of the Board and every use of the Common Seal shall be recorded in the Common Seal Register of the Authority.
- 25.3 The affixing of the Common Seal shall be witnessed by the Chair or the Deputy Chair and the Executive Officer or any person acting in those offices or other such person as the Authority may appoint for the purpose.
- 25.4 The Common Seal shall be kept in the custody of the Executive Officer or such other person at the Authority may from time to time decide.

26. 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:

- 26.1 a vacancy or vacancies in membership of the Board;
- 26.2 a defect in the appointment of a Board Member.

27. PRINCIPAL OFFICE

The Authority's principal office is located at the corner of Peachey and Bellchambers Roads, Edinburgh North, S.A. 5113 or as the Board may otherwise determine.

28. SERVICE OF DOCUMENTS

A document to be given by the Authority to a Constituent Council, or by a Constituent Council to the Authority, may be given in a manner that Section 280 of the Act permits. A written notice given by the Authority to a Constituent Council must be marked 'Attention: Chief Executive Officer' and a written notice given by a Constituent Council to the Authority must be marked 'Attention: Executive Officer'.

29. ACCESS TO INFORMATION/RECORDS

- 29.1 As a matter of record Schedule 2, Clause 27 of the Act entitles each Constituent Council to be furnished with information or records of the Authority.
- 29.2 A Constituent 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.

30. CIRCUMSTANCES NOT PROVIDED FOR

- 30.1 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.
- 30.2 The Chair shall report any such decision at the next ordinary meeting of the Authority.
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[REPUBLISHED—In *Government Gazette* No. 56, dated 1 October 2015 on pages 4484–4485, replace with this one.]

South Australia

Light Bus (Two for Three Seating) Notice 2015

pursuant to Section 163AA and Section 163C (1a) under the *Road Traffic Act 1961*

1—Short title

This notice may be cited as the *Light Bus (Two for Three Seating) Notice 2015*.

2—Commencement

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

3—Revocation

This notice revokes the notice titled *Light Bus (Two for Three Seating) Notice 2015*, appearing in the *South Australian Government Gazette*, dated 1 October 2015.

4—Exemption from the Code of Practice for Buses to allow three children to occupy a double seat 860 mm or more in width

I, Tony Carbone, Manager Vehicle Operations, Department of Planning, Transport and Infrastructure, authorised delegate of the Minister for Transport and Infrastructure:

pursuant to Section 163C (1a) of the *Road Traffic Act 1961* (the Act), hereby exempt any vehicle of the prescribed class for the purposes of Part 4A of the Act from the requirements of Clause 7.2 (3) (a) of the *Code of Practice for Buses* required under Regulation 60 (1) of the *Road Traffic (Miscellaneous) Regulations 2014* for the purposes of Section 163D (3); and

pursuant to Section 163AA of the Act, I hereby exempt light buses from the minimum passenger seating position width requirement of Clause 58.13.1 of Australian Design Rule 58/00 *Requirement for Buses Designed for Hire and Reward*, for a seating position intended for a use by a child to be less than 400 mm in width subject to the following conditions:

1. That no more than three children occupy the seat.
2. That the seat is a double seat designed for use by two adult passengers, which has a width of not less than 860 mm when measured along the front of the seat cushion.
3. That the gap between the seat backs is less than 100 mm.
4. That the gap between the seat cushions is less than 50 mm.
5. That the seat backs remain in the upright position when three children occupy the seat.

Notes:

- I. For the purposes of this notice a 'child' means a person up to and including the age of fourteen.
- II. This notice applies only to light buses not fitted with seat belts.
- III. Heavy buses fitted with seat belts must comply with the requirements of *National Heavy Vehicle Standards (2 for 3 Bus Seat) Exemption (Notice) 2015 (No. 1)* published in the *Commonwealth of Australia Gazette* and dated 16 January 2015 and the National Heavy Vehicle Standards (2 for 3 Bus Seat) South Australia Exemption Notice (No. 1) 2015.

5—Expiry

This notice will expire at midnight on 30 July 2018.

6—Authorisation

Dated 13 October 2015.

T. Carbone

Manager Vehicle Operations,
Department of Planning, Transport and Infrastructure,
Delegate for the Minister for Transport and Infrastructure

South Australia

Road Traffic (Exemption for concrete agitator and pump vehicles) Notice No. 1 of 2015

under Regulation 6 of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*

1—Short title

This Notice may be cited as the *Road Traffic (Exemption for concrete agitator and pump vehicles) Notice No. 1 2015*.

2—Commencement

This Notice will come into operation on the day on which it is published in the *Government Gazette*.

3—Interpretation

In this Notice—

Metropolitan Adelaide has the same meaning as in the *Development Act 1993*;

Road has the same meaning as in the *Road Traffic Act 1961*;

Road-related area has the same meaning as in the *Road Traffic Act 1961*.

4—Exemption

I, **STEPHEN CAMPBELL MULLIGHAN MP, Minister for Transport and Infrastructure**, in accordance with my powers pursuant to Regulation 6 of the *Road Traffic (Road Rules—Ancillary and Miscellaneous Provisions) Regulations 2014*, do hereby **EXEMPT** the following specified class of vehicles being:

‘concrete pump truck’ and ‘concrete agitator truck’

while the concrete pump truck is engaged at a worksite and while the concrete agitator truck is discharging a load at a worksite or waiting in the vicinity of the worksite to discharge a load, where the worksite is in Metropolitan Adelaide

from the following provisions of the Australian Road Rules:

4.1. A concrete pump truck is exempt from the following Australian Road Rules:

- Rule 168 (No parking signs)
- Rule 179 (Stopping in a loading zone)
- Rule 185 (Stopping in a permit zone)
- Rule 197 (1) (Stopping on a footpath etc.)
- Rule 198 (1) (Obstructing access to and from a driveway etc.)
- Rule 208 (Parallel parking on a road)
- Rule 208A (Parallel parking in a road-related area)
- Rule 210 (Angle parking)

- 4.2. A concrete agitator truck discharging a load is exempt from the following Australian Road Rules:
- Rule 168 (No parking signs)
 - Rule 185 (Stopping in a permit zone)
 - Rule 197 (1) (Stopping on a footpath etc.)
 - Rule 198 (1) (Obstructing access to and from a driveway etc.)
 - Rule 210 (Angle parking)
- 4.3. A concrete agitator truck waiting to discharge a load is exempt from the following Australian Road Rules:
- Rule 168 (No parking signs)
 - Rule 179 (Stopping in a loading zone)
 - Rule 180 (Stopping in a truck zone)
 - Rule 181 (Stopping in a work zone)
 - Rule 188 (Stopping in a shared zone)

5—Application

- 5.1. This exemption does not affect requirements under the *Work Health and Safety Act 2012* and Australian Road Rule 125 (Unreasonably obstructing drivers or pedestrians). Complying with these may require establishing a worksite that complies with Australian Standard 1742.3, ‘Traffic Control Devices for Works on Roads’ and/or an application to the Department of Planning, Transport and Infrastructure or a local council where there may be an impact on traffic flow and management.
- 5.2. This exemption does not apply where it is likely that the parking or standing exempted by this notice will result in damage to roadside drainage (including kerb, gutter and side entry pits) and landscaping.

6—Conditions of exemption

The following conditions apply:

- 6.1. An exemption for a concrete pump truck or a concrete agitator truck discharging a load is restricted to the road or road-related area adjacent to the worksite.
- 6.2. An exemption for a concrete agitator truck waiting to discharge a load is restricted to the road or road-related area in the immediate vicinity of the worksite and only for a maximum period of 30 minutes once the vehicle is first parked.
- 6.3. A copy of this notice must be produced by the driver of the vehicle on the request of an authorised officer as defined in the *Road Traffic Act 1961*.
- 6.4. All other provisions of the *Road Traffic Act 1961* and the regulations made thereunder, including the Australian Road Rules, continue to have full force and effect.
- 6.5. This exemption may be varied or revoked by me at any time by notice in writing.

7—Execution



.....

DATED: 28/9/2015

**HON TONY PICCOLO MP
A/MINISTER FOR TRANSPORT AND INFRASTRUCTURE**

South Australia
LAND AND VALUATION DIVISION RULES 2014
(Amendment No. 1)

BY virtue and in pursuance of Section 62H of the Supreme Court Act 1935 and all other enabling powers. We, Judges of the Supreme Court of South Australia, make the following Land and Valuation Division Rules 2014 (Amendment No. 1).

1. These Rules may be cited as the Land and Valuation Division Rules 2014 (Amendment No. 1).
2. The amendments made by these Rules come into effect on 1 December 2015 or the date of their gazettal, whichever is later.
3. The Land and Valuation Division Rules 2014 are amended as set out below.
4. In rule 15 under subrule (2) insert a new note follows:

Note—

The Supplementary Rules permit an application for an order of ejectment or payment of rent under Section 24 (2) of the Land Acquisition Act 1969, to be supported by an affidavit instead of a statement of claim.

GIVEN under our hands and the Seal of the Supreme Court of South Australia this 25th day of September 2015.

M. F. BLUE, J
G. J. PARKER, J

South Australia
LAND AND VALUATION DIVISION
SUPPLEMENTARY RULES 2014
(Amendment No. 1)

BY virtue and in pursuance of Section 62H of the Supreme Court Act 1935 and all other enabling powers. We, Judges of the Supreme Court of South Australia, make the following Land and Valuation Division Supplementary Rules 2014 (Amendment No. 1).

1. These Rules may be cited as the Land and Valuation Division Supplementary Rules 2014 (Amendment No. 1).

2. The amendments made by these Rules come into effect on 1 December 2015 or the date of their gazettal, whichever is later.

3. The Land and Valuation Division Supplementary Rules 2014 are amended as set out below.

4. In Chapter 3, Part 3 under Division 1 insert a new rule 6A as follows:

‘6A—Commencement of action

- (1) Subject to subrule (2), an application must, if a proceeding has not been started in the Court in relation to the acquisition, boundary or lodgment the subject of the application, be made by summons.
- (2) An application may, if a proceeding has been started in the Court in relation to the acquisition, boundary or lodgment the subject of the application, be made by interlocutory application (if by the plaintiff) or counterclaim (if by the defendant) which is to contain the substance of the relevant approved form (LVD 1, 2, 3 or 4) but otherwise be in the form of an interlocutory application or counterclaim prescribed under the General Civil Rules rather than a summons.’

5. In Chapter 3, Part 3, Subdivision 1, substitute ‘boundary’ for ‘division’ and in rule 7 (2) substitute ‘boundary’ for ‘division’.

6. In Chapter 3, Part 3 under Rule 7 (2) insert a new Rule 7A as follows:

‘7A—Affidavit in lieu of pleading

An application for an order of ejectment or payment of rent under Section 24 (2) of the Land Acquisition Act 1969, may be supported by an affidavit instead of a statement of claim.’

GIVEN under our hands and the Seal of the Supreme Court of South Australia this 25th day of September 2015.

M. F. BLUE, J
G. J. PARKER, J

[REPUBLICISHED]

IN *Government Gazette* No. 54 dated 7 September 2015, on page 4281, Amendment No 54 of the Magistrates Court Rules 1992, was printed with a typographical error and should be replaced with the following:

RULES OF COURT

Magistrate Court of South Australia

Amendment 54 to the Magistrates Court Rules 1992

PURSUANT to Section 49 of the Magistrates Court Act 1991 and all other enabling powers, we, the undersigned, do hereby make the following amendments to the Magistrates Court Rules 1992 as amended.

1. These Rules may be cited as the ‘Magistrates Court Rules 1992 (Amendment 54)’.
2. The Magistrates Court Rules 1992 as amended by the following amendments apply to and govern all actions commenced in the criminal division of the Court on and after the date on which these amendments are gazetted.
3. Rule 8.08 of the Magistrates Court Rules 1992 is deleted.
4. Rule 18.15 of the Magistrates Court Rules 1992 is deleted and replaced with:
 - 18.15 A request to register a Foreign Intervention Order or Foreign Restraining Order must comply with Form 41 and may be listed before a Magistrate. The applicant may appear in person or by telephone or file an affidavit explaining why the order should be registered and any reasons to support a request that it not be served. The Magistrate when ordering registration of the order must specify whether it is to be served or not.
5. Rule 18AA.00 is inserted as follows:
 - 18AA.00 INTERVENTION ORDERS UNDER THE BAIL ACT 1985**
 - 18AA.01 An intervention order made under s 23A of the Bail Act 1985 must comply with Form 29AA and must be served personally on the person the subject of the order.
 - 18AA.02 Unless the Court orders otherwise, an intervention order made under s 23A of the Bail Act 1985 is an interim intervention order.
6. Rule 18AAA.00 is inserted as follows:
 - 18AAA.00 INTERVENTION ORDERS UNDER THE CRIMINAL LAW (SENTENCING) ACT 1988**
 - 18AAA.01 An intervention order made under s 19A of the Criminal Law (Sentencing) Act 1988, must comply with Form 30 and must be served personally on the person the subject of the order.
 - 18AAA.02 Unless the Court orders otherwise, an intervention order made under s 19A of Criminal Law (Sentencing) Act 1988 is a confirmed intervention order.
7. Rule 18.25 of the Magistrates Court Rules 1992 is deleted.
8. Rule 43.12 is deleted and replaced with:
 - 43.12 Subject to sub rule 43.14, each page of an affidavit shall be signed and dated by the person making the affidavit and the witness before whom it is sworn.
9. Rule 60.05 is inserted as follows:
 - 60.05 An Order for variation or revocation of a Non-Association or Place Restriction Order must comply with a Form 108A.
10. Rule 63.00 is amended to insert the heading ‘RECORDING EVENTS IN COURT’.

11. Rule 64.00 is amended to insert the heading 'ELECTRONIC COMMUNICATIONS IN COURT'.

12. Rule 69.00 is inserted as follows:

69.00 FEES

- 69.01 The fees payable in relation to an action or proceeding in the Court are the fees prescribed in the Magistrates Court (Fees) Regulations 1992, Sheriff's Regulations 1992 and any other relevant Act or Regulations under which an action is commenced.
- 69.02 An application for the remission or reduction of a fee must be made to the Registrar on oath in Form 123 and the Registrar must place it on the file of the action or proceeding.
- 69.03 Where proper cause exists, the Registrar may, by notice in writing served on a person or party, impose conditions in respect of the mode or time of payment of a fee by that person or party.
- 69.04 Payment of a fee may be ordered by the Court, and the Registrar may enforce the order pursuant to these Rules.

13. Rule 70.00 is inserted as follows:

70.00 CO-OPERATIVES NATIONAL LAW (SOUTH AUSTRALIA) ACT 2013

- 70.01 An application for a warrant made pursuant to Section 504 or 505 of the Co-operatives National Law must comply with Form 121.
- 70.02 A search warrant must comply with Form 122.

14. Form 2 is deleted and replaced with Form 2.

15. Form 3 is deleted and replaced with Form 3.

16. Form 5 is deleted and replaced with Form 5.

17. Form 5A is deleted and replaced with Form 5A.

18. Form 5B is deleted and replaced with Form 5B.

19. Form 11 is deleted and replaced with Form 11.

20. Form 15 is deleted and replaced with Form 15.

21. Form 15A is deleted and replaced with Form 15A.

22. Form 16 is deleted and replaced with Form 16.

23. Form 17 is deleted and replaced with Form 17.

24. Form 23 is deleted and replaced with Form 23.

25. Form 29 is deleted and replaced with Form 29.

26. Form 29A is deleted and replaced with Form 29A.

27. Form 29AA is inserted.

28. Form 29B is deleted and replaced with Form 29B.

29. Form 30 is deleted and replaced with Form 30.

30. Form 31 is deleted and replaced with Form 31.

31. Form 31A is deleted and replaced with Form 31A.

32. Form 31B is deleted and replaced with Form 31B.

33. Form 31C is deleted and replaced with Form 31C.

34. Form 31D is deleted and replaced with Form 31D.

35. Form 32 is deleted and replaced with Form 32.

36. Form 33 is deleted and replaced with Form 33.

37. Form 34 is deleted and replaced with Form 34.

38. Form 35 is deleted and replaced with Form 35.

39. Form 36 is deleted and replaced with Form 36.

40. Form 37 is deleted and replaced with Form 37.
41. Form 38 is deleted and replaced with Form 38.
42. Form 42 is deleted and replaced with Form 42.
43. Form 46 is deleted and replaced with Form 46.
44. Form 56 is deleted and replaced with Form 56.
45. Form 57 is deleted and replaced with Form 57.
46. Form 58 is deleted and replaced with Form 58.
47. Form 60 is deleted and replaced with Form 60.
48. Form 75 is deleted and replaced with Form 75.
49. Form 76 is deleted and replaced with Form 76.
50. Form 77 is deleted and replaced with Form 77.
51. Form 80 is deleted and replaced with Form 80.
52. Form 81 is deleted and replaced with Form 81.
53. Form 83 is deleted and replaced with Form 83.
54. Form 99 is deleted and replaced with Form 99.
55. Form 100 is deleted and replaced with Form 100.
56. Form 106 is deleted and replaced with Form 106.
57. Form 107 is deleted and replaced with Form 107.
58. Form 108A is inserted.
59. Form 121 is inserted.
60. Form 122 is inserted.
61. Form 123 is inserted.

Dated 7 September 2015.

A. J. CANNON, Acting Chief Magistrate

M. HRIBAL, Magistrate

J. L. SCHAMMER, Magistrate

S. H. MILAZZO, Magistrate

GOVERNMENT GAZETTE ADVERTISEMENT RATES

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	\$		\$
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Each Subsequent Name	13.00	Noxious Trade	37.75
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pany be wound up voluntarily and that a liquidator		Rate per page (in 8pt)	324.00
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Acts, Bills, Rules, Parliamentary Papers and Regulations						
Pages	Main	Amends	Pages	Main	Amends	
1-16	3.20	1.50	497-512	43.00	42.00	
17-32	4.10	2.55	513-528	44.25	42.75	
33-48	5.45	3.85	529-544	45.75	44.25	
49-64	6.85	5.30	545-560	47.25	45.75	
65-80	7.95	6.60	561-576	48.25	47.25	
81-96	9.30	7.70	577-592	50.00	47.75	
97-112	10.60	9.05	593-608	51.00	49.25	
113-128	11.80	10.50	609-624	52.50	51.00	
129-144	13.20	11.70	625-640	53.50	52.00	
145-160	14.60	13.00	641-656	55.00	53.50	
161-176	15.80	14.30	657-672	56.00	54.00	
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289-304	26.25	24.50	785-800	66.00	65.00	
305-320	27.75	26.00	801-816	67.50	65.50	
321-336	28.75	27.25	817-832	69.00	67.50	
337-352	30.25	28.50	833-848	70.50	69.00	
353-368	31.00	30.00	849-864	72.00	70.00	
369-384	32.75	31.00	865-880	73.50	72.00	
385-400	34.25	32.50	881-896	74.00	72.50	
401-416	35.50	33.50	897-912	75.50	74.00	
417-432	37.00	35.25	913-928	76.00	75.50	
433-448	38.00	36.75	929-944	77.50	76.00	
449-464	39.00	37.50	945-960	78.50	77.00	
465-480	39.50	38.75	961-976	82.00	78.00	
481-496	42.00	39.50	977-992	83.00	78.50	

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South Australia

Animal Welfare (Live Baiting) Amendment Act (Commencement) Proclamation 2015

1—Short title

This proclamation may be cited as the *Animal Welfare (Live Baiting) Amendment Act (Commencement) Proclamation 2015*.

2—Commencement of Act

The *Animal Welfare (Live Baiting) Amendment Act 2015* (No 21 of 2015) will come into operation on 15 October 2015.

Made by the Governor

with the advice and consent of the Executive Council
on 15 October 2015

15MSECCS058

South Australia

Correctional Services (Appointment of Visiting Tribunals) Variation Proclamation 2015

under section 17 of the *Correctional Services Act 1982*

Part 1—Preliminary

1—Short title

This proclamation may be cited as the *Correctional Services (Appointment of Visiting Tribunals) Variation Proclamation 2015*.

2—Commencement

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

3—Variation provisions

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

Part 2—Variation of proclamation under *Correctional Services Act 1982* appointing Visiting Tribunals (*Gazette 30.11.2000 p3356*) as varied

4—Variation of clause 2

Clause 2, list—delete "Ernest John Davis"

Made by the Governor

with the advice and consent of the Executive Council
on 15 October 2015

MCS15/06CS

South Australia

Independent Commissioner Against Corruption Variation Regulations 2015

under the *Independent Commissioner Against Corruption Act 2012*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Independent Commissioner Against Corruption Regulations 2013*

- 4 Insertion of regulation 3A
 - 3A Declared law enforcement agency
 - 5 Insertion of regulations 16A and 16B
 - 16A Deposit holders (section 29A of Act)
 - 16B Authorisation for disclosure of information (section 54 of Act)
 - 6 Variation of regulation 17—Service (section 58 of Act)
 - 7 Variation of regulation 19—Declared public officers, public authorities and responsible Ministers (Schedule 1 of Act)
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Independent Commissioner Against Corruption Variation Regulations 2015*.

2—Commencement

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

3—Variation provisions

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

Part 2—Variation of *Independent Commissioner Against Corruption Regulations 2013*

4—Insertion of regulation 3A

After regulation 3 insert:

3A—Declared law enforcement agency

In accordance with paragraph (m) of the definition of *law enforcement agency* in section 4 of the Act, the Australian Competition and Consumer Commission established by section 6A of the *Competition and Consumer Act 2010* of the Commonwealth is declared to be a law enforcement agency.

5—Insertion of regulations 16A and 16B

Before regulation 17 insert:

16A—Deposit holders (section 29A of Act)

- (1) In accordance with section 29A(4)(e) of the Act, an institution that is a credit provider is declared to be a deposit holder.
- (2) In this regulation—

credit provider means a credit provider within the meaning of the *National Credit Code* in Schedule 1 to the *National Consumer Credit Protection Act 2009* of the Commonwealth.

16B—Authorisation for disclosure of information (section 54 of Act)

For the purposes of section 54(1)(ca) of the Act, the Commissioner may give an authorisation to a person to disclose information if the Commissioner has determined that the disclosure would be in the public interest.

6—Variation of regulation 17—Service (section 58 of Act)

Regulation 17—before subregulation (1) insert:

- (a1) Without derogating from section 58(e) of the Act, a notice or other document required or authorised to be given to or served on a company or registered body within the meaning of the *Corporations Act 2001* of the Commonwealth may be transmitted by email to an email address provided by the company or registered body for that purpose (in which case the notice or other document will be taken to have been given or served at the time of transmission).

7—Variation of regulation 19—Declared public officers, public authorities and responsible Ministers (Schedule 1 of Act)

Regulation 19, table—after the current contents of the table (relating to private certifiers) insert:

an authorised examiner appointed under paragraph (b) or (c) of the definition of <i>authorised examiner</i> in section 5(1) of the <i>Motor Vehicles Act 1959</i>	the Registrar of Motor Vehicles under the <i>Motor Vehicles Act 1959</i>	the Minister responsible for the administration of the <i>Motor Vehicles Act 1959</i>
---	--	---

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 15 October 2015

No 217 of 2015

AGO0086/15CS

South Australia

Development (Schedule 3) Variation Regulations 2015

under the *Development Act 1993*

Contents

Part 1—Preliminary

- 1 Short title
- 2 Commencement
- 3 Variation provisions

Part 2—Variation of *Development Regulations 2008*

- 4 Variation of Schedule 3—Acts and activities which are not development
-

Part 1—Preliminary

1—Short title

These regulations may be cited as the *Development (Schedule 3) Variation Regulations 2015*.

2—Commencement

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

3—Variation provisions

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

Part 2—Variation of *Development Regulations 2008*

4—Variation of Schedule 3—Acts and activities which are not development

Schedule 3, clause 5(2)—after paragraph (a) insert:

- (ab) without limiting paragraph (a), the use of any land or building for the display and sale of food produce if—
 - (i) the total floor area of the display does not exceed 30 square metres; and
 - (ii) the use of the land for the display and sale of food produce does not have a significant detrimental effect on the amenity of the locality or any part of the locality; or

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 15 October 2015

No 218 of 2015

PLN0046/15CS

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NOTE:

Closing time for lodging new copy is 4 p.m. on Tuesday preceding the regular Thursday Gazette.

CITY OF ADELAIDE
CALL FOR NOMINATIONS

Supplementary Election for Area Councillor

NOMINATIONS to be a candidate for election as a member of the City of Adelaide will be received between Thursday, 22 October 2015 and 12 noon on Thursday, 5 November 2015. Candidates must submit a profile of not more than 150 words with their nomination form and may also provide a photograph, predominantly head and shoulders, taken within the previous 12 months.

Nomination kits are available from the Customer Service Centre, 25 Pirie Street, Adelaide.

A briefing session for intending candidates will be held at 5.30 p.m. on Wednesday, 21 October 2015, at the Prince Alfred Room, Adelaide Town Hall, King William Street, Adelaide.

D. GULLY, Returning Officer

ALEXANDRINA COUNCIL

ROADS (OPENING AND CLOSING) ACT 1991

Road Closure—Third Avenue and Fourth Avenue, Hayborough

NOTICE is hereby given, pursuant to Section 10 of the Roads (Opening and Closing) Act 1991, that the Alexandrina Council proposes to make a Road Process Order to:

1. Close the whole of the public roads (portion of Third Avenue and Fourth Avenue) situated between Seagull Avenue and Hindmarsh Esplanade, more particularly delineated and lettered 'A', 'B', 'C', 'D', 'E', 'F', 'G', 'H', 'J' and 'K' on Preliminary Plan No. 15/0027:

- (a) closed roads lettered 'A' and 'B' are to be sold by public auction or tender.
- (b) closed road lettered 'C' and 'D' is to be transferred to Philippa Gwynne Walker, Joanna Barbara McKay, Samuel Gwynne Walker and Mark Mudie Walker and merged with the adjoining Allotment 410 in DP 3207.
- (c) closed road lettered 'E' and 'F' is to be transferred to Daryl Colin Teague and Wendy Anne Teague and merged with the adjoining Allotment 411 in DP 3207.
- (d) closed road lettered 'G' and 'H' is to be transferred to Margaret Rosalind Richardson and David John Leyburn Richardson and merged with the adjoining Allotment 422 in DP 3207.
- (e) closed road lettered 'J' and 'K' is to be transferred to Richard William Parker and Patricia Hayward Parker and merged with the adjoining Allotment 423 in DP 3207.

A copy of the Preliminary Plan and a statement of persons affected are available for public inspection at the Offices of the Alexandrina Council, 11 Cadell Street, Goolwa and at the Adelaide Offices of the Surveyor-General during normal office hours.

Any application for easement or objection must set out the full name, address and details of the submission and must be fully supported by reasons. The application for easement or objection must be made in writing to the Alexandrina Council, P.O. Box 21, Goolwa, S.A. 5214, within 28 days of this notice and a copy must be forwarded to the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001.

Where a submission is made the Council will give notification of a meeting at which the matter will be considered.

Dated 15 October 2015.

P. DINNING, Chief Executive Officer

DISTRICT COUNCIL OF CLEVE

Naming of Public Road

NOTICE is hereby given that pursuant to Section 219 of the Local Government Act 1999, Council hereby officially named the portion of road between Lots 6, 7, 50, 52 and Section 13, Hundred of Boothby, as 'Cleanseas Road'.

P. J. ARNOLD, Chief Executive Officer

DISTRICT COUNCIL OF COOBER PEDY

CALL FOR NOMINATIONS

Supplementary Elections for Mayor and Two Vacancies for Area Councillor

NOMINATIONS to be a candidate for election as a member of the District Council of Coober Pedy will be received between Thursday, 22 October 2015 and 12 noon on Thursday, 5 November 2015. Candidates must submit a profile of not more than 150 words with their nomination form and may also provide a photograph, predominantly head and shoulders, taken within the previous 12 months.

Nomination kits are available from the Council Office, Hutchison Street, Coober Pedy.

Briefing sessions for intending candidates will be held at 7 p.m. on Tuesday, 13 October 2015 and Thursday, 15 October 2015, at the Council Chambers, Hutchison Street, Coober Pedy.

D. GULLY, Returning Officer

MOUNT BARKER DISTRICT COUNCIL

CALL FOR NOMINATIONS

Supplementary Election for Councillor in North Ward

NOMINATIONS to be a candidate for election as a member of the Mount Barker District Council will be received between Thursday, 22 October 2015 and 12 noon on Thursday, 5 November 2015. Candidates must submit a profile of not more than 150 words with their nomination form and may also provide a photograph, predominantly head and shoulders, taken within the previous 12 months.

Nomination kits are available from the Council Office, Local Government Centre, Level 1, 6 Dutton Road, Mount Barker.

A briefing session for intending candidates will be held at 7 p.m. on Wednesday, 28 October 2015, at the Council Chambers, Local Government Centre, Level 1, 6 Dutton Road, Mount Barker.

D. GULLY, Returning Officer

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

Bielby, Diann Fay, late of 3 Collins Street, Elizabeth Downs, manager primary school canteen, who died on 13 March 2015.

Clements, Lionel George, late of 200 Fosters Road, Oakden, of no occupation, who died on 9 March 2012.

Gramazio, Giuseppe, late of 30 Lewis Road, Glynde, retired school teacher, who died on 23 July 2015.

Holling, Petrus Johannes, late of 1215-1217 Grand Junction Road, Hope Valley, of no occupation, who died on 1 June 2015.

Knezevic, Stephanie, late of 27 McDouall Stuart Avenue, Whyalla, home duties, who died on 22 May 2015.

Mayger, Phyllis Joyce, late of 53-59 Austral Terrace, Morphettville, of no occupation, who died on 15 August 2015.

McEvoy, Carmel Mary, late of 81-93 Regency Road, Croydon Park, of no occupation, who died on 22 July 2015.

Roe, William Ernest Alfred, late of 39 Campus Drive, Aberfoyle Park, retired insurance underwriter, who died on 30 June 2015.

Twining, John William, late of 41 Regent Street, South Adelaide, retired computer programmer, who died on 7 January 2014.

Tzeegankoff, Alexey, late of 24-34 Avenue Road, Glynde, retired washing machine mechanic, who died on 15 November 2005.

Notice is hereby given pursuant to the Trustee Act 1936, the Inheritance (Family Provision) Act 1972 and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the Office of Public Trustee, G.P.O. Box 1338, Adelaide, S.A. 5001, full particulars and proof of such claims, on or before 13 November 2015, otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver same to the Public Trustee.

Dated 15 October 2015.

D. A. CONTALA, Public Trustee

ATTENTION

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

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

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

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

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

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