



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

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ADELAIDE, THURSDAY, 27 AUGUST 2020

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All instruments appearing in this gazette are to be considered official, and obeyed as such

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# GOVERNOR'S INSTRUMENTS

## APPOINTMENTS

Department of the Premier and Cabinet  
Adelaide, 27 August 2020

His Excellency the Governor in Executive Council has been pleased to appoint the Honourable Robert Ivan Lucas, MLC, Treasurer to be also Acting Minister for Health and Wellbeing for the period from 28 August 2020 to 31 August 2020 inclusive, during the absence of the Honourable Stephen Graham Wade, MLC.

By command,

STEVEN SPENCE MARSHALL  
Premier

HEAC-2020-00045

Department of the Premier and Cabinet  
Adelaide, 27 August 2020

His Excellency the Governor in Executive Council has been pleased to appoint Ian Nightingale to the position of Industry Advocate, for a term of three years commencing on 1 January 2021 and expiring on 31 December 2023 - pursuant to the provisions of the Industry Advocate Act 2017.

By command,

STEVEN SPENCE MARSHALL  
Premier

T&F20/071CS

Department of the Premier and Cabinet  
Adelaide, 27 August 2020

His Excellency The Honourable Hieu Van Le, Companion in the Order of Australia, Governor in and over the State of South Australia:

To

Air Chief Marshal Mark Donald Binskin AC (Retd)  
The Honourable Dr Annabelle Claire Bennett AC SC  
Professor Andrew Kerr Macintosh

**Greeting:**

WHEREAS I, the Governor, did on 5 March 2020 appoint you under the *Royal Commissions Act 1917* to be Commissioners and require and authorise you to inquire into certain matters, and require you to submit to me a report of the results of your inquiry, and your recommendations, not later than 31 August 2020;

AND WHEREAS it is desirable that the Commission be varied to require you to submit to me a report of the results of your inquiry, and your recommendations, not later than 28 October 2020;

NOW I, the Governor, with the advice and consent of the Executive Council and under the *Royal Commissions Act 1917*, DO HEREBY DECLARE that the Commission will have effect as follows:

- (a) by omitting from the final paragraph (m) of the Commission "31 August 2020" and substituting "28 October 2020."

GIVEN under my hand and the Public Seal of South Australia, at Adelaide this 27<sup>th</sup> day of August 2020.

By command,

STEVEN SPENCE MARSHALL  
Premier

Recorded in Register of Commissions,  
Letters Patent, Etc., Vol. XXIX

LOUISE RUSSELL  
Clerk of Executive Council

GOD SAVE THE QUEEN!

## REGULATIONS

South Australia

# **Fisheries Management (Marine Scalefish Fisheries) (Quota) Variation Regulations 2020**

under the *Fisheries Management Act 2007*

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

### **Part 2—Variation of *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017***

- 4 Variation of regulation 14—Individual vongole catch quota system
  - 5 Variation of regulation 15—Individual pipi catch quota system
  - 6 Variation of regulation 16—Individual blue crab catch quota system
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Fisheries Management (Marine Scalefish Fisheries) (Quota) Variation Regulations 2020*.

### **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 *Fisheries Management (Marine Scalefish Fisheries) Regulations 2017***

### **4—Variation of regulation 14—Individual vongole catch quota system**

- (1) Regulation 14(1)—after the definition of *quota period* insert:

*quota period 2019-2020* means the quota period that ended on 30 June 2020;

*quota period 2020-2021* means the quota period ending on 30 June 2021;

*quota period 2021-2022* means the quota period ending on 30 June 2022;

- (2) Regulation 14(3)—after paragraph (d) insert:
- (da) if the total catch of vongole taken by the holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a vongole quota entitlement in respect of a particular vongole fishing zone during the quota period 2019-2020 is less than the vongole quota entitlement under the licence for that fishing zone and that quota period, the Minister may vary the conditions of the licence so as to increase the vongole quota entitlement in respect of that fishing zone for the quota periods 2020-2021 and 2021-2022 by up to 1 kilogram of vongole for each kilogram by which the catch fell short of the vongole quota entitlement for the quota period 2019-2020;
- (3) Regulation 14—after subregulation (3) insert:
- (3a) In determining whether to vary the conditions of a licence under subregulation (3)(da) so as to increase the vongole quota entitlement under the licence for a particular vongole fishing zone and the quota period 2021-2022, the Minister must take into account—
    - (a) the total catch of vongole taken by the holder of the licence in that fishing zone during the quota period 2020-2021; and
    - (b) any increase in the vongole quota entitlement under the licence in respect of that fishing zone for the quota period 2020-2021.

## **5—Variation of regulation 15—Individual pipi catch quota system**

- (1) Regulation 15(1)—after the definition of *quota period* insert:
- quota period 2019-2020* means the quota period that ended on 30 June 2020;
  - quota period 2020-2021* means the quota period ending on 30 June 2021;
  - quota period 2021-2022* means the quota period ending on 30 June 2022;
- (2) Regulation 15(3)—after paragraph (b) insert:
- (ba) if the total catch of pipi taken by the holder of a licence in respect of the Marine Scalefish Fishery subject to a condition fixing a pipi quota entitlement during the quota period 2019-2020 is less than the pipi quota entitlement under the licence for that quota period, the Minister may vary the conditions of the licence so as to increase the pipi quota entitlement for the quota periods 2020-2021 and 2021-2022 by up to 1 kilogram of pipi for each kilogram by which the catch fell short of the pipi quota entitlement for the quota period 2019-2020;
- (3) Regulation 15—after subregulation (3) insert:
- (3a) In determining whether to vary the conditions of a licence under subregulation (3)(ba) so as to increase the pipi quota entitlement under the licence for the quota period 2021-2022, the Minister must take into account—
    - (a) the total catch of pipi taken by the holder of the licence during the quota period 2020-2021; and
    - (b) any increase in the pipi quota entitlement under the licence for the quota period 2020-2021.

**6—Variation of regulation 16—Individual blue crab catch quota system**

- (1) Regulation 16(1)—after the definition of *quota period* insert:

*quota period 2019-2020* means the quota period that ended on 30 June 2020;

*quota period 2020-2021* means the quota period ending on 30 June 2021;

- (2) Regulation 16(3)—after paragraph (d) insert:

- (da) if the total blue crab catch taken by the holder of a licence in respect of a marine scalefish fishery subject to a condition fixing a blue crab quota entitlement in respect of a particular blue crab fishing zone during the quota period 2019-2020 is less than the blue crab quota entitlement under the licence for that fishing zone and that quota period, the Minister may vary the conditions of the licence so as to increase the blue crab quota entitlement in respect of that fishing zone for the quota period 2020-2021 by up to 1 kilogram of blue crab for each kilogram by which the catch fell short of the blue crab quota entitlement for the quota period 2019-2020;

**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 27 August 2020

No 260 of 2020

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South Australia

# **Fisheries Management (Blue Crab Fishery) (Quota) Variation Regulations 2020**

under the *Fisheries Management Act 2007*

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

### **Part 2—Variation of *Fisheries Management (Blue Crab Fishery) Regulations 2013***

- 4 Variation of regulation 10—Individual blue crab catch quota system
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Fisheries Management (Blue Crab Fishery) (Quota) Variation Regulations 2020*.

### **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 *Fisheries Management (Blue Crab Fishery) Regulations 2013***

### **4—Variation of regulation 10—Individual blue crab catch quota system**

(1) Regulation 10(2)—after paragraph (d) insert:

- (da) if the total catch of blue crab taken by the holder of a licence in respect of the Blue Crab Fishery subject to a condition fixing a blue crab quota entitlement in respect of a particular blue crab fishing zone during the quota period 2019-2020 is less than the blue crab quota entitlement under the licence for that fishing zone and that quota period, the Minister may vary the conditions of the licence so as to increase the blue crab quota entitlement in respect of that fishing zone for the quota period 2020-2021 by up to 1 kilogram of blue crab for each kilogram by which the catch fell short of the blue crab quota entitlement for the quota period 2019-2020;

(2) Regulation 10—after subregulation (3) insert:

(4) In this regulation—

***quota period 2019-2020*** means the quota period that ended on 30 June 2020;

***quota period 2020-2021*** means the quota period ending on 30 June 2021.

#### **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 27 August 2020

No 261 of 2020

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South Australia

# **Fisheries Management (Lakes and Coorong Fishery) (Quota) Variation Regulations 2020**

under the *Fisheries Management Act 2007*

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## **Contents**

### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

### **Part 2—Variation of *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009***

- 4 Variation of regulation 10—Individual pipi catch quota system
- 

## **Part 1—Preliminary**

### **1—Short title**

These regulations may be cited as the *Fisheries Management (Lakes and Coorong Fishery) (Quota) Variation Regulations 2020*.

### **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 *Fisheries Management (Lakes and Coorong Fishery) Regulations 2009***

### **4—Variation of regulation 10—Individual pipi catch quota system**

- (1) Regulation 10(1)—after the definition of *quota period* insert:

*quota period 2019-2020* means the quota period that ended on 30 June 2020;

*quota period 2020-2021* means the quota period ending on 30 June 2021;

*quota period 2021-2022* means the quota period ending on 30 June 2022;



## (2) Regulation 10(3)—after paragraph (d) insert:

- (da) if the total catch of pipi taken by the holder of a licence in respect of the fishery subject to a condition fixing a pipi quota entitlement during the quota period 2019-2020 is less than the pipi quota entitlement under the licence for that quota period, the Minister may vary the conditions of the licence so as to increase the pipi quota entitlement for the quota periods 2020-2021 and 2021-2022 by up to 1 kilogram of pipi for each kilogram by which the catch fell short of the pipi quota entitlement for the quota period 2019-2020;

## (3) Regulation 10—after subregulation (3) insert:

- (3a) In determining whether to vary the conditions of a licence under subregulation (3)(da) so as to increase the pipi quota entitlement under the licence for the quota period 2021-2022, the Minister must take into account—
  - (a) the total catch of pipi taken by the holder of the licence during the quota period 2020-2021; and
  - (b) any increase in the pipi quota entitlement under the licence for the quota period 2020-2021.

**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 27 August 2020

No 262 of 2020

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South Australia

## **Fisheries Management (Rock Lobster Fisheries) (Quota) (No 2) Variation Regulations 2020**

under the *Fisheries Management Act 2007*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of *Fisheries Management (Rock Lobster Fisheries) Regulations 2017***

- 4 Variation of regulation 13—Individual vongole catch quota system
  - 5 Variation of regulation 16—Individual rock lobster catch quota system—Southern Zone
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Fisheries Management (Rock Lobster Fisheries) (Quota) (No 2) Variation Regulations 2020*.

#### **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 *Fisheries Management (Rock Lobster Fisheries) Regulations 2017***

#### **4—Variation of regulation 13—Individual vongole catch quota system**

- (1) Regulation 13(1)—before the definition of *vongole quota entitlement* or *quota entitlement* insert:

*quota period 2019-2020* means the quota period that ended on 30 June 2020;

*quota period 2020-2021* means the quota period ending on 30 June 2021;

*quota period 2021-2022* means the quota period ending on 30 June 2022;

- (2) Regulation 13(3)—after paragraph (d) insert:
- (da) if the total catch of vongole taken by the holder of an eligible rock lobster fishery licence subject to a condition fixing a vongole quota entitlement in respect of a particular vongole fishing zone during the quota period 2019-2020 is less than the vongole quota entitlement under the licence for that fishing zone and that quota period, the Minister may vary the conditions of the licence so as to increase the vongole quota entitlement in respect of that fishing zone for the quota periods 2020-2021 and 2021-2022 by up to 1 kilogram of vongole for each kilogram by which the catch fell short of the vongole quota entitlement for the quota period 2019-2020;
- (3) Regulation 13—after subregulation (3) insert:
- (3a) In determining whether to vary the conditions of a licence under subregulation (3)(da) so as to increase the vongole quota entitlement under the licence for a particular vongole fishing zone and the quota period 2021-2022, the Minister must take into account—
    - (a) the total catch of vongole taken by the holder of the licence in that fishing zone during the quota period 2020-2021; and
    - (b) any increase in the vongole quota entitlement under the licence in respect of that fishing zone for the quota period 2020-2021.

### **5—Variation of regulation 16—Individual rock lobster catch quota system—Southern Zone**

- (1) Regulation 16(1), definition of *quota period*—delete the definition and substitute:
- quota period*—a quota period for the fishery means—
- (a) the period that commenced on 1 October 2019 and ends on 14 September 2020; or
  - (b) the period commencing on 15 September 2020 and ending on 30 September 2021; or
  - (c) the period of 12 months commencing on 1 October 2021 or on 1 October in any subsequent year;
- (2) Regulation 16(1), definition of *quota period 2019-2020*—delete "30 September 2020" and substitute:
- 14 September 2020

**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 27 August 2020

No 263 of 2020

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# RULES OF COURT

## YOUTH COURT OF SOUTH AUSTRALIA

### *Rules amending the Youth Court (General) Rules 2016*

BY virtue and in pursuance of section 32 of the *Youth Court Act 1993* and all other enabling powers, we, the Judge of the Court and the Magistrates who are members of the principal judiciary of the Court, make the following rules of the Court.

#### **Part 1 – Preliminary**

##### **1 – Citation**

These Rules may be cited as the *Youth Court (General) Rules 2016 (Amendment No 2)*.

##### **2 – Commencement**

These rules will come into operation on 1 September 2020.

##### **3 – Amendment of principal rules**

The *Youth Court (General) Rules 2016* are amended in the manner set out in Part 2.

##### **4 – Transitional provision**

- (1) In this rule —  
*commencement date* means 1 September 2020.
- (2) Unless the Court otherwise orders —
  - (a) the *Youth Court (General) Rules 2016* as amended by these rules (the *current rules*) apply to —
    - (i) a proceeding commenced; and
    - (ii) a step in proceedings taken, on or after the commencement date; and
  - (b) the *Youth Court (General) Rules 2016* before they were amended by these rules (the *former rules*) continue to govern a step in proceedings taken before the commencement date.
- (3) If the time to commence or take a step in proceedings under the former rules has not expired as at the commencement date, the time to commence or take a step in the proceedings continues to be governed by the former rules (unless the current rules provide for a longer time).

#### **Part 2 – Amendment of Youth Court (General) Rules 2016**

##### **5 – Amendment of rule 3 – Interpretation**

Rule 3(1), definition of *surrogacy jurisdiction* – delete the definition and substitute:

*surrogacy jurisdiction* of the Court means the jurisdiction of the Court under the *Surrogacy Act 2019*;

##### **6 – Amendment of rule 15A – Warrant or summons to produce person in custody**

Rule 15A(2) – delete subrule (2) and substitute:

- (2) A summons to produce a person held in custody in the State to give evidence or attend at a hearing of a proceeding is to be in the prescribed form.

###### **Prescribed form—**

Form G5 Summons to Produce Person in Custody

###### **Note—**

Section 21 of the *Youth Court Act 1993* empowers the Court to issue a summons or warrant that a person held in custody be brought before the Court for examination.

Section 28(2) of the *Correctional Services Act 1982* provides that where a prisoner is required to attend before a court as a party to the proceedings or as a witness, the Court may, by order, direct the Chief Executive to cause the prisoner to be brought before the Court in accordance with the order.

##### **7 – Amendment of rule 25 – Authority to enter and inspect**

Rule 25 – after “of the Act” insert “to enter or inspect”.

##### **8 – Substitution of rule 26**

Rule 26 – delete rule 26 and substitute:

###### **26—Appeals**

- (1) An appeal under section 22(2)(a) or (b)(ii) or (iii) of the Act must be instituted by filing in the Principal Registry of the Supreme Court, and serving on all parties, the appropriate Notice of Appeal.
- (2) A Notice of Appeal under section 22(2)(b)(i) of the Act must be in the prescribed form.

###### **Prescribed form—**

Form G6 Appeal from Interlocutory Judgment of Magistrate/ Special Justice

- (3) An appeal under section 22(2)(b)(i) of the Act must be instituted within 14 days from the giving of the interlocutory judgment complained of, or such extended time as the Court may fix.
- (4) The Judge may give such directions as the Judge thinks fit for the conduct of an appeal under section 22(2)(b)(i) of the Act.

##### **9 – Substitution of Part 4**

Part 4 – delete the Part and substitute:

**Part 3—Surrogacy applications****27—Orders as to parentage of a child**

- (1) An application to the Court under section 18 of the *Surrogacy Act 2019* must be made in the prescribed form.

**Prescribed form—**

Form S1 Application for an Order of the Court (Surrogacy)

- (2) An application for an order under section 18(1) of the Act must be accompanied by a copy of the lawful surrogacy agreement.
- (3) An application under subrule (1) must be supported by an affidavit or affidavits in the prescribed form that sufficiently set out the evidence on which the application is based after taking into account the nature and effect of the order or orders that are being sought from the Court.

**Prescribed form—**

Form S6 Affidavit

- (4) If the information required for the purposes of section 18(3) of the *Surrogacy Act 2019* is not provided to the Court as part of the application under subrule (1), the information must be filed at the Court, and served on any other party to the proceedings, at least 5 business days before the next date set for the hearing of the proceedings (unless the Court allows or directs otherwise).
- (5) Unless the applicant is seeking the Court's consent to dispense with the requirement for the surrogate mother's consent under section 18(5)(c) of the *Surrogacy Act 2019*, an application under section 18(1) of the *Surrogacy Act 2019* must also be accompanied by an affidavit of the surrogate mother in the prescribed form.

**Prescribed form—**

Form S6 Affidavit

- (6) Without limiting the requirements under subrules (3) and (5), the applicant or applicants for an order under section 18(1)(a) of the *Surrogacy Act 2019* must ensure that each of the requirements of section 10 of the *Surrogacy Act 2019* are addressed by affidavit filed in the Court (subject to any order of the Court under section 18(7) of that Act).

**28—Court may dispense with consent of surrogate mother**

The Court may dispense with the requirement for the surrogate mother's consent under section 18(5)(c) of the *Surrogacy Act 2019* on its own initiative if the Court is satisfied as to a matter under section 18(6) of the *Surrogacy Act 2019*.

**29—Assessment by accredited counsellor**

- (1) An assessment by an accredited counsellor for the purposes of section 18(10) of the *Surrogacy Act 2019* must be in writing.
- (2) The party required to provide the assessment must ensure that a copy of the assessment is filed at the Court, and served on any other party to the proceedings, at least 5 business days before the next date set for the hearing of the proceedings (unless the Court allows or directs otherwise).

**30—Order to revoke an order**

- (1) An application to the Court under section 19(1) of the *Surrogacy Act 2019* must be made in the prescribed form.

**Prescribed form—**

Form S2 Application to Revoke Order (Surrogacy)

- (2) An application under subrule (1) must be supported by an affidavit in the prescribed form that sufficiently sets out the evidence on which the application is based.

**Prescribed form—**

Form S6 Affidavit

**31—Application to intervene**

- (1) An application for leave to intervene in proceedings under section 19(4) of the *Surrogacy Act 2019* must be made in the prescribed form.

**Prescribed form—**

Form S3 Application for Leave to Intervene

- (2) An application under subrule (1) must be supported by an affidavit in the prescribed form that sufficiently sets out the evidence on which the application is based.

**Prescribed form—**

Form S6 Affidavit

**32—Responses**

- (1) This rule applies to an application to the Court for an order under section 19 of the *Surrogacy Act 2019*.
- (2) A party to an application who opposes the application in whole or part must file a response in the prescribed form.

**Prescribed form—**

Form S4 Response to Application to Revoke Order

- (3) A response —
- (a) must state clearly the grounds of objection; and
  - (b) should be supported by material that provides evidence of any matter that is relevant to the ground or grounds of objection.
- (4) Material in support of a response may be in the form of—
- (a) an affidavit (including annexures); or

- (b) expert reports; or
  - (c) subject to a direction of the Court, other documentary evidence.
- (5) The response, and material in support of the response, must be filed in the Court and, served on the other parties, at least 5 business days before the date set for the hearing of the proceedings (unless the Court allows or directs otherwise).
- (6) Leave to file further material may be sought orally and at any stage of the proceedings and served on the other parties at least 2 business days before the date set for the hearing of the proceedings (unless the Court allows or directs otherwise).

### 33—Supporting material—other requirements

- (1) The Court may direct a party to file further particulars or materials to assist in the Court's determination of the outcome that is in the best interests of the child or as to any other matter directed by the Court.
- (2) The Court may direct that any further particulars must be supported by an affidavit in the prescribed form.
- Prescribed form—**  
Form S6 Affidavit
- (3) Material in support of an application under this rule must be filed in the Court and, served on the other parties, at least 5 business days before the next date set for the hearing of the proceedings (unless the Court allows or directs otherwise).
- (4) After the expiration of the period that applies under subrule (3), material in support of an application may only be filed in the Court with leave and on such terms or conditions as the Court directs.
- (5) Leave to file further material may be sought orally and at any stage of the proceedings and served on the other parties at least 2 business days before the next date set for the hearing of the proceedings (unless the Court allows or directs otherwise).

### 34—Interlocutory applications

- (1) This rule does not apply to an application of a kind excluded by the Court by practice direction.
- (2) An interlocutory application must be made in the prescribed form and supported by an affidavit in the prescribed form.
- Prescribed form—**  
Form S5 Interlocutory Application  
Form S6 Affidavit
- (3) Nothing prevents an interlocutory application from being combined with an application for a final order of the Court.
- (4) The applicant must serve a copy of the application (and accompanying documents) on the other parties as soon as practicable after it is filed in the Court, but not later than 2 business days before the next date set for the hearing of the proceedings (unless the Court allows or directs otherwise).
- (5) The Court may, on conditions the Court considers appropriate, dispense with a requirement of this rule—
- (a) if the urgency of the case requires; or
  - (b) by consent of the parties; or
  - (c) if for any other reason the Court considers it appropriate to do so.
- (6) The Court may determine an interlocutory application without hearing oral submissions from the parties if—
- (a) the urgency of the case requires; or
  - (b) the application is not contentious; or
  - (c) the Court decides on the application of a party to determine the application on the basis of written submissions.
- (7) On an interlocutory application, the Court may give directions relating to the proceedings irrespective of whether the applicant has asked for such directions in the application.

### 35—Directions hearings

- (1) This rule applies to an application under section 18(1) or 19(1) of the *Surrogacy Act 2019*.
- (2) An application may be listed for a directions hearing at a time determined by the Court.
- (3) At a directions hearing, the Court may give 1 or more of the following directions:
- (a) limiting the issues to be determined at the hearing of the application;
  - (b) requiring or relating to the discovery, inspection and copying of evidentiary material;
  - (c) arranging for the calling of witnesses;
  - (d) arranging for the preparation, provision or production of any report;
  - (e) any other direction that may facilitate the hearing of the application before the Court
- (4) Nothing in this rule limits any directions that may, in any event, be given before or at the hearing of an application.

### 36—Proof of service

- (1) If an application or other document is required to be served on another party for the purposes of this Part, the Court may decline to consider the application or document until proof of service of the application has been filed in, or produced to, the Court.
- (2) Proof of service of an application or document may consist of an affidavit made by the person who served the application or document setting out—
- (a) the date, time and place of service; and
  - (b) how the person to be served was identified; and

- (c) how service was effected.
- (3) The Court may, however, require or permit oral evidence of service.
- (4) An affidavit of proof of service must be in the prescribed form.

**Prescribed form—**

Form G10A Affidavit of proof of service

**10 – Amendment of Schedule**

- (1) Form “G2 – Witness Summons Criminal” is deleted and substituted with the corresponding form published below.
- (2) Form “G11 – Warrant to Apprehend a Youth” is deleted and substituted with the corresponding form published below.
- (3) Form “G12 – Mandate Remanding a Youth” is deleted and substituted with the corresponding form published below.
- (4) Form “G13 – Notice for the Payment of Money” is inserted.
- (5) Forms S1 – S81 are deleted and substituted with the following forms published below:
  - 1. S1 – Application for an Order of the Court (Surrogacy)
  - 2. S2 – Application to Revoke Order
  - 3. S3 – Application for Leave to Intervene
  - 4. S4 – Response to Application to Revoke Order
  - 5. S5 – Interlocutory Application
  - 6. S6 – Affidavit
  - 7. S7 – Order
  - 8. S8 – Notice to Births, Deaths and Marriages
  - 9. S81 – Record of Outcome

Forms G2, G11, G12, G13 and S1 – S81 are published below:

**Form G2 Witness Summons Criminal**

Form G2

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**WITNESS SUMMONS CRIMINAL**YOUTH COURT OF SOUTH AUSTRALIA  
GENERAL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

**Important Note: This document must be served on the witness personally.**



Witness Details	
Name	Full Name
Address	Street Address (including unit or level number and name of property if required)
	City/town/suburb      State      Postcode
	Email address

Youth Court Registry Details	
Address	Street Address (including unit or level number and name of property if required)
	City/town/suburb      State      Postcode
	Email address

Case Details	
Full Name	Full Name
Offence	Offence
Date of Offence	Date of Offence
Offence Location	Offence Location

**What you need to do:** (for detailed explanation see attached sheet)

- Attend Court to give evidence on the hearing date
- Bring the **Evidentiary Material** listed below
- Deliver the **Evidentiary Material** listed below to the Registrar before the hearing

**Evidentiary Material:**

- 1.
- 2.
- 3.

**This Summons has been Issued on Application of:**

The Complainant/Informant  
 The Defendant  
 Initiative of the Court

<b>Hearing Details</b>	
Registry Name	Registry Name
Registry Address	Registry Address
Date of Hearing	Date of Hearing
Time of Hearing (including am/pm)	Time of Hearing
Phone Details	Type - Number
Email Address	Email Address

	.....
	Signature
..... Date	YOUTH COURT
	Registrar/Justice of the Peace

## Information about this summons

**Unless the summons has the Seal of the Youth Court on it, it has not been properly issued and therefore does not need to be obeyed.**

### What is this document?

This is a summons, which requires you to either attend Court to give evidence, to produce documents to the Court or both. If you need to produce documents, the summons specifies the documents that you need to produce.

### What do you have to do?

**If the summons requires you to produce documents or things only**, you may comply with it by delivering all of the documents or things to the Registrar of the Youth Court at the address given prior to the time and date on the summons. If you do that, you do not have to attend on the day and at the time shown on the summons.

You should only deliver documents or things to the Registrar if you have **all of the documents or things requested** and if you have **no objection to producing them to the Court and to them being inspected by the parties to the case**.

If you do deliver the documents or things to the Registrar, they should be securely packaged and **have a copy of this summons attached**.

**If you object** to the parties seeing the documents or things, you must come to Court on the day and at the time listed and tell the Magistrate why you object to producing them.

**If the summons requires you to give evidence** (whether or not it also requires you to bring documents or things), you must attend at the Registry on the day shown in sufficient time to be in the correct courtroom by the time listed unless you contact the person who had this summons issued and have arranged to come to Court at some other time.

### What about the cost of attending court?

In addition to your reasonable expenses of attending at Court, you are also entitled to be paid **by the party who had this summons issued** your reasonable expenses incurred in complying with the summons, including an appropriate witness fee.

If you need all or some of these expenses paid **before** you come to Court, you should contact the party who had the summons issued.

**If you do not understand what you must do**, or if you cannot comply with this summons, you should contact:

The Registrar of the Court that issued the summons;  
The person that applied to issue the summons; **and/or**  
A solicitor to obtain your own legal advice.

**Proof of Service:**

Name of Person Serving:

Address of Person Serving:

Name of Person Served:

Address at which Service effected:

Date Service effected:

Time of day: Between *[time – am/pm]* and *[time – am/pm]*

**Method of Service:** (Mark appropriate box with an 'x')

- Personally, or
- Any other method permitted by the Rules – specify: *[specify service]*

I certify that I served the attached document in the manner described.

Certified this *[number of day]* day of *[month]* *[year]*

.....

Signature

**Form G11 Warrant to Apprehend a Youth**  
Form G11

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
<p><b>Hearing Date and Time:</b></p> <p><b>Hearing Location:</b> 75 Wright Street Adelaide</p>

**WARRANT TO APPREHEND A YOUTH**

YOUTH COURT OF SOUTH AUSTRALIA  
GENERAL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent

<b>Case Information</b>	
Court File Number	  <small>Court File Number</small>
Originating Document Type	INFORMATION FOR AN INDICTABLE OFFENCE (YOUNG OFFENDERS ACT)
Date Substantiated on Oath	  <small>Date Substantiated on Oath</small>
Complainant/ Informant	POLICE

<b>Particulars of Youth</b>	
Full Name	  <small>Full name</small>
Date of Birth	  <small>Date of Birth</small>
Address	<small>Street Address (including unit or level number and name of property if required)</small>
	<small>City/town/suburb      State      Postcode      Country</small>
	  <small>Email address</small>

Duplicate box if multiple charges

<b>Particulars of Charge</b>	
Date of Offence	  <small>Date of Offence</small>
Offence Location	  <small>Offence Location</small>
Section and Act	  <small>Section and Act</small>

<b>Existing Bail Details</b>	
Date Granted	  <small>Date Granted</small>
Date Bailed To	  <small>Date Bailed To</small>
Date Bail Revoked	  <small>Date Bail Revoked</small>

**Reason for Issue of Warrant:****Date Warrant Issued:**

To the Commissioner of Police for the State of South Australia and each member of the police force for the said State.

You are hereby directed to apprehend the youth and, unless bailed pursuant to the authority included herein, bring the youth as soon as practicable before the Court to answer these charges and to be further dealt with according to law.

**ENDORSEMENT** Pursuant to section 5(2)(b) of the *Bail Act 1985*.

**Variable 1** The defendant may not be released on bail.

**Variable 2** At the discretion of a member of the police force who is of, or above, the rank of Sergeant or who is in charge of a police station, the defendant **may be released** on bail.

**Variable 3** Person or class of persons authorised/required to release the defendant on bail following arrest

**BAIL AUTHORISED / BAIL EXCLUDED**

.....  
Date

JUSTICE OF THE PEACE

**Form G12 Mandate Remanding a Youth**

Form G12

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
<p><b>Hearing Date and Time:</b></p> <p><b>Hearing Location:</b> 75 Wright Street Adelaide</p>

**MANDATE REMANDING A YOUTH**

YOUTH COURT OF SOUTH AUSTRALIA  
GENERAL JURISDICTION

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Applicant

First Respondent



<b>Case Information</b>	
Court File Number	 <small>Court File Number</small>
Originating Document Type	INFORMATION FOR AN INDICTABLE OFFENCE (YOUNG OFFENDERS ACT)
Complainant/ Informant	POLICE

<b>Particulars of Youth</b>			
Full Name	 <small>Full name</small>		
Date of Birth	 <small>Date of Birth</small>		
Address	<small>Street Address (including unit or level number and name of property if required)</small>		
	<small>City/town/suburb</small>	<small>State</small>	<small>Postcode</small>
	<small>Country</small>		
	<small>Email address</small>		

Duplicate box if multiple charges

<b>Particulars of Charge</b>	
Date of Offence	 <small>Date of Offence</small>
Offence Location	 <small>Offence Location</small>
Section and Act	 <small>Section and Act</small>

<b>Particulars of Remand</b>	
Court Remanded To	YOUTH COURT OF SOUTH AUSTRALIA
Sitting At	ADELAIDE
Date and Time Remanded To	 <small>Date and Time Remanded To</small>
Reason for Remand	 <small>Reason for Remand</small>
Date of Remand	 <small>Date of Remand</small>
Correctional Institution	KURLANA TAPA YOUTH JUSTICE CENTRE

Date Mandate Issued: [Full date]

To the Sheriff, Commissioner of Police for the State of South Australia and each member of the police force of the said State and to the Chief Executive officer of the Department for Child Protection and to the Supervisor of the abovementioned correctional institution

You, the Sheriff, and you, the Commissioner of Police and Members of the Police Force, and you, the Chief Executive Officer of the Department for Communities and Social Inclusion are directed to convey the youth to the abovementioned correctional institution and you, the Supervisor of the abovementioned correction institution are directed to receive the youth and, unless the youth has been bailed in the meantime, detain the youth until the date and time remanded to as abovementioned, and on that date and at that time to have the youth at the Court remanded to as abovementioned to be further dealt with according to law, unless otherwise ordered in the meantime.

.....

Signature

JUDGE/MAGISTRATE

**Form G13 Notice for the Payment of Money**

Form G13

<p><b>To be inserted by Court</b></p> <p>Case Number:</p> <p>Date Filed:</p> <p>FDN:</p>
<p><b>Hearing Date and Time:</b></p> <p><b>Hearing Location:</b> 75 Wright Street Adelaide</p>

**NOTICE FOR THE PAYMENT OF MONEY**

YOUTH COURT OF SOUTH AUSTRALIA  
GENERAL JURISDICTION

IN THE MATTER OF [*name of Youth*]

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

Applicant

Respondent

Name of Youth			
Name	Full Name		
Date of Birth	Date of Birth		
Residential Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
Phone Details	Type - Number		

Details of Parent/Guardian			
Name	Full Name		
Date of Birth	Date of Birth		
Residential Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
Phone Details	Type - Number		

**Notice to [name of Youth]:** Section 30 of the *Young Offenders Act 1993*.

#### What do you have to do?

You have been ordered to pay money in the sum of \$[amount] to the Fines Enforcement and Recovery Unit ('FERU') before [date].

This amount is to be paid as [a fine/compensation/part of your Good Behaviour Obligation conditions].

You can pay the [fine/compensation/money] between [open days and times].

#### How can you pay the money?

You can pay the money to FERU by credit card, BPay, direct debit, CentrePay or money order (to the 'Chief Recovery Officer'). Please contact FERU to confirm the current availability of payment methods such as EFTPOS.

You can find more information on the FERU Website: <https://www.fines.sa.gov.au/ways-to-pay> and you can also ask for flexible payment arrangements.

#### Who can you ask if you have questions?

If you have any questions about how and where to make a payment to FERU, please contact FERU using the contact details at the end of this Notice.

If you have any questions about what the money you have to pay is for, please speak with the Youth Court Registry by phone (08) 8204 0331, email [youthcourt@courts.sa.gov.au](mailto:youthcourt@courts.sa.gov.au) or in person at 75 Wright Street, Adelaide S.A. 5000.

**Fines Enforcement and Recovery Unit ('FERU') Contact Details:**

**Phone number:** 1800 659 538

**Online enquiry form:** <https://www.fines.sa.gov.au/fines-enforcement-and-recovery-unit/contacting-us>

**Postal Address:** PO Box 288  
Rundle Mall S.A. 5000

**Form S1 Application for an Order of the Court (Surrogacy)**

Form S1

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**ORIGINATING APPLICATION FOR AN ORDER OF THE COURT  
(SURROGACY)**YOUTH COURT OF SOUTH AUSTRALIA  
SURROGACY JURISDICTIONIN THE MATTER OF *[name[s] of child[ren]]*

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Intended Parent

Only displayed if applicable

Second Intended Parent

Surrogate Mother

<b>Filed by the Intended Parent[s]</b>			
First Intended Parent	Full name		
Second Intended Parent <small>If applicable</small>	Full name		
Name of Law Firm and Solicitor <small>if any</small>	Law Firm	Solicitor	
Address for Service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		

<b>First Intended Parent</b>			
Name	Full Name		
	Any other previous names (if applicable)		
Birth Details	Date of Birth		
	Place of Birth		
Occupation	Occupation		
Residential Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Optional Email Address	Email address		

Only displayed if applicable

<b>Second Intended Parent</b>			
Name	Full Name		
	Any other previous names (if applicable)		
Birth Details	Date of Birth		
	Place of Birth		
Occupation	Occupation		
Residential Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		

Email Address	
Optional	Email address

<b>Surrogate Mother</b>			
Name	Full Name		
	Any other previous names (if applicable)		
Birth Details	Date of Birth		
	Place of Birth		
Occupation	Occupation		
Residential Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
Email Address			
Optional	Email address		

<b>Child</b>	
Name	Full Name (as at time of Application)
Date of Birth	Date of Birth
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Indeterminate  Mark appropriate section with an 'x'
Place of Birth	Place of birth

Duplicate panel if multiple children

<p><b>Application Details</b></p> <p>The Intended Parent or Intended Parents seek the following order/s:          Mark each order sought with an 'X'.</p> <p><input type="checkbox"/> An order under section 18(1) of the <i>Surrogacy Act 2019</i> declaring:</p> <ol style="list-style-type: none"> <li>1. That the relationship between the child and intended parent or parents is as specified in the order; and</li> <li>2. That the relationship between the child and the surrogate mother is as specified in the order; and</li> <li>3. That the relationships of all other persons to the child are determined according to the operation and effect of the orders above.</li> </ol> <p>This application is made:</p>
---



Mark one box below with an 'X'.

- Between 30 days and 12 months after the abovenamed child is born.
- For an order of the Court under section 18(2)(b) of the *Surrogacy Act 2019* for the application to be considered more than 12 months after the birth of the child.
- An order declaring the name of the child will be:
- SURNAME: [name]  
FIRST (AND SECOND) NAMES: [name]
- An order to dispense with consent of the surrogate mother. Sections 18(5)(c) and 18(6) of the *Surrogacy Act 2019*.
- An order excusing failure to comply with a particular requirement of Part 3 of the Act (other than a prescribed requirement) Section 18(7) of the *Surrogacy Act 2019*.
- An order in favour of one intended parent. Section 18(9) of the *Surrogacy Act 2019*.
- An order that the surrogate child is separately represented. Section 20 of the *Surrogacy Act 2019*.
- Any other order or a consequential or ancillary order as outlined below or provided for under the Act:  
Please outline in separately numbered paragraphs:
- 1.
  - 2.
  - 3.

Does the Applicant know of the identity of any human reproductive material used in relation to the lawful surrogacy agreement? (Please note: N/A if the donor of the human reproductive material is the Surrogate Mother or an Intended Parent). Section 18(3) of the *Surrogacy Act 2019*.

- N/A.
- Known – The identity of the donor is [identity of donor].
- Unknown.

This Application is made on the grounds set out in the accompanying [affidavit/affidavits] sworn by

[full name/full names] on  
the day of 20 .

### Service

Mark appropriate section below with an 'X'

The party filing this document is required to serve it on all other parties at least 5 business days before the first hearing, in accordance with legislation and the Rules of Court.

- It is intended to serve this application on all other parties.
- It is not intended to serve this application on the following parties: [list names]

because [reasons]

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this application is a:

- Supporting Affidavit of Intended Parent/Parents (required)
- Supporting Affidavit of Surrogate Mother (required unless application is made under section 18(6) of the *Surrogacy Act 2019*)
- Copy of the Surrogacy Agreement (required if originating application is made under section 18(1) of the *Surrogacy Act 2019*)
- If other additional document(s) please list them below:
  - 1.
  - 2.
  - 3.

**Form S2 Application to Revoke Order (Surrogacy)**

Form S2

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**APPLICATION TO REVOKE ORDER (SURROGACY)**YOUTH COURT OF SOUTH AUSTRALIA  
SURROGACY JURISDICTIONIN THE MATTER OF [*name[s] of child[ren]*]

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

Birth Mother

First Parent

Only displayed if applicable  
Second Parent

<b>Filed by the Birth Mother</b>			
Birth Mother	Full name		
Name of Law Firm and Solicitor <small>If any</small>	Law Firm	Solicitor	
Address for Service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		
Email Address	Email address		
<small>Optional</small>	Email address		

<b>First Parent</b>			
Name	Full Name		
Residential Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Email Address	Email address		
<small>If Known</small>	Email address		

Only displayed if applicable

<b>Second Parent</b>			
Name	Full Name		
Residential Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Email Address	Email address		
<small>If Known</small>	Email address		

<b>Child</b>	
Name	Full Name (as at time of Application)
Date of Birth	Date of Birth
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Indeterminate  Mark appropriate section with an 'x'
Place of Birth	Place of birth

Duplicate panel if multiple children

### Application Details

The Surrogate Mother of the child seeks the following order:

Mark each order sought with an 'X'.

- An order under section 19(1) of the *Surrogacy Act 2019* revoking an order under section 18 on the grounds that:
- 1. The original order was obtained by fraud, duress or other improper means; and/or
  - 2. A consent relied on for the making of the original order was not an effective consent because it was obtained by fraud, duress or inducement; and/or
  - 3. There are exceptional reasons why the original order should be discharged.

This Application is made on the grounds set out in the accompanying affidavit sworn by [full name] on the day of 20 .

### Service

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 business days before the first hearing in accordance with legislation and the Rules of Court.

- It is intended to serve this application on all other parties.  
 It is not intended to serve this application on the following parties: [list names]

because [reasons]

### Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying service of this application is a:

- Supporting Affidavit (required)
- If other additional document(s) please list them below:
- 1.
  - 2.
  - 3.

**Form S3 Application for Leave to Intervene**

Form S3

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**APPLICATION FOR LEAVE TO INTERVENE**YOUTH COURT OF SOUTH AUSTRALIA  
SURROGACY JURISDICTIONIN THE MATTER OF [*name[s] of child[ren]*]

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Intervener/Applicant

Only displayed if applicable

Second Intervener/Applicant

First Parent

Only displayed if applicable

Second Parent

Birth Mother

<b>Filed by the First Intervener/Applicant</b>					
Intervener/Applicant	Full name				
Name of Law Firm and Solicitor <small>If any</small>	<table border="1"> <tr> <td>Law Firm</td> <td>Solicitor</td> </tr> </table>	Law Firm	Solicitor		
Law Firm	Solicitor				
Address for Service	Street Address (including unit or level number and name of property if required)				
	<table border="1"> <tr> <td>City/town/suburb</td> <td>State</td> <td>Postcode</td> <td>Country</td> </tr> </table>	City/town/suburb	State	Postcode	Country
	City/town/suburb	State	Postcode	Country	
Email address					
Phone Details	Type - Number				
Email Address	Email address				
<small>Optional</small>					

<b>First Intervener/Applicant</b>					
Intervener/Applicant	Full name				
Residential Address	Street Address (including unit or level number and name of property if required)				
	<table border="1"> <tr> <td>City/town/suburb</td> <td>State</td> <td>Postcode</td> <td>Country</td> </tr> </table>	City/town/suburb	State	Postcode	Country
	City/town/suburb	State	Postcode	Country	
Email address					
Phone Details	Type - Number				
Email Address	Email address				
<small>Optional</small>					

Only displayed if applicable

<b>Second Intervener/Applicant</b>					
Intervener/Applicant	Full name				
Residential Address	Street Address (including unit or level number and name of property if required)				
	<table border="1"> <tr> <td>City/town/suburb</td> <td>State</td> <td>Postcode</td> <td>Country</td> </tr> </table>	City/town/suburb	State	Postcode	Country
	City/town/suburb	State	Postcode	Country	
Email address					
Phone Details	Type - Number				
Email Address	Email address				
<small>Optional</small>					

<b>Birth Mother</b>			
Name	Full Name		
	Any other previous names (if applicable)		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		
Email Address	Email address		
Optional	Email address		

<b>First Parent</b>			
Name	Full Name		
	Any other previous names (if applicable)		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		
Email Address	Email address		
Optional	Email address		

Only display if applicable.

<b>Second Parent</b>			
Name	Full Name		
	Any other previous names (if applicable)		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		
Email Address	Email address		
Optional	Email address		



<b>Child</b>	
Name	Full Name (as at time of Application)
Date of Birth	Date of Birth
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Indeterminate  Mark appropriate section with an 'x'
Place of Birth	Place of birth

### Application Details

The Intervener is applying for leave to intervene in an application under section 19 of the *Surrogacy Act 2019* on following grounds (Section 19(4) of the *Surrogacy Act 2019*):  
Please list grounds below in separately numbered paragraphs:

- 1.
- 2.
- 3.

This Application is made on the grounds set out in the accompanying affidavit sworn by [full name] on the day of 20 .

### Service on the other parties

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 business days before the first hearing, in accordance with legislation and the Rules of Court.

- It is intended to serve this application on all other parties.  
 It is not intended to serve this application on the following parties: [list names]

because [reasons]

### Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying service of this application is a:

- Supporting Affidavit (required)  
 If other additional document(s) please list them below:

- 1.
- 2.
- 3.

**Form S4 Response to Application to Revoke Order**

Form S4

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**RESPONSE TO APPLICATION TO REVOKE ORDER**YOUTH COURT OF SOUTH AUSTRALIA  
SURROGACY JURISDICTIONIN THE MATTER OF [*name[s] of child[ren]*]

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Parent

Only displayed if applicable  
Second Parent

Birth Mother

First Intervener/Applicant

Only displayed if applicable  
Second Intervener/Applicant

<b>Filed by the [party title]</b>			
Name	Full name		
Name of Law Firm and Solicitor <small>If any</small>	Law Firm	Solicitor	
Address for Service	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		

<b>First Parent</b>			
Name	Full Name		
	Any other previous names (if applicable)		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		
Email Address	Email address		
<small>Optional</small>			

Only displayed if applicable

<b>Second Parent</b>			
Name	Full Name		
	Any other previous names (if applicable)		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
	Email address		
Phone Details	Type - Number		
Email Address	Email address		
<small>Optional</small>			

<b>Child</b>	
Name	Full Name (as at time of Application)
Date of Birth	Date of Birth
Gender	<input type="checkbox"/> Female <input type="checkbox"/> Male <input type="checkbox"/> Indeterminate  Mark appropriate section with an 'x'
Place of Birth	Place of birth

Duplicate panel if multiple children

**Response Details**

This Response is in relation to an Application to Revoke an Order under section 19 of the *Surrogacy Act 2019*.

The details of the Response are as follows:  
 List details in separately numbered paragraphs.

- 1.
- 2.
- 3.

The abovenamed party seeks the following orders:  
 List orders sought in separately numbered paragraphs.

- 1.
- 2.
- 3.

This Application is made on the grounds set out in the accompanying affidavit sworn by  
 [full name] on the day  
 of 20 .

**Service**  
 Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 business days before the first hearing in accordance with legislation and the Rules of Court.

It is intended to serve this application on all other parties.  
 It is not intended to serve this application on the following parties: [list names]

because [reasons]

**Accompanying Documents**

Mark appropriate sections below with an 'x'

Accompanying service of this application is a:

- Supporting Affidavit (required)
- If other additional document(s) please list them below:
  - 1.
  - 2.
  - 3.

**Form S5 Interlocutory Application**

Form S5

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**INTERLOCUTORY APPLICATION**YOUTH COURT OF SOUTH AUSTRALIA  
SURROGACY JURISDICTIONIN THE MATTER OF [*name[s] of child[ren]*]

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Intended Parent / First Parent

Only displayed if applicable

Second Intended Parent / Second Parent

Surrogate Mother

Only displayed if applicable

First Intervener/Applicant

Only displayed if applicable

Second Intervener/Applicant

<b>Filed by the [Party title]</b>			
<b>Party Role</b>	<b>Full Name</b>		
<b>Name of Law Firm and Solicitor</b> <small>If any</small>	<b>Law Firm</b>	<b>Solicitor</b>	
<b>Address for Service</b>	<b>Street Address (including unit or level number and name of property if required)</b>		
	<b>City/town/suburb</b>	<b>State</b>	<b>Postcode</b>
	<b>Country</b>		
	<b>Email address</b>		
<b>Phone Details</b>	<b>Type - Number</b>		
<b>Email Address</b>	<b>Email address</b>		
<b>Optional</b>	<b>Email address</b>		

### Application Details

**This Application is for**  
Nature of application in one sentence

If applicable  
**This Application is made under**  
Act and section or other particular provision

**The abovenamed party seeks the following orders:**  
Orders sought in separately numbered paragraphs.

1.

This Application is made on the grounds set out in the accompanying affidavit sworn by  
[full name] on  
[date]

If applicable  
This application is by consent. The consent of the [party title] [name]  
is evidenced by [set out evidence – eg letter or email from party's solicitor].

### To the other parties: WARNING

The Applicant has applied for orders set out in this Application.

The facts that support this Application are set out in the accompanying documentation.

This Application will be considered at the hearing at the date and time set out at the top of this document.

If you wish to oppose the application, or make submissions about it:

- you **must attend the hearing** and
- you **may be required to file a Response** at a later stage.

If you do not attend the Court hearing, orders may be made without further warning.

### Service

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 business days before the first hearing, in accordance with legislation and the Rules of Court.

- It is intended to serve this application on all other parties.
- It is not intended to serve this application on the following parties: *[list names]*

because *[reasons]*

### Accompanying Documents

Mark appropriate sections below with an 'x'

Accompanying service of this application is a:

- Supporting Affidavit (required)
- If other additional document(s) please list them below:

- 1.
- 2.
- 3.



**Form S6 Affidavit**

Form S6

<b>To be inserted by Court</b>  Case Number:  Date Filed:  FDN:
<b>Hearing Date and Time:</b>  <b>Hearing Location:</b> 75 Wright Street Adelaide

**AFFIDAVIT**YOUTH COURT OF SOUTH AUSTRALIA  
SURROGACY JURISDICTIONIN THE MATTER OF [*name[s] of child[ren]*]

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Intended Parent/First Parent

Only displayed if applicable

Second Intended Parent/Second Parent

Surrogate Mother

Only displayed if applicable

First Intervener/Applicant

Only displayed if applicable

Second Intervener/Applicant

<b>Filed by the [Party title]</b>			
Party Role	Full Name		
Name of Law Firm and Solicitor <small>If any</small>	Law Firm	Solicitor	
	Address for Service		
Street Address (including unit or level number and name of property if required)			
	City/town/suburb	State	Postcode
	Country		
Email address			
Phone Details	Type - Number		
Email Address	Email address		
Optional	Email address		

<b>Deponent Details</b>			
Deponent	Full Name		
Address	Street Address (including unit or level number and name of property if required)		
	City/town/suburb	State	Postcode
	Country		
Email address			
Occupation	Occupation		
Email Address	Email address		
Optional	Email address		

<p><b>Affidavit</b>                  Mark appropriate section below with an 'x'</p> <p>I [full name, address and occupation of deponent]                  [ ] SWEAR ON OATH / [ ] DO TRULY AND SOLEMNLY AFFIRM THAT:                  Set out text in separate numbered paragraphs                  If the affidavit relates to an application, identify the application and state the material facts relevant to the application.</p> <p>1.</p>
--

Sworn/Affirmed Delete whichever is inapplicable  
By the abovenamed deponent

at *[place]*

on *[date]*

.....  
Signature of deponent

before me .....  
Signature and title of attesting witness

.....  
Printed name and title of witness  
Stamp here if applicable

.....  
ID number of witness  
If applicable

- Instructions**
- Each page of the affidavit, including any exhibit(s), must be consecutively numbered starting with page 2. Please attach additional pages to the affidavit as necessary.
  - The affidavit should be confined to facts and should not include submissions.
  - The affidavit should not reproduce material already contained in affidavits or other material already filed in the matter. It should not exhibit documents already exhibited to affidavits filed in the matter. In both cases it is sufficient to simply refer to such material or documents and the place where they may be found.
  - An exhibit to an affidavit must be clearly marked to identify it as the exhibit referred to in the affidavit.
  - A single 'front page' must be inserted in front of the exhibits.
  - Each page of the affidavit (but not any exhibit) must be signed by both the deponent and the witness.
  - An affidavit is to be sworn if it is made in this State in accordance with section 6 of the *Evidence Act 1929* or, if made elsewhere, in accordance with the law for the taking of oaths or the making of affirmations in that place.
  - The deponent must swear or affirm the affidavit before a person authorised by law to witness the swearing or affirming of affidavits ('the witness'). Persons authorised to witness an affidavit are:
    - (a) a Registrar or Deputy Registrar
    - (b) any other officer of the Court whom the Registrar has assigned for this purpose;

- (c) a public notary;
  - (d) a commissioner for taking affidavits;
  - (e) a justice of the peace for South Australia;
  - (f) any other person authorised by law to take affidavits.
- The contents of an affidavit cannot be altered after the affidavit has been sworn or affirmed.
  - The party serving an affidavit must serve copies of all exhibits with the affidavit.

**Service on the other parties**

Mark appropriate section below with an 'x'

The party filing this document is required to serve it on all other parties at least 5 business days before the first hearing, in accordance with legislation and the Rules of Court.

- It is intended to serve this application on all other parties.
- It is not intended to serve this application on the following parties: *[list names]*

because *[reasons]*

**Form S7 Order**

Form S7

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**ORDER**

YOUTH COURT OF SOUTH AUSTRALIA  
SURROGACY JURISDICTION

IN THE MATTER OF [*name[s] of child[ren]*]

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Intended Parent / First Parent

Only displayed if applicable

Second Intended Parent / Second Parent

Surrogate Mother

Only displayed if applicable

First Intervener

Only displayed if applicable

Second Intervener

<p><b>Introduction</b></p> <p><b>Hearing</b>  <i>[Hearing date]</i></p> <p><i>[Presiding Officer]</i></p> <p><b>Appearances</b></p> <p><b>Displayed as applicable</b>  <i>[First Intended Parent Appearance Information]</i></p> <p><i>[Second Intended Parent Appearance Information]</i></p> <p><i>[Surrogate Mother Appearance Information]</i></p> <p><i>[Other Party Appearance Information]</i></p> <p><b>Date of Order:</b></p>
--

Next box only displayed if originating process is application for an order under section 18 of the *Surrogacy Act 2019*.  
 Next box only displayed if one or more recitals are entered

<p><b>Recitals:</b></p> <p>The Court is satisfied that:</p> <p><small>Order granted</small></p> <p><input type="checkbox"/> Making the order is in the best interests of the child.</p> <p><input type="checkbox"/> The abovenamed Intended Parent/Parents is a/are fit and proper person/people to assume the role of parent to the child/children.</p> <p><input type="checkbox"/> The Intended Parent's/Parents' consent has been lawfully obtained.</p> <p><input type="checkbox"/> The abovenamed Surrogate Mother's consent has been lawfully obtained.</p> <p><input type="checkbox"/> The requirements of a lawful surrogacy agreement as provided for under section 10 of the <i>Surrogacy Act 2019</i> have been complied with.</p> <p><input type="checkbox"/> A declaration of the relationship between the child and the Intended Parent/Parents, and the child and the Surrogate Mother, is to be made.</p> <p><input type="checkbox"/> An order declaring the name of the child is to be made.</p>
---

Next box only displayed if application to dispense with Surrogate Mother's consent is granted.

<p><b>Recitals:</b></p> <p>The Court is satisfied that:</p> <p><input type="checkbox"/> It is appropriate to make an order dispensing with the consent of the Surrogate Mother.</p>
---

Next box only displayed if application to order excusing failure to comply with requirement under Part 3 is made:

**Recitals:**

The Court is satisfied that:

- It is appropriate to excuse the failure to comply with a requirement under Part 3 of the *Surrogacy Act 2019*. Section 18(7) of the *Surrogacy Act 2019*.

Next box only displayed if an order in favour of one intended parent is made.

**Recitals:**

The Court is satisfied that:

- It is appropriate to make an order in favour of one Intended Parent under section 18(9) of the *Surrogacy Act 2019*.

Next box only displayed if another order is made:

**Recitals:**

The Court is satisfied that:

- It is appropriate to dismiss the application.
- It is appropriate to grant leave for the application to be withdrawn.
- [Any consequential or ancillary orders to be made as the Court considers appropriate].

Next box only displayed if originating process is application for an order under section 18 of the *Surrogacy Act 2019*.

**Order:**

The Court orders that:

Order granted

- The relationship between the child [name] and [name of Intended Parent/Intended Parents] is to be treated as that of child and parent.
- The relationship between the child [name] and [name of Surrogate Mother] is no longer to be treated as that of child and parent.
- All other relationships of the child are to be defined as per the orders above.
- The child shall be named:
- SURNAME: (name)  
FIRST (AND SECOND) NAMES: (name/s)
- The Registrar is to give notice of this Order in the prescribed form to the Registrar of Births, Deaths and Marriages.

Next box only displayed if application to dispense with Surrogate Mother's consent is granted.

**Order:**

The Court:

- The Court is satisfied that either:
- Reasonable efforts have been made to give notice of the application to each intended parent under the relevant lawful surrogacy agreement, or
- Reasonable efforts have been made to give notice of the application to each intended parent under the relevant lawful surrogacy agreement and the child (as the Court orders is appropriate).
- Makes an order dispensing with the consent of the Surrogate Mother on the following grounds:
- 1.
  - 2.
  - 3.

Next box only displayed if application to order excusing failure to comply with requirement under Part 3 is made:

**Order:**

The Court:

- Excuses the failure to comply with a requirement under Part 3 of the *Surrogacy Act 2019* on the following grounds:
- 1.
  - 2.
  - 3.

Next box only displayed if an order in favour of one intended parent is made.

**Order:**

The Court:

- Makes an order in favour of one Applicant Intended Parent on the basis that:
- The Other Intended Parent consents to the making of an order in favour of the Applicant Intended Parent.
- The Applicant Intended Parent cannot, after making reasonable inquiries, contact the Other Intended Parent to obtain their consent to the making of an order.
- Relevant circumstances exist as prescribed by the regulations.

Next box only displayed if another order is made:

**Order:**

The Court orders that:

- The application is dismissed on the following ground/s:
- 1.
  - 2.
  - 3.
- Leave is granted for the application to be withdrawn.



[ ] [Details of any consequential or ancillary orders to be made as the Court considers appropriate]

**Order:**

It is ordered

Mandatory if outcome is adjournment or interim order  
 [ ] That the hearing of the application is adjourned until [date].

If outcome is interim order  
 [ ] The period between service upon the [party title] [name] and the hearing of the application is reduced to [number of days] days.

If outcome is interim order  
 [ ] Service upon the [party title] [name] is dispensed with.

[ ] That the child be separately represented in proceedings.

[ ] [Other] Orders in separately numbered paragraphs

The following only displayed if order to revoke granted:

**Recitals:**

The Court is satisfied that:

Order to revoke granted  
 [ ] The original order was obtained by fraud, duress or other improper means.

Order to revoke granted  
 [ ] A consent relied on for the making of the original order was not an effective consent because it was obtained by fraud, duress or inducement.

Order to revoke granted  
 [ ] There are exceptional reasons why the original order should be discharged.

The following only displayed if order to revoke dismissed:

**Recitals:**

[ ] The Court declines to make an order to revoke an order made under section 18 of the *Surrogacy Act 2019*.

**Order:**

[ ] The Court is not satisfied that an order to revoke an order made under section 18 of the *Surrogacy Act 2019* is appropriate because:

- 1.
- 2.
- 3.

Court use only

.....  
 Signature of Judicial Officer

**Form S8 Notice to Births, Deaths and Marriages**

Form S8

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**NOTICE TO BIRTHS, DEATHS AND MARRIAGES OF [AN  
ORDER AS TO PARENTS OF A CHILD BORN UNDER A  
SURROGACY AGREEMENT/AN ORDER REVOKING AN  
ORDER AS TO PARENTS OF A CHILD BORN UNDER A  
SURROGACY AGREEMENT]**YOUTH COURT OF SOUTH AUSTRALIA  
SURROGACY JURISDICTIONIN THE MATTER OF [*name of child*]

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Intended Parent

Only displayed if applicable

Second Intended Parent

Birth Mother

Only displayed if applicable

First Intervener

Only displayed if applicable

Second Intervener

**TO THE REGISTRAR OF BIRTHS, DEATHS AND MARRIAGES**

TAKE NOTICE that on [date] in the Youth Court of South Australia sitting at Adelaide [an order as to parents of a child born under a lawful surrogacy agreement/an order revoking an order as to parents of a lawful surrogacy agreement dated [date]] was made in respect of the parties referred to below.

A copy of the [order as to parents of a child born under a lawful surrogacy agreement / order revoking an order as to parents of a lawful surrogacy agreement] is attached to this notice.

AND TAKE NOTICE that it was further ordered that the name by which the child is to be known is [name].

<b>Child</b>	
Name	Full Name
Date of Birth	Date of Birth
Place of Birth	Place

<b>Particulars of First Intended Parent</b>	
Name	Full Name
	Previous Full Name (if applicable)
Birth Details	Date of Birth
	Place
Occupation	Occupation
Residential Address	Street Address (including unit or level number and name of property if required), City/town/suburb, State Postcode

<b>Particulars of Second Intended Parent</b>	
Name	Full Name
	Previous Full Name (if applicable)
Birth Details	Date of Birth
	Place
Occupation	Occupation
Residential Address	Street Address (including unit or level number and name of property if required), City/town/suburb, State Postcode

<b>Birth Mother</b>	
Name	Full Name
	Previous Full Name (if applicable)
Occupation	Occupation
Residential Address	Street Address (including unit or level number and name of property if required), City/town/suburb, State Postcode

**Required details:**

1. Date of Order:
2. Previous name of child (if applicable):
3. Current name of child after the order is to become effective:
4. Terms of any consequential or ancillary orders:
  - 4.1)
  - 4.2)
  - 4.3)
5. Identity of the donor of any human reproductive material used in relation to the relevant lawful surrogacy agreement and resulting in the birth of the child (if known): (N/A if the donor of the human reproductive material is the Surrogate Mother or an Intended Parent).
  - N/A.
  - Known – The identity of the donor is [*identity of donor*].
  - Unknown.
6. Any other relevant information required by the Registrar of Births, Deaths and Marriages:

Court use only

.....  
Registrar Signature

**Form S81 Record of Outcome**

Form S81 Record of Outcome

**To be inserted by Court**

Case Number:

Date Filed:

FDN:

**RECORD OF OUTCOME**

YOUTH COURT OF SOUTH AUSTRALIA  
SURROGACY JURISDICTION

IN THE MATTER OF [*name[s] of child[ren]*]

Please specify the Full Name for each party. Each party should include a party number if more than one party of the same type.

First Intended Parent / First Parent

Only displayed if applicable

Second Intended Parent / Second Parent

Surrogate Mother

Only displayed if applicable

First Intervener

Only displayed if applicable

Second Intervener

**Introduction****Hearing**

[Hearing date]

[Presiding Officer]

**Appearances****Displayed as applicable**

[First Intended Parent Appearance Information]

[Second Intended Parent Appearance Information]

[Surrogate Mother Appearance Information]

[Other Party Appearance Information]

**Date of Order:**

Next box only displayed if originating process is application for an order under section 18 of the *Surrogacy Act 2019*.  
 Next box only displayed if one or more recitals are entered

**Recitals:**

The Court is satisfied that:

Order granted

- Making the order is in the best interests of the child.
- The abovenamed Intended Parent/Parents is a/are fit and proper person/people to assume the role of parent to the child/children.
- The Intended Parent's/Parents' consent has been lawfully obtained.
- The abovenamed Surrogate Mother's consent has been lawfully obtained.
- The requirements of a lawful surrogacy agreement as provided for under section 10 of the *Surrogacy Act 2019* have been complied with.
- A declaration of the relationship between the child and the Intended Parent/Parents, and the child and the Surrogate Mother, is to be made.
- An order declaring the name of the child is to be made.

Next box only displayed if application to dispense with Surrogate Mother's consent is granted.

**Recitals:**

The Court is satisfied that:

- It is appropriate to make an order dispensing with the consent of the Surrogate Mother.

Next box only displayed if application to order excusing failure to comply with requirement under Part 3 is made:

**Recitals:**

The Court is satisfied that:

- It is appropriate to excuse the failure to comply with a requirement under Part 3 of the *Surrogacy Act 2019*. Section 18(7) of the *Surrogacy Act 2019*.

Next box only displayed if an order in favour of one intended parent is made.

**Recitals:**

The Court is satisfied that:

- It is appropriate to make an order in favour of one Intended Parent under section 18(9) of the *Surrogacy Act 2019*.

Next box only displayed if another order is made:

**Recitals:**

The Court is satisfied that:

- It is appropriate to dismiss the application.
- It is appropriate to grant leave for the application to be withdrawn.
- [Any consequential or ancillary orders to be made as the Court considers appropriate].

Next box only displayed if originating process is application for an order under section 18 of the *Surrogacy Act 2019*.

**Order:**

The Court orders that:

Order granted

- The relationship between the child [name] and [name of Intended Parent/Intended Parents] is to be treated as that of child and parent.
- The relationship between the child [name] and [name of Surrogate Mother] is no longer to be treated as that of child and parent.
- All other relationships of the child are to be defined as per the orders above.
- The child shall be named:
- SURNAME: (name)
- FIRST (AND SECOND) NAMES: (name/s)
- The Registrar is to give notice of this Order in the prescribed form to the Registrar of Births, Deaths and Marriages.

Next box only displayed if application to dispense with Surrogate Mother's consent is granted.

**Order:**

The Court:

- The Court is satisfied that either:
- Reasonable efforts have been made to give notice of the application to each intended parent under the relevant lawful surrogacy agreement, or
- Reasonable efforts have been made to give notice of the application to each intended parent under the relevant lawful surrogacy agreement and the child (as the Court orders is appropriate).
- Makes an order dispensing with the consent of the Surrogate Mother on the following grounds:
- 1.
  - 2.
  - 3.

Next box only displayed if application to order excusing failure to comply with requirement under Part 3 is made:

**Order:**

The Court:

- Excuses the failure to comply with a requirement under Part 3 of the *Surrogacy Act 2019* on the following grounds:
- 1.
  - 2.
  - 3.

Next box only displayed if an order in favour of one intended parent is made.

**Order:**

The Court:

- Makes an order in favour of one Applicant Intended Parent on the basis that:
- The Other Intended Parent consents to the making of an order in favour of the Applicant Intended Parent.
- The Applicant Intended Parent cannot, after making reasonable inquiries, contact the Other Intended Parent to obtain their consent to the making of an order.
- Relevant circumstances exist as prescribed by the regulations.

Next box only displayed if another order is made:

**Order:**

The Court orders that:

- The application is dismissed on the following ground/s:
- 1.
  - 2.
  - 3.



Leave is granted for the application to be withdrawn.

[Details of any consequential or ancillary orders to be made as the Court considers appropriate]

**Order:**

It is ordered

Mandatory if outcome is adjournment or interim order

That the hearing of the application is adjourned until [date].

If outcome is interim order

The period between service upon the [party title] [name] and the hearing of the application is reduced to [number of days] days.

If outcome is interim order

Service upon the [party title] [name] is dispensed with.

That the child be separately represented in proceedings.

[Other] Orders in separately numbered paragraphs

The following only displayed if order to revoke granted:

**Recitals:**

The Court is satisfied that:

Order to revoke granted

The original order was obtained by fraud, duress or other improper means.

Order to revoke granted

A consent relied on for the making of the original order was not an effective consent because it was obtained by fraud, duress or inducement.

Order to revoke granted

There are exceptional reasons why the original order should be discharged.

The following only displayed if order to revoke dismissed:

**Recitals:**

The Court declines to make an order to revoke an order made under section 18 of the *Surrogacy Act 2019*.

**Order:**

The Court is not satisfied that an order to revoke an order made under section 18 of the *Surrogacy Act 2019* is appropriate because:

- 1.
- 2.
- 3.

Court use only

.....

Signature of Judicial Officer

Made by the Judge and the Magistrates who are members of the principal judiciary of the Youth Court of South Australia on this 24<sup>th</sup> day of August 2020.

JUDGE P. ELDRIDGE  
MAGISTRATE L. DAVIS  
MAGISTRATE D. WHITE  
MAGISTRATE O. KOEHN

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## STATE GOVERNMENT INSTRUMENTS

### ADMINISTRATIVE ARRANGEMENTS ACT 1994

#### *Delegation of Functions and Powers by a Minister*

PURSUANT to Section 9 of the *Administrative Arrangements Act 1994*, I, Vickie Chapman, Minister for Planning and Local Government, delegate to the Honourable Michelle Lensink, Minister for Human Services, my powers and functions under Section 25 of the *Development Act 1993* in relation to whether to approve the Local Heritage in Transition Statement of Intent to amend a Development Plan prepared by the City of Burnside.

This delegation takes effect from the date of publication in the *Government Gazette*.

Dated: 20 August 2020

VICKIE CHAPMAN MP  
Minister for Planning and Local Government

### AQUACULTURE ACT 2001

#### *Grant of Aquaculture Lease*

Pursuant to the provisions of Section 22 of the *Aquaculture Act 2001*, notice is hereby given of the grant of the following lease for the purposes of aquaculture in the waters of Louth Bay, South Australia:

LA00475

Further details are available for the above lease on the Aquaculture Public Register; which can be found at [http://www.pir.sa.gov.au/aquaculture/aquaculture\\_public\\_register](http://www.pir.sa.gov.au/aquaculture/aquaculture_public_register) or by contacting Aquaculture Leasing & Licensing on 8207 5332.

Dated: 11 August 2020

Jasmine Pedicini  
Leasing & Licensing Officer

### BUILDING WORK CONTRACTORS ACT 1995

#### *Exemption*

TAKE notice that, pursuant to section 45 of the *Building Work Contractors Act 1995*, I, John Doran as a delegate for the Attorney-General, 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

DOMINION HOMES AUSTRALASIA PTY LTD (BLD 269120)

#### SCHEDULE 2

Construction of a single, three storey residential dwelling at Allotment 32 in Deposited Plan 143296 being a partial portion of the land described in Certificate of Title Volume 5916 Folio 612, more commonly known as Lot 101 (Unit 1), 16 Divett Street, Port Adelaide SA 5015.

#### 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 may transfer his interest in the land prior to five years from the date of completion of the building work the subject of this exemption to Antonio Luvera only.
4. That the licensee does not transfer his interest in the land [other than to the person named in schedule 3.3] prior to five years from the date of completion of the building work the subject of this exemption, without the prior authorisation of Consumer and Business Services (CBS). Before giving such authorisation, CBS 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;
  - Giving prospective purchasers of the property notice of the absence of a policy of building indemnity insurance.

Dated: 20 August 2020

JOHN DORAN  
General Manager, Licensing  
Delegate for the Attorney-General

### BUILDING WORK CONTRACTORS ACT 1995

#### *Exemption*

TAKE notice that, pursuant to section 45 of the *Building Work Contractors Act 1995*, I, John Doran as a delegate for the Attorney-General, 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

DOMINION HOMES AUSTRALASIA PTY LTD (BLD 269120)

#### SCHEDULE 2

Construction of a single, three storey residential dwelling at Allotment 32 in Deposited Plan 143296 being a partial portion of the land described in Certificate of Title Volume 5916 Folio 612, more commonly known as Lot 102 (Unit 2), 14 Divett Street, Port Adelaide SA 5015.

## 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 may transfer his interest in the land prior to five years from the date of completion of the building work the subject of this exemption to Anthony Logozzo only.
4. That the licensee does not transfer his interest in the land [other than to the person named in schedule 3.3] prior to five years from the date of completion of the building work the subject of this exemption, without the prior authorisation of Consumer and Business Services (CBS). Before giving such authorisation, CBS 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;
  - Giving prospective purchasers of the property notice of the absence of a policy of building indemnity insurance.

Dated: 20 August 2020

JOHN DORAN  
General Manager, Licensing  
Delegate for the Attorney-General

## BUILDING WORK CONTRACTORS ACT 1995

*Exemption*

TAKE notice that, pursuant to section 45 of the *Building Work Contractors Act 1995*, I, John Doran as a delegate for the Attorney-General, 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

MATTHEW BOX (BLD 241098)

## SCHEDULE 2

Construction of a single, two storey detached dwelling at Allotment 34 in Filed Plan 8593 being at the rear portion of the land described in Certificate of Title Volume 5786 Folio 938, more commonly known as 51A Garfield Avenue, Kurralta Park SA 5037.

## 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 Consumer and Business Services (CBS). Before giving such authorisation, CBS 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;
  - Giving prospective purchasers of the property notice of the absence of a policy of building indemnity insurance.

Dated: 20 August 2020

JOHN DORAN  
General Manager, Licensing  
Delegate for the Attorney-General

## DEVELOPMENT ACT 1993

## SECTION 46(2)(B)

*Variation of Undertaking*

To: BHP Billiton Olympic Dam Corporation Pty Ltd ("BHP")

1. Pursuant to section 46(2)(b) of the *Development Act 1993*, BHP has been given an undertaking that Division 2 of Part 4 of the *Development Act 1993* will not apply to certain development that would otherwise be within the ambit of a declaration that was published in the *Gazette* on 14 February 2019 at p.461 pursuant to section 46(1) of the *Development Act 1993*, as subsequently varied by notice published in the *Gazette* on 19 September 2019 at pp.3307-3308 pursuant to section 46(4) of the *Development Act 1993* ("the major development declaration"). The undertaking was published in the *Gazette* on 19 September 2019 at p.3306 ("the Undertaking").
2. I have further varied the major development declaration by notice published in the *Gazette* on or about the date of this notice pursuant to section 46(4) of the *Development Act 1993* to recognize that the scope of the Olympic Dam Resource Development Strategy has been revised down from a maximum production rate of 350,000 tonnes per annum (tpa) of copper (Cu) and associated products to 300,000 tpa Cu and associated products.
3. At BHP's request, I have agreed to vary the Undertaking so that it expressly refers to the further variation of the major development declaration, and to the revised maximum production rate referred to in the major development declaration, as further varied.

4. Pursuant to such powers as are vested in me, including by section 46(2)(b) of the *Development Act 1993* and section 37 of the *Acts Interpretation Act 1915* (and to the extent it is necessary that I rely on such powers), I hereby vary the Undertaking as follows:
- 4.1 by deleting “(as varied by a notice published in the *Gazette* on or about the date of this Undertaking pursuant to section 46(4) of the *Development Act 1993*)” in the first paragraph and substituting:  
“(as varied by a notice published in the *Gazette* on 19 September 2019 pursuant to section 46(4) of the *Development Act 1993*, and as further varied by a notice published in the *Gazette* pursuant to section 46(4) of the *Development Act 1993* contemporaneously with the notice that varied this Undertaking (inter alia) to refer to the revised maximum production rate of 300,000 tonnes per annum of copper and associated products”); and
- 4.2 by deleting “350,000” in the first paragraph and substituting:  
“300,000”.
5. A reference in this notice to the *Development Act 1993* is a reference to that Act as affected by the Roxby Downs (Indenture Ratification) Act 1982 and the Indenture as defined in that Act.
6. For convenient reference, the Undertaking, as varied, is set out in full in the Schedule below.

Dated: 25 August 2020

VICKIE CHAPMAN  
Minister for Planning and Local Government

**Schedule—Varied Undertaking**

UNDERTAKING

*for the purposes of section 46(2)(b) of the Development Act 1993*

To: BHP Billiton Olympic Dam Corporation Pty Ltd

By a notice published in the *Gazette* on 14 February 2019 pursuant to section 46(1) of the *Development Act 1993* (as varied by a notice published in the *Gazette* on 19 September 2019 pursuant to section 46(4) of the *Development Act 1993*, and as further varied by a notice published in the *Gazette* pursuant to section 46(4) of the *Development Act 1993* contemporaneously with the notice that varied this Undertaking (inter alia) to refer to the revised maximum production rate of 300,000 tonnes per annum of copper and associated products), I have declared that section 46 of the *Development Act 1993* applies to development on land other than land identified in clause 28 of the Olympic Dam and Stuart Shelf Indenture (“the Indenture”) for the purposes of the production of up to 300,000 tonnes per annum of copper and associated products at Olympic Dam (“the major development declaration”).

I note that, without limiting the scope of development which might be the subject of this undertaking, the following works and activities associated with Olympic Dam’s ongoing operations and repair and maintenance are currently proposed to be commenced before the date of publication in the *Gazette* of a notice of a decision on the development application made pursuant to s48(2)(b) of the *Development Act 1993* on the major development declaration (“the Decision Date”):

- i. upgrades to the Olympic Dam airport to satisfy current business needs and to meet regulatory requirements set by the Civil Aviation Safety Authority;
- ii. utilising, upgrading and expanding industrial allotments located adjacent to the Olympic Dam Village required to enable ongoing operations;
- iii. utilising, upgrading and expanding the accommodation within the current Olympic Dam and Roxby Downs Village complexes;
- iv. works or activities to utilise, upgrade, replace, amend or expand existing facilities, services, infrastructure and operations associated with Olympic Dam’s ongoing operations;
- v. any new facilities, services, infrastructure, operations or studies associated with ongoing production and works; and
- vi. repairs or maintenance related to any of the preceding purposes.

Pursuant to s46(2)(b) of the *Development Act 1993*, I hereby undertake that Division 2 of Part 4 of the *Development Act 1993* will not apply to development identified in paragraphs (i) to (vi) above (to which the major development declaration would otherwise apply) that is commenced before the Decision Date.

A reference in this Undertaking to the *Development Act 1993* is a reference to that Act as affected by the Roxby Downs (Indenture Ratification) Act 1982 and the Indenture.

Dated: 17 September 2019

HON STEPHAN KNOLL MP  
Minister for Planning

DEVELOPMENT ACT 1993

SECTION 46 (4)

*Variation of Olympic Dam Major Development Declaration*

**Preamble**

1. Clause 28 (2) of the Olympic Dam and Stuart Shelf Indenture (the Indenture) in the Schedule to the *Roxby Downs (Indenture Ratification) Act 1982* provides that, in relation to the land referred to in Clause 28 (1), references to the ‘Minister’ in Division 2 of Part 4 of the *Development Act 1993*, are to be taken to be references to the Minister responsible for Energy and Mining (the Indenture Minister). Subsection (1) of section 46 of the *Development Act 1993*, therefore enables the Indenture Minister to apply that section to a specified kind of development or project on the relevant land if the Indenture Minister is of the opinion that a declaration under that section is appropriate or necessary for the proper assessment of a development or a project of major environmental, social or economic importance. On 12 February 2019 the Indenture Minister made a declaration under section 46 (1) in relation to certain development on the relevant land proposed as part of the Olympic Dam Development Strategy (as described in the declaration) (the Clause 28 Declaration). The Clause 28 Declaration was published in the *Gazette* on 14 February 2019 at pp.461-462.
2. Concurrently, on 12 February 2019 the Minister for Planning made a declaration under section 46 (1) and (1a) of the *Development Act 1993* in relation to certain development proposed as part of the Olympic Dam Resource Development Strategy on land other than land identified in clause 28 (1) of the Indenture (the Declaration). The Declaration was published in the *Gazette* on 14 February 2019 at p.461.

3. On 16 September 2019 the Indenture Minister varied the Clause 28 Declaration by notice under section 46 (4) of the *Development Act 1993*. The notice was published in the *Gazette* on 19 September 2019 at pp.3309-3310. On 17 September 2019 the Minister for Planning varied the Declaration by notice under section 46 (4) of the *Development Act 1993* (the First Variation Notice). The First Variation Notice was published in the *Gazette* on 19 September 2019 at pp.3307-3308.
4. The Indenture Minister has now further varied the Clause 28 Declaration to recognize that the scope of the Olympic Dam Resource Development Strategy has been revised down from a maximum production rate of 350,000 tonnes per annum (tpa) of copper (Cu) and associated products to 300,000 tpa Cu and associated products, and to continue to facilitate a single, comprehensive assessment of the Olympic Dam Resource Development Strategy that meets the requirements of both the *Development Act 1993* of the State and the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth, and the Minister for Planning and Local Government is of the opinion that it is appropriate to further vary the Declaration to achieve the same objectives.

#### NOTICE

PURSUANT to section 46 (4) of the *Development Act 1993*, I vary the Declaration (as varied by the First Variation Notice) as follows:

1. Preamble, paragraph 2 – delete “350,000” and substitute:  
300,000
2. Preamble, paragraph 2 – delete “a proposal to increase”
3. Preamble, paragraph 2 – delete “sourced”
4. Preamble, paragraph 2 - delete “from the volumes for which impacts were assessed in the 1997 “*Olympic Dam Expansion Project Environmental Impact Statement*”,”
5. Preamble, paragraph 2 – delete “50” and substitute:  
42
6. Schedule, first paragraph – delete “350,000” and substitute:  
300,000
7. Schedule, exclusion, paragraph (a) – delete “350,000” and substitute:  
300,000
8. Note – delete “contemporaneously with the notice under section 46 (4) that varied this declaration by, *inter alia*, inserting this note,” and substitute:  
on 19 September 2019 at p.3306 (as varied by a notice published in the *Gazette* contemporaneously with the notice under section 46 (4) that varied this declaration, *inter alia*, to refer to the revised maximum production rate of 300,000 tpa Cu and associated products) is not and

The Declaration, as varied by the First Variation Notice and as further varied by this notice, is set out in full in the Schedule.

Dated: 25 August 2020

VICKIE CHAPMAN  
Minister for Planning and Local Government

#### *Schedule—Varied Declaration*

#### DEVELOPMENT ACT 1993

#### SECTION 46 (1)

#### *Olympic Dam Major Development Declaration*

#### *Preamble*

1. The Olympic Dam and Stuart Shelf Indenture (the Indenture) in the Schedule to the *Roxby Downs (Indenture Ratification) Act 1982*, provides comprehensively for mining developments in the Olympic Dam Area and the Selected Areas (as defined therein) and for associated treatment and transportation facilities and related infrastructure in connection therewith.
2. Pursuant to Clause 28 of the Indenture, the Minister for Energy and Mining has made a declaration under section 46 (1) of the *Development Act 1993* in relation to certain kinds of development to the extent they are undertaken on land referred to in Clause 28 (1) of the Indenture as part of the Olympic Dam Resource Development Strategy (being the project or projects to be carried out pursuant to one or more Subsequent Project Notices given or to be given under Clause 9 (2) of the Indenture) involving the production of up to 300,000 tonnes per annum (tpa) of copper (Cu) and associated products, including extraction of water from the Great Artesian Basin up to a total maximum of 42 megalitres per day (ML/d) annual average.

#### NOTICE

PURSUANT to section 46 sub-sections (1) and (1a) of the *Development Act 1993*, being of the opinion that a declaration is appropriate for the proper assessment of a development or project of major environmental, social or economic importance, I declare that section 46 of the Act applies to any development of a kind specified in the Schedule, to the extent that it is undertaken:

- (a) as part of the Olympic Dam Resource Development Strategy; and
- (b) on land other than the land identified in Clause 28 (1) of the Indenture.

BUT not so as to exclude the application of Part 4, Division 1 of the *Development Act 1993* to development of the kind specified in the Schedule prior to the date of determination of an application for development approval under this declaration.

#### *Schedule—Specified Kinds of Development*

Development to utilise, upgrade, replace, amend or expand existing, or develop new, facilities, services, infrastructure and operations to support the production of up to 300,000 tpa Cu and associated products at Olympic Dam (including by staged increases in production), including for any or all of the following purposes:

- (a) industrial development located in the vicinity of the Olympic Dam Village and the Roxby Downs township;
- (b) airport facilities and parking associated with the Olympic Dam airport;

- (c) workers' accommodation (with the exception of dwellings) in the vicinity of the Olympic Dam Village or in the vicinity of the Roxby Downs township;
- (d) land division for industrial, airport and residential purposes associated with (a), (b) and (c) above;
- (e) the undertaking of works for the purposes of, or otherwise related to: services such as roads, parking, stormwater, water supply, power supply, telecommunications and effluent treatment in connection with the development;
- (f) any change in the use of land associated with any development within the ambit of the preceding paragraphs; and
- (g) facilities, services, infrastructure, operations and development (including excavation and filling) related or ancillary to development within the ambit of the preceding paragraphs.

But excluding:

- (a) any investigation activities relating to the assessment of development to support the production of up to 300,000 tpa Cu and associated products.

NOTE: Development the subject of the undertaking given by the Minister for Planning pursuant to section 46 (2)(b) of the *Development Act 1993* and published in the *Gazette* on 19 September 2019 at p.3306 (as varied by a notice published in the *Gazette* contemporaneously with the notice under section 46 (4) that varied this declaration, *inter alia*, to refer to the revised maximum production rate of 300,000 tpa Cu and associated products) is not and will not be the subject of this declaration.

Dated: 12 February 2019

STEPHAN KNOLL  
Minister for Planning

#### DEVELOPMENT ACT 1993

##### SECTION 46(2)(B)

##### *Variation of Undertaking*

To: BHP Billiton Olympic Dam Corporation Pty Ltd ("BHP")

1. Pursuant to section 46(2)(b) of the *Development Act 1993*, I have given BHP an undertaking that Division 2 of Part 4 of the *Development Act 1993* will not apply to certain development that would otherwise be within the ambit of a declaration that was published in the *Gazette* on 14 February 2019 at pp.461-462 pursuant to section 46(1) of the *Development Act 1993*, as subsequently varied by notice published in the *Gazette* on 19 September 2019 at pp.3309-3310 pursuant to section 46(4) of the *Development Act 1993* ("the major development declaration"). The undertaking was published in the *Gazette* on 19 September 2019 at p.3308 ("the Undertaking").
2. I have further varied the major development declaration by notice published in the *Gazette* on or about the date of this notice pursuant to section 46(4) of the *Development Act 1993* to recognize that the scope of the Olympic Dam Resource Development Strategy has been revised down from a maximum production rate of 350,000 tonnes per annum (tpa) of copper (Cu) and associated products to 300,000 tpa Cu and associated products.
3. At BHP's request, I have agreed to vary the Undertaking so that it expressly refers to the further variation of the major development declaration, and to the revised maximum production rate referred to in the major development declaration, as further varied.
4. Pursuant to such powers as are vested in me, including by section 46(2)(b) of the *Development Act 1993* and section 37 of the *Acts Interpretation Act 1915* (and to the extent it is necessary that I rely on such powers), I hereby vary the Undertaking as follows:
  - 4.1 by deleting "(as varied by a notice published in the *Gazette* on or about the date of this Undertaking pursuant to section 46(4) of the *Development Act 1993*)" in the first paragraph and substituting:
 

"(as varied by a notice published in the *Gazette* on 19 September 2019 pursuant to section 46(4) of the *Development Act 1993*, and as further varied by a notice published in the *Gazette* pursuant to section 46(4) of the *Development Act 1993* contemporaneously with the notice that varied this Undertaking (*inter alia*) to refer to the revised maximum production rate of 300,000 tonnes per annum of copper and associated products)"; and
  - 4.2 by deleting "350,000" in the first paragraph and substituting:
 

"300,000".
5. A reference in this notice to the *Development Act 1993* is a reference to that Act as affected by the Roxby Downs (Indenture Ratification) Act 1982 and the Indenture as defined in that Act.
6. For convenient reference, the Undertaking, as varied, is set out in full in the Schedule below.

Dated: 24 August 2020

DANIEL CORNELIS VAN HOLST PELLEKAAN  
Minister for Energy and Mining

#### *Schedule—Varied Undertaking*

##### UNDERTAKING

*for the purposes of section 46(2)(b) of the Development Act 1993*

To: BHP Billiton Olympic Dam Corporation Pty Ltd

By a notice published in the *Gazette* on 14 February 2019 pursuant to section 46(1) of the *Development Act 1993* (as varied by a notice published in the *Gazette* on 19 September 2019 pursuant to section 46(4) of the *Development Act 1993*, and as further varied by a notice published in the *Gazette* pursuant to section 46(4) of the *Development Act 1993* contemporaneously with the notice that varied this Undertaking (*inter alia*) to refer to the revised maximum production rate of 300,000 tonnes per annum of copper and associated products), I have declared that section 46 of the *Development Act 1993* applies to development on land identified in clause 28 of the Olympic Dam and Stuart Shelf Indenture ("the Indenture") for the purposes of the production of up to 300,000 tonnes per annum of copper and associated products at Olympic Dam ("the major development declaration").

I note that, without limiting the scope of development which might be the subject of this undertaking, the following works and activities associated with Olympic Dam's ongoing operations and repair and maintenance are currently proposed to be commenced before the date of publication in the *Gazette* of a notice of a decision on the development application made pursuant to s48(2)(b) of the *Development Act 1993* on the major development declaration ("the Decision Date"):

- i. projects associated with the progress of mining activities into the Southern Mine Area (SMA), including development of underground activities and surface infrastructure such as additional declines and stockpiling of mined material including ore and waste rock;
- ii. waste treatment, storage and disposal including, but not limited to, Tailings Storage Facility 6, Evaporation Pond 6, additional cells for the contaminated waste disposal facility, expansion of the general waste landfill and development of a low-level radioactive waste storage facility;
- iii. demolition and replacement of plant and equipment, including, but not limited to, the pilot plant, Smelter 1, Calciner, old solvent extraction plant, Clarifier 2, storage bin upgrades;
- iv. provision of ancillary infrastructure to support mining and production operations, including, but not limited to, sewage treatment plant upgrade, dam barrier wall, Clarke Shaft hoist and transfer system upgrade, new ore stacker and M6 pipeline upgrade/replacement;
- v. ongoing operations and repair and maintenance, including, but not limited to, the smelter campaign maintenance 2021 program;
- vi. works or activities to utilise, upgrade, replace, amend or expand existing facilities, services, infrastructure and operations associated with Olympic Dam's ongoing operations.
- vii. any new facilities, services, infrastructure, and operations associated with enabling ongoing production;
- viii. works, repairs or maintenance related to any of the preceding purposes; and
- ix. any activities ancillary to those referred to in (i) to (viii) above.

Pursuant to section 46(2)(b) of the *Development Act 1993*, I hereby undertake that Division 2 of Part 4 of the *Development Act 1993* will not apply to development identified in paragraphs (i) to (ix) above (to which the major development declaration would otherwise apply) that is commenced before the Decision Date.

A reference in this Undertaking to the *Development Act 1993* is a reference to that Act as affected by the *Roxby Downs (Indenture Ratification) Act 1982* and the Indenture.

Dated 16 September 2019

DANIEL CORNELIS VAN HOLST PELLEKAAN  
Minister for Energy and Mining

#### DEVELOPMENT ACT 1993

##### SECTION 46 (4)

##### *Variation of Olympic Dam Major Development Declaration*

##### **Preamble**

1. Clause 28 (2) of the Olympic Dam and Stuart Shelf Indenture (the Indenture) in the Schedule to the *Roxby Downs (Indenture Ratification) Act 1982* provides that, in relation to the land referred to in Clause 28 (1), references to the 'Minister' in Division 2 of Part 4 of the *Development Act 1993*, are to be taken to be references to the Minister responsible for Energy and Mining (the Indenture Minister). Subsection (1) of section 46 of the *Development Act 1993*, therefore enables the Indenture Minister to apply that section to a specified kind of development or project on the relevant land if the Indenture Minister is of the opinion that a declaration under that section is appropriate or necessary for the proper assessment of a development or a project of major environmental, social or economic importance.
2. On 12 February 2019 the Indenture Minister made a declaration under section 46 (1) of the *Development Act 1993* in relation to certain development on the relevant land proposed as part of the Olympic Dam Resource Development Strategy (the Declaration). The Declaration was published in the *Gazette* on 14 February 2019 at pp.461-462.
3. On 16 September 2019 the Indenture Minister varied the Declaration by notice under section 46 (4) of the *Development Act 1993* (the First Variation Notice). The First Variation Notice was published in the *Gazette* on 19 September 2019 at pp.3309-3310.
4. The Indenture Minister is now of the opinion that it is appropriate to further vary the Declaration to recognize that the scope of the Olympic Dam Resource Development Strategy has been revised down from a maximum production rate of 350,000 tonnes per annum (tpa) of copper (Cu) and associated products to 300,000 tpa Cu and associated products, and to continue to facilitate a single, comprehensive assessment of the Olympic Dam Resource Development Strategy that meets the requirements of both the *Development Act 1993* of the State and the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth.

##### NOTICE

PURSUANT to section 46 (4) of the *Development Act 1993*, I vary the Declaration (as varied by the First Variation Notice) as follows:

1. Declaration, paragraph (a) – delete “350,000” and substitute:  
300,000
2. Declaration, paragraph (a) – delete “a proposal to increase”
3. Declaration, paragraph (a) – delete “sourced”
4. Declaration, paragraph (a) – delete “from the volumes for which impacts were assessed in the 1997 “*Olympic Dam Expansion Project Environmental Impact Statement*”,”
5. Declaration, paragraph (a) – delete “50” and substitute:  
42
6. Schedule, first paragraph – delete “350,000” and substitute:  
300,000
7. Schedule, paragraph (a) – delete “sourced”
8. Schedule, paragraph (a) – delete “from the volume for which impacts were assessed in the 1997 “*Olympic Dam Expansion Project Environmental Impact Statement*”,”
9. Schedule, paragraph (a) – delete “50” and substitute:  
42



10. Schedule, exclusion, paragraph (a) – delete “350,000” and substitute:  
300,000
11. Note – delete “contemporaneously with the notice under section 46 (4) that varied this declaration by, *inter alia*, inserting this note,” and substitute:  
on 19 September 2019 at p.3308 (as varied by a notice published in the *Gazette* contemporaneously with the notice under section 46 (4) that varied this declaration, *inter alia*, to refer to the revised maximum production rate of 300,000 tpa Cu and associated products) is not and

The Declaration, as varied by the First Variation Notice and as further varied by this notice, is set out in full in the Schedule.

Dated: 24 August 2020

DANIEL CORNELIS VAN HOLST PELLEKAAN  
Minister for Energy and Mining

*Schedule—Varied Declaration*

DEVELOPMENT ACT 1993

SECTION 46 (1)

*Olympic Dam Major Development Declaration*

*Preamble*

Clause 28 (2) of the Olympic Dam and Stuart Shelf Indenture (the Indenture) in the Schedule to the *Roxby Downs (Indenture Ratification) Act 1982* provides that, in relation to the land referred to in Clause 28 (1), references to the ‘Minister’ in Division 2 of Part 4 of the *Development Act 1993*, are to be taken to be references to the Minister responsible for Energy and Mining (the Indenture Minister). Section (1) of section 46 of the *Development Act 1993*, therefore enables the Indenture Minister to apply that section to a specified kind of development or project on the relevant land if the Indenture Minister is of the opinion that a declaration under that section is appropriate or necessary for the proper assessment of a development or a project of major environmental, social or economic importance.

NOTICE

PURSUANT to section 46 (1) of the *Development Act 1993*, being of the opinion that a declaration is appropriate for the proper assessment of a development or project of major environmental, social or economic importance, I declare that section 46 of the Act applies to any development of a kind specified in the Schedule to the extent that it is undertaken:

- (a) as part of the Olympic Dam Resource Development Strategy (being the project or projects to be carried out pursuant to one or more Subsequent Project Notices given or to be given under Clause 9 (2) of the Indenture) involving the production of up to 300,000 tonnes per annum (tpa) of copper (Cu) and associated products, including extraction of water from the Great Artesian Basin up to a total maximum of 42 megalitres per day (ML/d) annual average; and
- (b) on land identified in Clause 28 (1) of the Indenture.

*Schedule—Specified Kinds of Development*

Development to utilise, upgrade, replace, amend or expand existing, or develop new, facilities, services, infrastructure and operations to support the production of up to 300,000 tpa Cu and associated products at Olympic Dam (including by staged increases in production), including development of the following kinds:

- (a) any augmented or new water supply pipeline from the Great Artesian Basin along with any other wellfield, including any related bores or pumps for the proposed purpose of increasing or monitoring the extraction of water from the Great Artesian Basin up to a total maximum of 42 ML/d annual average;
- (b) works to increase the rate of underground mining and the installation of materials handling infrastructure, such as mechanised hoists and/or additional declines, to transport mined material to the surface;
- (c) works to increase the capacity of surface infrastructure to support increased production from the mine, including, but not limited to, ventilation, cooling, backfill (cement or paste), crushers, quarries, borrow pits, concrete batch plants and stockpiles for run of mine ore, low-grade ore and waste rock;
- (d) works to increase surface production capacity, with some changes to the processing methods, including milling, hydrometallurgical plant, smelter, acid plant(s) and refinery;
- (e) works to increase capacity of facilities and operations for waste treatment, storage and disposal;
- (f) works to increase capacity of facilities and operations for tailings storage, evaporation ponds, waste rock storage, low grade ore storage and water dams within the Special Mine Lease;
- (g) utilising, expanding, replacing, demolishing and amending facilities, services, transport, infrastructure and operations for the purpose of enabling development identified in paragraphs (a) – (f);
- (h) new facilities, services, infrastructure and operations for the above purposes;
- (i) any related or ancillary development associated with development within the ambit of the preceding paragraphs including but not limited to transport, laydown areas, electricity and other services.

But excluding:

- (a) any investigation activities relating to the assessment of development to support the production of up to 300,000 tpa Cu and associated products.

NOTE: Development the subject of the undertaking given by the Minister for Energy and Mining pursuant to section 46 (2)(b) of the *Development Act 1993* and published in the *Gazette* on 19 September 2019 at p.3308 (as varied by a notice published in the *Gazette* contemporaneously with the notice under section 46 (4) that varied this declaration, *inter alia*, to refer to the revised maximum production rate of 300,000 tpa Cu and associated products) is not and will not be the subject of this declaration.

Dated: 12 February 2019

DANIEL CORNELIS VAN HOLST PELLEKAAN  
Minister for Energy and Mining

## FISHERIES MANAGEMENT ACT 2007

## SECTION 115

*Exemption Number ME9903121*

TAKE NOTICE that pursuant to section 115 of the *Fisheries Management Act 2007*, the holder of a fishery licence in respect of the Spencer Gulf Prawn Fishery constituted under the *Fisheries Management (Prawn Fisheries) Regulations 2017* as at 27 August 2020 are exempt from the provisions of section 54(1)(c) and (4) of the *Fisheries Management Act 2007* but only insofar as they may apply pursuant to section 54 of the *Fisheries Management Act 2007* for a new fishery licence in respect of the Spencer Gulf Prawn Fishery during the period 27 August 2020 until 23 October 2020 unless varied or revoked earlier.

Dated: 27 August 2020

PROF GAVIN BEGG  
A/Executive Director  
Fisheries and Aquaculture

Delegate of the Minister for Primary Industries and Regional Development

## FISHERIES MANAGEMENT ACT 2007

## SECTION 115

*Exemption Number ME9903122*

TAKE NOTICE that pursuant to section 115 of the *Fisheries Management Act 2007*, a person applying for a Fish Processor registration under the *Fisheries Management (Fish Processors) Regulations 2017* is exempt from the provisions of section 64(1)(d) and (4) of the *Fisheries Management Act 2007* but only insofar as they may apply for a Fish Processor registration pursuant to section 64 of the *Fisheries Management Act 2007* during the period 27 August 2020 until 30 June 2021, unless varied or revoked earlier.

Dated: 27 August 2020

PROF GAVIN BEGG  
A/Executive Director  
Fisheries and Aquaculture

Delegate of the Minister for Primary Industries and Regional Development

## HOUSING IMPROVEMENT ACT 2016

*Rent Control Revocations*

Whereas the Minister for Human Services Delegate is satisfied that each of the houses described hereunder has ceased to be unsafe or unsuitable for human habitation for the purposes of the *Housing Improvement Act 2016*, notice is hereby given that, in exercise of the powers conferred by the said Act, the Minister for Human Services Delegate does hereby revoke the said Rent Control in respect of each property.

Address of Premises	Allotment Section	Certificate of Title Volume/Folio
28A Cardwell Street, Adelaide SA 5000	Allotment 734 Filed Plan 181576 Hundred of Adelaide	CT2111/150 CT4381/247 CT5436/313
23 Kate Court, Adelaide SA 5000	Allotment 818 Filed Plan 182470 Hundred of Adelaide	CT3559/160 CT5590/687
78 Beulah Road, Norwood SA 5067	Allotment 13 Filed Plan 100197 Hundred of Adelaide	CT5090/791

Dated: 27 August 2020

CRAIG THOMPSON  
Acting Housing Regulator and Registrar  
Housing Safety Authority, SAHA  
Delegate of Minister for Human Services

## JUSTICES OF THE PEACE ACT 2005

## SECTION 4

*Notice of Appointment of Justices of the Peace for South Australia by the Commissioner for Consumer Affairs*

I, Dini Soulio, Commissioner for Consumer Affairs, delegate of the Attorney-General, pursuant to Section 4 of the *Justices of the Peace Act 2005*, do hereby appoint the people listed as Justices of the Peace for South Australia as set out below. It being a condition of appointment that the Justices of the Peace must take the oaths required of a justice under the *Oaths Act 1936* and return the oaths of office form to Justice of the Peace Services within three months after the date of appointment:

For a period of ten years for a term commencing on 31 August 2020 and expiring on 30 August 2030:

Kathleen Faye WILLIAMS  
Peter Anthony SIMS  
Alison Louise SCHUTZ  
Andrew SCHEER  
Maria Rita MIRUS  
Angela MERCURIO  
Deborah Ann LILLEY  
Peter KARTABANI  
Georgia Rose HONAN  
Christine Anne HAVERLAND  
Brian Charles GEORGE  
Joanne Louise CROSS  
Harpreet Singh CHHOKAR  
Bhavesh Amrutbhai CHAUDHARI

Lynette Dianne BEINKE  
Jacqueline Kaye AMOR

Dated: 20 August 2020

DINI SOULIO  
Commissioner for Consumer Affairs  
Delegate of the Attorney-General

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JUSTICES OF THE PEACE ACT 2005

SECTION 4

*Notice of Appointment of Justices of the Peace for South Australia, by the Commissioner for Consumer Affairs*

I, Dini Soulio, Commissioner for Consumer Affairs, delegate of the Attorney-General, pursuant to section 4 of the *Justices of the Peace Act 2005*, do hereby appoint the people listed as Justices of the Peace for South Australia as set out below.

For a period of ten years for a term commencing on 9 September 2020 and expiring on 8 September 2030:

Michael Andrew ZIERSCH  
Christine Grace WORDEN  
Derek John WILLIAMSON  
Ashley John WILKIN  
Susan Margaret WHITTINGTON  
Marina Emily WHITHAM  
Karen Lee SHAW  
Helen Amy PHELAN  
Ian James NEALE  
Louise Fitzgerald MRDJEN  
Robin Milton MITCHELL  
Grant Douglas MCCRACKEN  
Melanie Lee MCANANEY  
Christine Joy LUBCKE  
Alan Spencer LOGUE  
Robert John KLOSE  
Donna Carmel JENNINGS  
Jeffrey Frank HILL  
James Stephen HALDANE  
Jean David GLATTER  
Hasan Yazdan EMAD  
Martin Roger ELING  
Stephen John EDWARDS  
Eve DOBBINS  
Francesca Maria DEAN  
Brenton James DAULBY  
Charles Franklin CUSTER  
Megan Adair COX  
Cathryn Anne COUZNER  
Penelope Anne BRISCOE  
Kali Jaye ATKINS

Dated: 25 August 2020

DINI SOULIO  
Commissioner for Consumer Affairs  
Delegate of the Attorney-General

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LAND ACQUISITION ACT 1969

SECTION 16

*Form 5—Notice of Acquisition*

*Erratum*

**Recital**

By Notice of Acquisition (reference DIT: 2019/18642/01) published in *The South Australian Government Gazette* of 13 August 2020 at page 4325 (“Notice”), the Commissioner of Highways:

Acquired an unencumbered estate in fee simple in that piece of land being portion of Allotment 23 in Deposited Plan No 5132 comprised in Certificate of Title Volume 5333 Folio 681, and portion of Allotment 24 in Deposited Plan 5132 comprised in Certificate of Title Volume 5359 Folio 607, and being the whole of the land identified as Allotment 60 in D12400 lodged in the Lands Titles Office.

The Notice was incorrect in the following respects:

The land identified as Allotment 60 in D12400 lodged in the Lands Titles Office, was described as being acquired in D12400 and is missing a “0” and should read D124000.

**Erratum**

The Notice is to be read as if the land being acquired was defined as follows:

The whole of the land identified as Allotment 60 in D124000 lodged in the Lands Titles Office.

In all other respects the Notice remains unchanged.

Dated: 24 August 2020

The Common Seal of the COMMISSIONER OF HIGHWAYS was hereto affixed by authority of the Commissioner in the presence of:

ROCCO CARUSO  
Manager, Property Acquisition  
(Authorised Officer)  
Department for Infrastructure and Transport

DIT 2019/18642/01

#### MENTAL HEALTH ACT 2009

##### *Authorised Mental Health Professional*

NOTICE is hereby given in accordance with Section 94(1) of the *Mental Health Act 2009*, that the Chief Psychiatrist has determined the following persons as an Authorised Mental Health Professional:

Philip Waugh  
Russell Smythe

A person's determination as an Authorised Mental Health Professional expires three years after the commencement date.

Dated: 27 August 2020

DR J BRAYLEY  
Chief Psychiatrist

#### MINING ACT 1971

##### *Notice pursuant to Sections 15(5) and 15(7) of the Mining Act 1971*

Pursuant to Section 15(5) of the *Mining Act 1971* (the Act), I advise that the Mineral Resources Division of the Department for Energy and Mining, will be undertaking geoscientific investigations commencing from the 1 September 2020 and concluding on the 30 June 2023.

The area of interest is approximately 7,109 km<sup>2</sup> and is located predominantly over the Pinnaroo and Renmark map sheets.

Pursuant to Section 15(7) of the Act, the Minister may refuse to receive or consider an application for a mining tenement in respect of the land described in the notice until the completion date of 30 June 2023.

Please note that the completion date may be extended and/or the area may be altered by further notice in the *Gazette*. A copy of the plan can be obtained by telephoning Mineral Tenements on (08) 8463 3103.

##### **Description of Area**

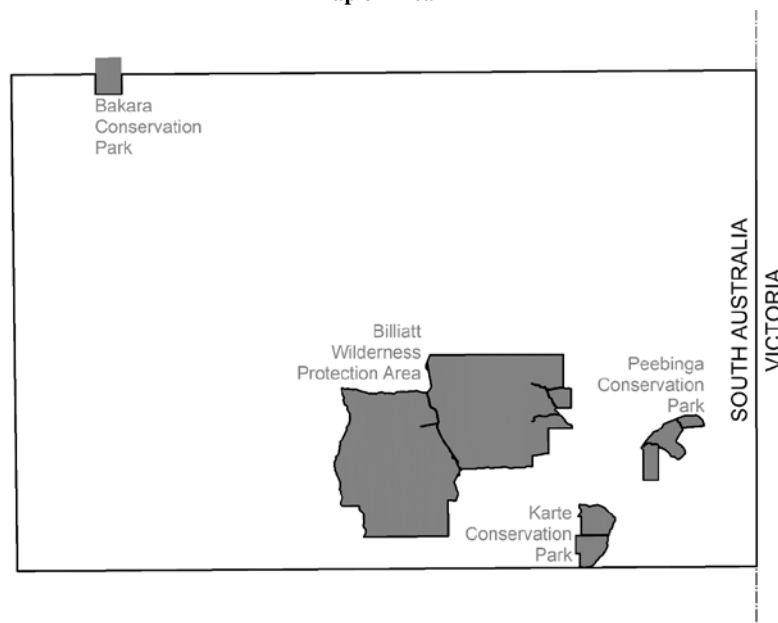
ALAWOONA AREA, bounded as follows:

Commencing at a point being the intersection of latitude 34°30'S and longitude 139°47'E, then east to the border of the State of South Australia, then south along said border to latitude 35°09'S, west to longitude 139°47'E, and north to the point of commencement, but excluding Bakara Conservation Park, Peebinga Conservation Park, Karte Conservation Park, and Billiatt Wilderness Protection Area.

Unless otherwise specified, all lines are geodesics and expressed in terms of the Australian Geodetic Datum as defined on p. 4984 of *Commonwealth Gazette* number 84 dated October 6, 1966 (AGD66).

AREA: **7,109** square kilometres approximately.

##### **Map of Area**



Dated: 27 August 2020

J. MARTIN  
Mining Registrar as Delegate for the Minister for Energy and Mining  
Department for Energy and Mining

## MINING ACT 1971

*Notice pursuant to Sections 15(5) and 15(7) of the Mining Act 1971*

Pursuant to Section 15(5) of the *Mining Act 1971* (the Act), I advise that the Mineral Resources Division of the Department for Energy and Mining, will be undertaking geoscientific investigations commencing from the 1 September 2020 and concluding on the 30 June 2023.

The area of interest is approximately 10,074 km<sup>2</sup> and is located predominantly over the Olary, Chowilla and Renmark map sheets.

Pursuant to Section 15(7) of the Act, the Minister may refuse to receive or consider an application for a mining tenement in respect of the land described in the notice until the completion date of 30 June 2023.

Please note that the completion date may be extended and/or the area may be altered by further notice in the gazette. A copy of the plan can be obtained by telephoning Mineral Tenements on (08) 8463 3103.

**Description of Area**

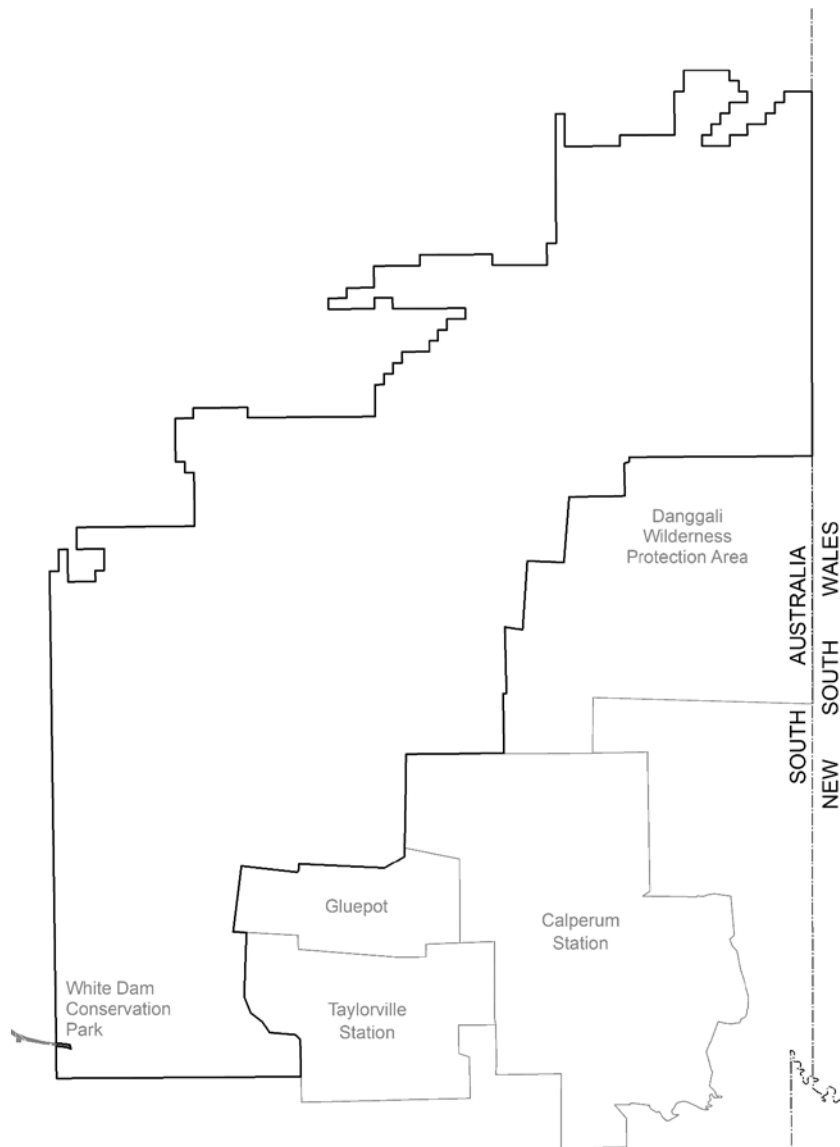
QUONDONG VALE AREA, bounded as follows:

Commencing at a point being the intersection of latitude 32°28'S and longitude 140°46'E, then east to longitude 140°51'E, south to latitude 32°29'S, east to longitude 140°52'E, south to latitude 32°30'S, east to longitude 140°53'E, south to latitude 32°31'S, west to longitude 140°51'E, south to latitude 32°32'S, west to longitude 140°50'E, south to latitude 32°33'S, west to longitude 140°49'E, south to latitude 32°34'S, west to longitude 140°48'E, south to latitude 32°35'S, east to longitude 140°51'E, north to latitude 32°34'S, east to longitude 140°53'E, north to latitude 32°33'S, east to longitude 140°55'E, north to latitude 32°32'S, east to longitude 140°56'E, north to latitude 32°31'S, east to longitude 140°57'E, north to latitude 32°30'S, east to the border of the State of South Australia, then south along said border to the boundary of Danggali Wilderness Protection Area, then beginning westerly along said boundary to the boundary of Calperum Station, then beginning westerly along said boundary to the boundary of Gluepot, then beginning southerly along said boundary to the boundary of Taylorville Station, then beginning southerly along said boundary to latitude 34°01'S, then west to longitude 139°36'E, north to latitude 33°14'S, east to longitude 139°37'E, north to latitude 33°12'S, east to longitude 139°38'E, south to latitude 33°15'S, east to longitude 139°41'E, north to latitude 33°14'S, east to longitude 139°42'E, north to latitude 33°12'S, west to longitude 139°39'E, north to latitude 33°10'S, east to longitude 139°52'E, north to latitude 33°05'S, west to longitude 139°51'E, north to latitude 33°04'S, west to longitude 139°50'E, north to latitude 33°00'S, east to longitude 139°52'E, north to latitude 32°59'S, east to longitude 139°58'E, south to latitude 33°00'S, east to longitude 140°12'E, north to latitude 32°57'S, east to longitude 140°13'E, north to latitude 32°56'S, east to longitude 140°14'E, north to latitude 32°55'S, east to longitude 140°15'E, north to latitude 32°54'S, east to longitude 140°18'E, north to latitude 32°53'S, east to longitude 140°19'E, north to latitude 32°52'S, east to longitude 140°20'E, north to latitude 32°51'S, east to longitude 140°22'E, north to latitude 32°50'S, west to longitude 140°14'E, north to latitude 32°49'S, west to longitude 140°12'E, south to latitude 32°50'S, west to longitude 140°07'E, north to latitude 32°49'S, east to longitude 140°09'E, north to latitude 32°48'S, east to longitude 140°12'E, north to latitude 32°46'S, east to longitude 140°17'E, north to latitude 32°45'S, east to longitude 140°25'E, south to latitude 32°46'S, east to longitude 140°31'E, north to latitude 32°44'S, east to longitude 140°32'E, north to latitude 32°32'S, east to longitude 140°33'E, south to latitude 32°35'S, east to longitude 140°39'E, north to latitude 32°34'S, east to longitude 140°45'E, north to latitude 32°30'S, east to longitude 140°46'E, and north to the point of commencement, but excluding White Dam Conservation Park.

Unless otherwise specified, all lines are geodesics and expressed in terms of the Australian Geodetic Datum as defined on p. 4984 of *Commonwealth Gazette* number 84 dated October 6, 1966 (AGD66).

AREA: **10,074** square kilometres approximately.

## Map of Area



Dated: 27 August 2020

J. MARTIN  
Mining Registrar as Delegate for the Minister for Energy and Mining  
Department for Energy and Mining

**PETROLEUM AND GEOTHERMAL ENERGY ACT 2000**

*Suspension of Petroleum Retention Licences—PRLs 28, 29, 31, 111, 112, 113, 114 and 115  
Associated Activities Licences—AALs 195 and 280*

Pursuant to Section 90 of the *Petroleum and Geothermal Energy Act 2000*, notice is hereby given that the abovementioned Licences have been suspended for the period 31 July 2020 to 30 July 2021 inclusive, pursuant to delegated powers dated 29 June 2018.

- PRL 28 and AAL 195 will now expire on 9 September 2023.
- PRL 29 will now expire on 10 October 2023.
- PRL 31 will now expire on 7 January 2024.
- PRLs 111, 112, 113, 114 and 115 will now expire on 18 June 2025.
- AAL 280 will now expire on 18 June 2025.

Dated: 19 August 2020

BARRY A. GOLDSTEIN  
Executive Director  
Energy Resources Division  
Department for Energy and Mining  
Delegate of the Minister for Energy and Mining

## PETROLEUM AND GEOTHERMAL ENERGY ACT 2000

*Application for Grant of Associated Activities Licence—AAL 292*

Pursuant to section 65(6) of the *Petroleum and Geothermal Energy Act 2000* (the Act) and Delegation dated 29 June 2018, notice is hereby given that an application for the grant of an associated activities licence over the area described below has been received from:

**Leigh Creek Operations Pty Ltd**

The application will be determined on or after 25 September 2020.

**Description of application area**

All that part of the State of South Australia, being within Out of Hundreds (Copley), bounded as follows:

Commencing a point on the south-western boundary of Section 416, Out of Hundreds (Copley) to its intersection with a straight line, or prolongation of such, westerly between Longitude 138.385778 East, Latitude 30.474531 South and Longitude 138.389586 East, Latitude 30.473794 South; then in straight lines passing through the following coordinate points:

Longitude East	Latitude South
138.389586	30.473794
138.391747	30.473900
138.397772	30.474669
138.399247	30.474692
138.400092	30.474808
138.401200	30.475122
138.402442	30.475519
138.405161	30.476681
138.406639	30.477117
138.407703	30.477475
138.409156	30.477850
138.409778	30.478150
138.411897	30.478900
138.413317	30.479544
138.414358	30.479833
138.417283	30.482606
138.418658	30.484003
138.419358	30.485342
138.420722	30.488408
138.421261	30.488217
138.421986	30.487219
138.422742	30.485942
138.423317	30.485300
138.424342	30.485006
138.425011	30.485111
138.426411	30.485961
138.427978	30.486672
138.430108	30.484714
138.428653	30.481786
138.426442	30.479319
138.424867	30.477744
138.423383	30.476692
138.420017	30.474806
138.418364	30.471833
138.417553	30.469903
138.403858	30.469058
138.394714	30.468047
138.389542	30.467711
138.386181	30.467850
138.386181	30.467847
138.383114	30.468508

then westerly in a straight line, or prolongation of such, between Longitude 138.383114 East, Latitude 30.468508 South and Longitude 138.379764 East, Latitude 30.469419 South to its intersection with the south-western boundary of Section 416, Out of Hundreds (Copley); then south-easterly along the south-western boundary of said Section 416 to the point of commencement.

**Excluded areas**

Sections 486, Out of Hundreds (Copley)

**Reference datum**

Geographical coordinates are referenced to the Geocentric Datum of Australia 2020 (GDA2020), in decimal degrees.

AREA: **3.91** square kilometres approximately.

Dated: 25 August 2020

BARRY A. GOLDSTEIN  
Executive Director  
Energy Resources Division  
Department for Energy and Mining  
Delegate of the Minister for Energy and Mining

**PETROLEUM AND GEOTHERMAL ENERGY ACT 2000***Suspension of Petroleum Retention Licence—PRL 124*

Pursuant to section 90 of the *Petroleum and Geothermal Energy Act 2000*, notice is hereby given that the abovementioned Licence has been suspended for the period from 24 July 2020 until 23 July 2021 inclusive, pursuant to delegated powers dated 29 June 2018.

- The expiry date of PRL 124 is now determined to be 26 May 2022.

Dated: 25 August 2020

BARRY A. GOLDSTEIN  
Executive Director  
Energy Resources Division  
Department for Energy and Mining  
Delegate of the Minister for Energy and Mining

**SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL**

SACAT REFERENCE NUMBER: 2020/SA001990

*Notice of Renewal of Exemption*

BEFORE TRIBUNAL MEMBER ASHLEY FILES

I HEREBY certify that on the 20<sup>th</sup> August 2020, the South Australian Civil and Administrative Tribunal, on application of BAE SYSTEMS AUSTRALIA LIMITED, BAE SYSTEMS AUSTRALIA DEFENCE PTY LTD and ASC SHIPBUILDING PTY LIMITED, made the following orders for renewal of an exemption:

1. Pursuant to section 92 of the *Equal Opportunity Act 1984* (SA) (**the Act**), the Applicants are exempted from compliance with the provisions of sections 52, 54 and 103(1) of the Act to the extent that they may:
  - a. request nationality and place of birth information from existing and potential employees and contractors;
  - b. take a person's nationality and place of birth into account in determining who should be offered employment or contract work in areas requiring access to ITAR controlled material and Export Administration Regulations (EAR) controlled material (together, USA export controlled materials) and when making decisions as to the participation of employees or contractors in such work;
  - c. maintain records of the nationalities and places of birth of all employees and contractors who have or may have access to USA export controlled materials;
  - d. ensure that USA export controlled materials are disclosed only to persons who are authorised by ITAR controls or EAR controls to receive it;
  - e. impose limitations or prohibitions on persons of particular nationalities or places of birth having access to USA export controlled materials;
  - f. disclose to the ADF the nationalities and places of birth of all employees and contractors who will have access to USA export controlled materials in the performance of their work;
  - g. disclose to USA-based contractors for whom the Applicants perform work under subcontract and to the USA government, the nationalities and places of birth of all employees and contractors who will have access to USA export controlled materials in the performance of their work;
  - h. establish security systems which will prevent the unauthorised re-export or re-transfer of USA export controlled materials.
2. This order does not permit the Applicants to terminate any employee's employment on the grounds of nationality or place of birth.
3. The exemption is granted for a period of three years commencing from 26 August 2020, but will be subject to the following conditions:
  - a. It will apply only to conduct by the Applicants where:
    - i. that conduct is necessary to enable it to enter into and/or perform contractual undertakings requiring access to USA export controlled materials; and
    - ii. it has taken all steps that are reasonably available (including steps which might be taken in negotiating and performing the terms of its agreements with contractors in the USA) to avoid the necessity for engaging in conduct which would otherwise be in breach of sections 52, 54 and/or 103(1) of the Act.
  - b. Where, in the exercise of this exemption, an employee or contract worker is moved from a project involving the use of USA export controlled materials to any other work controlled by the Applicants or any of their related entities, the Applicants must through a duly authorised officer explain to the person why he or she is being transferred and must otherwise take all reasonable steps to avoid or limit harm or loss to that person.
  - c. Where the Applicants use systems of security passes to reflect the fact of access to USA export controlled materials or levels of access to any security sensitive material by employees and contract workers, the passes may be coded but not in such a way as to identify the nationality or place of birth of the person or the reasons for that person's level of access.
  - d. All information relating to security passes, security clearance levels and access to USA export controlled materials shall be restricted to the Applicants' Chief Counsel, its Head of Export Controls and Security and to their properly appointed nominees on a "need to know" basis.
  - e. The Applicants' employment policies shall refer to the terms of this exemption, including all conditions attaching to it, and to make it clear that the request for information regarding nationality and place of birth is made solely for the purposes of compliance with the laws of the USA.
  - f. The Applicants will report to the Commissioner for Equal Opportunity on an annual basis on the following matters:
    - i. the training and education provided to new and existing employees on these Orders and their implementation;
    - ii. the steps taken by the Applicants to implement these Orders;
    - iii. how the Applicants monitor compliance with these Orders;



- iv. the number of persons affected by these Orders and the nature of those effects;
  - v. the steps taken by the Applicants to address any adverse effects on existing employees as a result of these Orders; and
  - vi. the steps taken by the Applicants to minimise the impact of these Orders on current and future employees.
4. In these Orders, the Applicants means each of:
- a. BAE Systems Australia Limited;
  - b. BAE Systems Australia Defence Pty Ltd; and
  - c. ASC Shipbuilding Pty Limited.
5. The above exemption is to remain in force for a period of 3 years commencing on 26<sup>th</sup> August 2020.

Dated: 21 August 2020

ANNE LINDSAY  
Principal Registrar  
South Australian Civil and Administrative Tribunal

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## LOCAL GOVERNMENT INSTRUMENTS

### CITY OF ADELAIDE

#### *Adoption of Valuations and Declaration of Rates*

NOTICE is hereby given that the Council of the Corporation of the City of Adelaide at its meeting held on 13 August 2020 and for the year ending 30 June 2020:

1. Adopted for rating purposes the valuations prepared by Valuers employed by the City of Adelaide of annual values applicable to land within the Council area totalling \$1,155,134,560 of which \$902,589,700 is for rateable land.
2. Declared differential general rates based upon the use of land as follows:
  - 2.1 0.1149 rate in the dollar for all rateable land with a residential land use; and
  - 2.2 0.1408 rate in the dollar for all other rateable land in the Council area.
3. Declared a separate rate of 0.00209 rate in the dollar (the Regional Landscape Levy (formerly the NRM Levy)) on all rateable land in the Council area to recover the amount of \$1,789,125 payable to the Green Adelaide Board (formerly the Adelaide and Mount Lofty Ranges Natural Resource Management Board).
4. Declared a separate rate of 0.03582 rate in the dollar (the Rundle Mall Differential Separate Rate) on all rateable land except that with a residential land use within the 'Rundle Mall Precinct' (as defined) to fund marketing and management of the precinct, including actions and initiatives to promote Rundle Mall as a destination for shopping and to enhance the vibrancy of the precinct.

Dated: 27 August 2020

M. GOLDSTONE  
Chief Executive Officer

### CITY OF ADELAIDE

#### *Notice of Resolution to Reconfigure Field Street to a One-Way Street*

NOTICE is hereby given, that the council of the Corporation of the City of Adelaide, at its meeting held on 14 July 2020, passed, inter alia, the following resolution:

Approves that, pursuant to Section 32 of the *Road Traffic Act 1961*, the closure of Field Street to northbound motor vehicle traffic between Wright Street and Gouger Street as set out in Attachment A to Item 10.2 on the Agenda for the meeting of the Council held on 14 July 2020, to all motor vehicles other than City of Adelaide authorised vehicles, emergency service vehicles and bicycles to be implemented as part of the proposed upgrade works for Field Street.

Dated: 27 August 2020

M. GOLDSTONE  
Chief Executive Officer

### CITY OF CHARLES STURT

#### *Adoption of Valuations and Declaration of Rates*

NOTICE is hereby given that at its meeting held on 10 August 2020, the Council for the financial year ending 30 June 2021:

1. Adopted the most recent valuations of the Valuer-General available to the Council of the Capital Value of land within the Council's area, totalling \$33,538,692,760 (of which \$32,040,699,486 is for rating purposes).
2. Declared differential general rates as follows:
  - (a) 0.257272454 cents in the dollar on rateable land of Category 1;
  - (b) 0.8278720620 cents in the dollar on rateable land of Categories 2, 3 and 4;
  - (c) 1.1125520240 cents in the dollar on rateable land of Categories 5 and 6;
  - (d) 0.6273817034 cents in the dollar on rateable land of Category 7;
  - (e) 0.924203242 cents in the dollar on rateable land of Category 8;
  - (f) 0.4072823630 cents in the dollar on rateable land of Category 9.
3. Declared a minimum amount payable by way of general rates of \$1,095.
4. Declared a separate rate of 0.0096560 cents in the dollar on all rateable land in the Council area in respect of the Regional Landscape Levy.

Dated: 27 August 2020

P. SUTTON  
Chief Executive Officer

### CITY OF MITCHAM

#### *Adoption of Valuations and Declaration of Rates*

NOTICE is hereby given that at a meeting of the Council held on 18th August 2020, the Council resolved for the financial year commencing 1st July 2020 as follows:

#### *Adoption of Assessment*

To adopt the capital valuations made by the Valuer-General for the Council area, being \$19,306,178,700 in relation to the whole area of the Council (of which \$18,132,178,837 represents rateable land).

#### *Declaration of Differential General Rates*

To declare differential general rates, as follows:

- (a) 0.287891 cents in the dollar on the capital value of rateable land of Residential, Primary Production and Other land;
- (b) 0.591267 cents in the dollar on the capital value of rateable land of Commercial-Shop, Commercial – Office, Commercial – Other, Industrial-Light, Industrial-Other and Vacant land uses; and

- (c) To fix a minimum amount payable by way of the general rates of \$1,097.00.

*Declaration of Landscape Levy*

To declare a separate rate of 0.009630 cents in the dollar on the capital value of rateable land in the Council area within the Green Adelaide Board area.

Dated: 18 August 2020

M PEARS  
Chief Executive Officer

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CITY OF PORT LINCOLN

*Adoption of Valuations and Declaration of Rates 2020-2021*

Notice is hereby given that at its meeting on 17 August 2020, the City of Port Lincoln Council resolved for the year ending 30 June 2021 as follows:

- to adopt (effective from 1 July 2020) the valuations made by the Valuer-General of Site Values of all land within the area of the Council valued at \$1,119,457,600 that are to apply for rating purposes;
- to declare:
  - (i) a General Rate of 0.7857 cents in the dollar; and
  - (ii) a Fixed Charge of \$455.00 in respect of all rateable land;
- to declare a Waste Annual Service Charge of \$265.80 based on the nature of the service;
- to declare a Recycling Annual Service Charge of \$53.80 based on the nature of the service (excludes vacant land and marina berths);
- to declare a separate rate based on a fixed charge, which will be determined by land use as follows:
  - \$78.70 fixed charge for Residential, Other and Vacant Land;
  - \$118.05 fixed charge for Commercial and Industrial Land;
  - \$157.40 fixed charge for Primary Producers;on all rateable land within the Council area and the area of the Eyre Peninsula Landscape Board in order to reimburse the Council the amount contributed to the Eyre Peninsula Landscape Board.

Dated: 27 August 2020

R. DONALDSON  
Acting Chief Executive Officer

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CITY OF UNLEY

ROADS (OPENING AND CLOSING) ACT 1991

*Road Closing—Roberts Street, Unley*

NOTICE is hereby given, pursuant to section 10 of the *Roads (Opening and Closing) Act 1991*, that the City of Unley proposes to make a Road Process Order to close and sell to the adjoining owner a portion of Roberts Street road adjoining allotment 33 in F12738 more particularly delineated and lettered 'A' on Preliminary Plan 20/0033.

The Preliminary Plan and Statement of Persons Affected is available for public inspection at the offices of the City of Unley at 181 Unley Road Unley, and the Adelaide Office of the Surveyor-General during normal office hours. The Preliminary Plan can also be viewed at [www.sa.gov.au/roadsactproposals](http://www.sa.gov.au/roadsactproposals).

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 City of Unley at PO Box 1 Unley SA 5061, WITHIN 28 DAYS OF THIS NOTICE and a copy must be forwarded to the Surveyor-General at GPO Box 1354, Adelaide 5001. Where a submission is made, the Council will give notification of a meeting at which the matter will be considered.

Enquiries relating to this proposal can be directed to Alana Faber, Property Services, on 8372 5403.

Dated: 27 August 2020

PETER TSOKAS  
Chief Executive Officer

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BARUNGA WEST COUNCIL

*Adoption of Valuations and Declarations of Rates 2020-2021*

NOTICE is hereby given that the Barunga West Council, at a meeting held on 13 August 2020, resolved for the year ending 30 June 2021 as follows:

**Adoption of Valuations**

That pursuant to Section 167(2) of the *Local Government Act 1999*, to adopt for rating purposes the Capital Valuations of the Valuer-General, dated 5 July 2020, that are to apply for the area of rating purposes for the 2020/21 financial year, being Capital Valuations totalling \$1,444,806,320 comprising \$1,419,590,608 for rateable land and \$25,215,712 for non-rateable land.

**Declaration of Differential General Rates**

To declare general rates based upon the capital value:

- On rateable land with a category of Residential, Commercial—Shop and Commercial—Office, a rate of 0.3468 cents in the dollar;
- On rateable land with a category of Commercial—Other, Industrial—Light and Industrial—Other a rate of 0.3815 cents in the dollar;
- On rateable land with a category of Primary Production a rate of 0.2428 cents in the dollar;
- On rateable land with a category of Vacant a rate of 0.4162 cents in the dollar;

**Maximum Increase in General Rates**

That pursuant to the provisions of Section 153(3) of the *Local Government Act 1999*, rebates shall be granted to ensure a 0% increase in rates from the previous years' general rates raised (FY2019/20), except where the increase is the result of, changes in rebates or concessions, or change in land use, or sub-division or amalgamation of properties, or new building work or development activity, or changes to adjoining properties or Single Farm Enterprise arrangements.

**Declaration of Fixed Charge**

Pursuant to Sections 151 and 152 (1)(c) of the *Local Government Act 1999*, a fixed charge of \$350 be imposed on each separate piece of rateable land within the Council area.

**Adoption of Community Wastewater Management Scheme Annual Service Charges**

That pursuant to Section 155 of the *Local Government Act 1999*, Council adopted a service charge on each assessment of rateable and non-rateable land within the Council area to which land Council makes available a Community Wastewater Management System:

- In respect of each effluent unit applying to occupied allotments a charge of \$450 per unit;
- In respect of each vacant allotment, a charge of \$220 per unit.

**Declaration of Separate Rates—Regional Landscape Levy Valuations**

That pursuant to the new *Landscape South Australia Act 2019* formerly the *Natural Resources Management Act 2004* and Section 154 of the *Local Government Act 1999*, the Council declares, in respect of the year ending 30 June 2021 a separate rate of 0.01600 cents in the dollar on all rateable land in the Council's area, to raise an amount of \$226,839 payable to the Northern and Yorke Natural Resources Management Board.

**Payment of Rates**

That all rates imposed in respect of the year ending 30 June 2021 will fall due in four equal or approximately equal instalments and will fall due as follows:

- 30 September 2020;
- 15 December 2020;
- 15 March 2021; and
- 15 June 2021.

Dated: 27 August 2020

MAREE WAUCHOPE  
Chief Executive Officer

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BERRI BARMERA COUNCIL  
**PERMITS AND PENALTIES BY-LAW 2020**  
**By-law No. 1 of 2020**

*This By-law is to create a permit system for Council By-laws, to fix maximum and continuing penalties for offences, and to clarify the construction of Council By-laws.*

**PART 1 – PRELIMINARY**

1. **Title**  
This By-law may be cited as the *Permits and Penalties By-law 2020* and is By-law No. 1 of the Berri Barmera Council.
2. **Authorising law**  
This By-law is made under section 246 of the Act.
3. **Purpose**  
The objectives of this By-law are to provide for the good rule and government of the Council area, and for the convenience, comfort and safety of its inhabitants by:
  - 3.1 creating a permit system for Council By-laws;
  - 3.2 providing for the enforcement of breaches of Council By-laws and fixing penalties; and
  - 3.3 clarifying the construction of Council By-laws.
4. **Commencement, revocation and expiry**
  - 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:  
By-Law No. 1 – Permits and Penalties 2013.<sup>2</sup>
  - 4.2 This By-law will expire on 1 January 2028.<sup>3</sup>

Note–

  1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
  2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
  3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
5. **Application**  
This By-law applies throughout the Council's area.
6. **Interpretation**  
In this By-law, unless the contrary intention appears:
  - 6.1 **Act** means the *Local Government Act 1999*;
  - 6.2 **Council** means the Berri Barmera Council; and
  - 6.3 **person** includes a natural person, a body corporate, an incorporated association or an unincorporated association.

Note–

Section 14 of the *Acts Interpretation Act 1915* provides that an expression used in this By-law has, unless the contrary intention appears, the same meaning as in the Act.
7. **Construction of By-laws generally**
  - 7.1 Every By-law of the Council is subject to any Act of Parliament and Regulations made thereunder.
  - 7.2 In any By-law of the Council and unless the contrary intention appears, **permission** means permission granted by the Council (or its delegate) and includes permission of general application granted by way of the Council adopting a policy for that purpose, prior to the act, event or activity to which it relates.

**PART 2 – PERMITS AND PENALTIES**

8. **Permits**
  - 8.1 Where a By-law requires that permission be obtained, any person seeking the grant of permission must submit a written application to the Council in the form (if any) and accompanied by the fee (if any) prescribed by the Council.
  - 8.2 The Council (or such other person as the Council may authorise) may attach such conditions as it thinks fit to a grant of permission and may vary or revoke such conditions or impose new conditions by notice in writing to the person granted permission.
  - 8.3 A person granted permission must comply with every such condition. Failure to do so is an offence (to the extent that it gives rise to a contravention of a By-law).
  - 8.4 The Council (or such other person authorised by the Council) may suspend or revoke a grant of permission under a By-law at any time by notice in writing to the person granted permission.
9. **Offences and Penalties**
  - 9.1 A person who commits a breach of any By-law of the Council is guilty of an offence and may be liable to pay:
    - 9.1.1 a maximum penalty being the maximum penalty referred to in the Act that may be fixed by a By-law for any breach of a By-law; or
    - 9.1.2 subject to any resolution of the Council to the contrary, the expiation fee fixed by the Act for alleged offences against By-laws, being a fee equivalent to 25 per cent of the maximum penalty fixed for any breach of a By-law.

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

**Note–**

The maximum penalty for a breach of a By-law is currently \$750.00, and the maximum penalty for every day in which a breach of a continuing nature continues is currently \$50.00 – see section 246(3)(g) of the Act.

Pursuant to section 246(5) of the Act expiation fees may be fixed for alleged offences against by-laws either by a by-law or by resolution of the Council. However, an expiation fee fixed by the Council cannot exceed 25 per cent of the maximum penalty for the offence to which it relates.

This By-law was duly made and passed at a meeting of the Berri Barmera Council held on **28 JULY 2020** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

KARYN BURTON  
Chief Executive Officer

**BERRI BARMERA COUNCIL  
MOVEABLE SIGNS BY-LAW 2020  
By-law No. 2 of 2020**

*A By-law to set standards for moveable signs on roads and to provide conditions for the placement of such signs for the purpose of protecting visual amenity and public safety.*

**PART 1 – PRELIMINARY****1. Title**

This By-law may be cited as the *Moveable Signs By-law 2020* and is By-law No. 2 of the Berri Barmera Council.

**2. Authorising law**

This By-law is made under sections 226, 238, 239 and 246 of the Act.

**3. Purpose**

The objectives of this By-law are to set standards for moveable signs on roads:

- 3.1 to protect the comfort and safety of road users and members of the public;
- 3.2 to enhance the amenity of roads and surrounding parts of the Council area;
- 3.3 to prevent nuisances occurring on roads;
- 3.4 to prevent unreasonable interference with the use of a road; and
- 3.5 for the good rule and government of the Council area.

**4. Commencement, revocation and expiry**

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:  
By-Law No. 2 – Moveable Signs 2013.<sup>2</sup>
- 4.2 This By-law will expire on 1 January 2028.<sup>3</sup>

**Note–**

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

**5. Application**

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2020*.
- 5.2 This By-law applies throughout the Council's area and is subject to the exemptions set out in clause 12.

**6. Interpretation**

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **authorised person** means a person appointed as an authorised person pursuant to section 260 of the Act;
- 6.3 **banner** means a slip of cloth, plastic or other material hung up or carried on a pole, fence or other structure;
- 6.4 **business premises** means premises from which a business is being conducted;
- 6.5 **Council** means the Berri Barmera Council;
- 6.6 **footpath area** means:
  - 6.6.1 that part of a road between the property boundary of the road and the edge of the carriageway on the same side as that boundary;
  - 6.6.2 a footway, lane or other place made or constructed for the use of pedestrians and not for the use of vehicles;
- 6.7 **Local Government land** has the same meaning as in the Act;
- 6.8 **moveable sign** has the same meaning as in the Act;
- 6.9 **road** has the same meaning as in the Act; and

6.10 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

**Note—**

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

**PART 2 – MOVEABLE SIGNS**

**7. Construction**

A moveable sign must:

- 7.1 be of a kind known as an 'A' frame or sandwich board sign, an inverted 'T' sign or a flat sign or, with the permission of the Council (including as may be set out in a Council policy of general application from time to time), a sign of some other kind;
- 7.2 be designed, constructed and maintained in good condition so as not to present a hazard to any member of the public;
- 7.3 be of strong construction so as to be stable and fixed in position, including so that it keeps its position in adverse weather conditions;
- 7.4 not contain any sharp or jagged edges or corners;
- 7.5 not be unsightly or offensive in appearance or content;
- 7.6 not rotate or contain moving parts;
- 7.7 not contain flashing lights or be illuminated internally;
- 7.8 not have balloons, flags, streamers or other things attached to it;
- 7.9 be constructed of timber, cloth, metal, plastic or plastic coated cardboard, or a mixture of such materials;
- 7.10 subject to this clause 7, not have a display area exceeding one square metre in total or, if the sign is two-sided, one square metre on each side;
- 7.11 for signs located within the townships of Berri, Barmera, Glossop, Cobdogla, Loveday and Monash – not exceed 900mm in perpendicular height, or have a base with any side exceeding 600mm in length or 600mm in depth;
- 7.12 for signs located outside of the townships of Berri, Barmera, Glossop, Cobdogla, Loveday and Monash – not exceed one metre in any dimension;
- 7.13 in the case of an 'A' frame or sandwich board sign but subject to subclause 7.11;
  - 7.13.1 be hinged or joined at the top;
  - 7.13.2 be of such construction that its sides shall be securely fixed or locked in position when erected; and
  - 7.13.3 have a base area not exceeding 600mm<sup>2</sup>;
- 7.14 in the case of an inverted 'T' sign, contain no struts or supports that run between the display area and the base of the sign.

**8. Appearance**

A moveable sign must, in the opinion of an authorised person:

- 8.1 be painted or otherwise detailed in a competent and professional manner;
- 8.2 be aesthetically appealing, legible and simply worded to convey a precise message;
- 8.3 be of such design and contain such colours:
  - 8.3.1 as are compatible with the architectural design of the premises adjacent to the sign; and
  - 8.3.2 which relate well to the townscape and overall amenity of the locality in which it is situated; and
  - 8.3.3 which do not detract from or conflict with traffic, safety or direction signs or signals; and
- 8.4 contain combinations of colours and typographical styles which blend in with and reinforce the heritage qualities of the locality and the buildings where it is situated.

**9. Placement**

A moveable sign must:

- 9.1 only be placed on the footpath area of a road;
- 9.2 not be placed on a footpath area that is less than 2.5 metres wide;
- 9.3 be placed adjacent to the business premise to which it relates when located within the townships of Berri, Barmera, Glossop, Cobdogla, Loveday and Monash;
- 9.4 be placed adjacent to the most direct access road from the Sturt Highway or Old Sturt Highway to the business premises to which it relates when located outside of a township;
- 9.5 not be placed closer than 1.5 metres to the kerb (or, if there is no kerb to the edge of the carriageway of a road or the shoulder of the road, whichever is the greater);
- 9.6 in the case of a flat sign, the message of which only contains newspaper headlines and the name of a newspaper, be in line with and against the property boundary of the business premises to which it relates;
- 9.7 be placed no less than 1.2 metres from any other structure, fixed object, tree, bush or plant (including another moveable sign);
- 9.8 not be fixed, tied or chained to or leaned against any other structure, fixed object, tree, bush or plant (including another moveable sign);
- 9.9 not be placed on a sealed part of any footpath area unless the sealed part is wide enough to contain the sign and still leave a clear thoroughfare of at least 1.2 metres;

- 9.10 not be placed on a landscaped area other than landscaping that comprises only lawn;
- 9.11 not be placed on a designated parking area or within 1 metre of an entrance to or exit from premises; and
- 9.12 not be placed within 10 metres of an intersection;
- 9.13 be securely fixed in position such that it cannot be blown over or swept away;
- 9.14 not be displayed during the hours of darkness unless it is in a clearly lit area and is clearly visible;
- 9.15 not to be displayed on a median strip, traffic island or on a carriageway of a road; and
- 9.16 not unreasonably restrict the use of the footpath area or endanger the safety of members of the public.

**10. Banners**

A banner must:

- 10.1 only be displayed on a road, footpath area or road related area;
- 10.2 be securely fixed to a pole, fence or other structure so that it does not hang loose or flap;
- 10.3 not, without the Council's permission, be attached to any building, structure, fence, vegetation or other improvement on a road owned by the Council;
- 10.4 not be displayed more than one month before and two days after the event it advertises;
- 10.5 not be displayed for a continuous period of more than one month and two days in any twelve month period; and
- 10.6 not exceed 3m<sup>2</sup> in size.

**11. Restrictions**

- 11.1 The owner or operator of a business must not, without the permission of the Council, cause or allow more than one moveable sign for each business premises to be displayed on the footpath area at any time.
- 11.2 A person must not, without the permission of the Council, cause or allow a moveable sign to be placed on a footpath area unless:
- 11.2.1 in the case of a moveable sign placed on a footpath area within the townships of Berri, Barmera, Glossop, Cobdogla, Loveday and Monash, it only displays material which advertises a business being conducted on business premises adjacent to the sign or the goods and services available from that business;
- 11.2.2 if the sign displays brand names of a product, the name of the business is also displayed on the sign; and
- 11.2.3 the business to which it relates is open to the public;
- 11.3 A person must not, without the permission of the Council, display or cause to be displayed a moveable sign on or attached to or adjacent to a vehicle that is parked on Local Government land or a road primarily for the purpose of advertising or offering for sale a product (including the vehicle) or business to which the sign relates.
- 11.4 If in the opinion of the Council a footpath area is unsafe for a moveable sign to be displayed, the Council may by resolution prohibit or restrict the display of a moveable sign thereon on such conditions as the Council thinks fit.

**12. Exemptions**

- 12.1 Subclauses 9.3, 9.4, 11.1 and 11.2 do not apply to a moveable sign which is used:
- 12.1.1 to advertise a garage sale taking place from residential premises; or
- 12.1.2 as a directional sign to an event run by an incorporated association or a charitable body.
- 12.2 Subparagraphs 9.3, 9.4, 11.1 and 11.2 do not apply to a flat sign the message of which only contains newspaper headlines and the name of a newspaper.
- 12.3 A requirement of this By-law will not apply where the Council has granted permission (which may include by way of adopting a policy for this purpose) for a moveable sign (or class of moveable sign) to be displayed contrary to that requirement.

**Note—**

This By-law does not apply to moveable signs placed and maintained on a road in accordance with section 226(3) of the Act, which includes any sign:

- placed there pursuant to an authorisation under another Act;
- designed to direct people to the open inspection of any land or building that is available for purchase or lease;
- related to a State or Commonwealth election and is displayed during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day;
- related to an election held under this Act or the *Local Government (Elections) Act 1999* and is displayed during the period commencing four (4) weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- the sign is of a prescribed class.

**PART 3 – ENFORCEMENT****13. Removal of moveable signs**

- 13.1 A person must immediately comply with the order of an authorised person made pursuant to section 227(1) of the Act to remove a moveable sign.

**Note—**

Pursuant to section 227(1) of the Act, an authorised person may order the owner of a moveable sign to remove the sign from the road if:

- the design, construction or positioning of a Moveable Sign does not comply with a requirement of this By-law; or
- any other requirement of this By-law is not complied with; or
- the Moveable Sign unreasonably restricts the use of the Road or endangers the safety of other persons.



- 13.2 The owner or other person entitled to recover a moveable sign removed by an authorised person pursuant to section 227(2) of the Act, may be required to pay to the Council any reasonable costs incurred by the Council in removing, storing, and/or disposing of the moveable sign before being entitled to recover the moveable sign.
- 13.3 The owner, or other person responsible for a moveable sign must remove or relocate the moveable sign at the request of an authorised person:
- 13.3.1 if, in the opinion of an authorised person, and notwithstanding compliance with this By-law, there is any hazard or obstruction or there is likely to be a hazard or obstruction arising out of the location of the moveable sign; or
- 13.3.2 for the purpose of special events, parades, roadworks or in any other circumstances which, in the opinion of the authorised person, require relocation or removal of the moveable sign to protect public safety or to protect or enhance the amenity of a particular locality.
- 14. Liability of vehicle owners**
- 14.1 For the purposes of this clause 14, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 14.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the Berri Barmera Council held on **28 JULY 2020** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

KARYN BURTON  
Chief Executive Officer

**BERRI BARMERA COUNCIL  
LOCAL GOVERNMENT LAND BY-LAW 2020  
By-law No. 3 of 2020**

*A By-law to manage and regulate the access to and use of Local Government land (other than roads), and certain public places.*

**PART 1 – PRELIMINARY**

- 1. Title**  
This By-law may be cited as the *Local Government Land By-law 2020* and is By-law No. 3 of the Berri Barmera Council.
- 2. Authorising law**  
This By-law is made under sections 238 and 246 of the Act and section 18A of the *Harbors and Navigation Act 1993*.
- 3. Purpose**  
The objectives of this By-law are to regulate the access to and use of Local Government land (other than roads), and certain public places:
- 3.1 to prevent and mitigate nuisances;
- 3.2 to prevent damage to Local Government land;
- 3.3 to protect the convenience, comfort and safety of members of the public;
- 3.4 to enhance the amenity of the Council's area; and
- 3.5 for the good rule and government of the Council's area.
- 4. Commencement, revocation and expiry**
- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:  
By-Law No. 3 – Local Government Land 2013.<sup>2</sup>
- 4.2 This By-law will expire on 1 January 2028.<sup>3</sup>
- Note–**
1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.
- 5. Application**
- 5.1 This By-law operates subject to the Council's Permits and Penalties By-law 2020.
- 5.2 Subject to subclauses 5.3 and 5.4, this By-law applies throughout the Council area.
- 5.3 Subclauses 9.3, 9.8.5, 9.23.3, 9.25.2, 9.35, 10.1, 10.5 and 10.10 of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.
- 5.4 Subclauses 9.8.8.1, 9.8.2.1, 9.8.4 and 9.11.2.1 of this By-law apply throughout the Council area except in such parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

**6. Interpretation**

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds and insects but does not include a dog;
- 6.3 **aquatic life** means any animal or plant living or growing in water including, but not limited to, yabbies, molluscs, fish, insects, insect pupa or larvae and water plants;
- 6.4 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.5 **boat** includes a raft, pontoon, houseboat, personal watercraft or other similar device;
- 6.6 **boat ramp** means a facility constructed, maintained and operated for the launching and retrieval of a boat;
- 6.7 **camp** includes setting up a camp, or causing a tent, swag and/or similar bedding, a caravan or motor home to remain on the land for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the land;
- 6.8 **Council** means the Berri Barmera Council;
- 6.9 **electoral matter** has the same meaning as in the *Electoral Act 1985* provided that such electoral matter is not capable of causing physical damage or injury to any person within its immediate vicinity;
- 6.10 **effective control** means a person exercising effective control of an animal either:
- 6.10.1 by means of a physical restraint; or
- 6.10.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.11 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules- Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.12 **foreshore** means land extending from the edge of any navigable waterway or body of water in the Council's area to the nearest road or section boundary or for a distance of 50 metres (whichever is the lesser);
- 6.13 **funeral ceremony** means a ceremony only (i.e. a memorial service) and does not include a burial;
- 6.14 **liquor** has the same meaning as in the *Liquor Licensing Act 1997*;
- 6.15 **Local Government land** means all land owned by the Council or under the Council's care, control and management (except roads);
- 6.16 **offensive** includes threatening, abusive, insulting or annoying behaviour and offend has a complementary meaning;
- 6.17 **open container** means a container that:
- 6.17.1 after the contents of the container have been sealed at the time of manufacture:
- 6.17.1.1 being a bottle, it has had its cap, cork or top removed (whether or not it has since been replaced);
- 6.17.1.2 being a can, it has been opened or punctured;
- 6.17.1.3 being a cask, it has had its tap placed in a position to allow it to be used;
- 6.17.1.4 being any other form of container, it has been opened, broken, punctured or manipulated in such a way as to allow access to its contents; or
- 6.17.2 is a flask, glass, mug or other container able to contain liquid.
- 6.18 **personal watercraft** has the same meaning as in the *Harbors and Navigation Act 1993*, which is a device that –
- 6.18.1 is propelled by a motor; and
- 6.18.2 has a fully enclosed hull; and
- 6.18.3 is designed not to retain water if capsized; and
- 6.18.4 is designed to be operated by a person who sits astride, stands, or kneels on the device, and includes the device commonly referred to as a jet ski;
- 6.19 **tobacco product** has the same meaning as in the *Tobacco and E-Cigarette Products Act 1997*;
- 6.20 **road** has the same meaning as in the Act;
- 6.21 **vehicle** has the same meaning as in the *Road Traffic Act 1961*;
- 6.22 **waters** includes a body of water, including a pond, lake, river, creek or wetlands under the care, control and management of the Council; and
- 6.23 **wheeled recreational device** has the same meaning as in the *Road Traffic Act 1961*.

**Note–**

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

**PART 2 – ACCESS TO LOCAL GOVERNMENT LAND****7. Access****Note–**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

The Council may:

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

**8. Closed lands**

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

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

**PART 3 – USE OF LOCAL GOVERNMENT LAND**

**9. Activities requiring permission**

**Note–**

Pursuant to section 238(3) of the Act, if a Council makes a By-law about access to or use of a particular piece of Local Government land (under section 238), the Council should erect a sign in a prominent position on, or in the immediate vicinity of, the land to which the By-law applies.

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

**9.1 Advertising**

Display, paint or erect or cause to be displayed, painted or erected, on Local Government land or a structure, building or fixture on Local Government land any sign, advertising or hoarding for the purpose of commercial advertising or any other purpose.

**9.2 Aircraft**

Subject to the *Civil Aviation Act 1988*, land any aircraft on, or take off any aircraft from the land.

**9.3 Alcohol**

Consume, carry or be in possession or in charge of any liquor in an open container on Local Government land comprising parks or reserves to which the Council has determined this paragraph applies.

**9.4 Amplification**

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

**9.5 Animals**

- 9.5.1 Cause or allow an animal to stray onto, move over, graze or be left unattended.
- 9.5.2 Cause or allow an animal to enter, swim, bathe or remain in any waters located thereupon.
- 9.5.3 Lead, herd or exercise any horse, cattle, sheep or other like animal, except where the Council has set aside a track or other area for use by or in connection with an animal of that kind and provided that the animal or animals are under effective control.

**9.6 Attachments**

Subject to subclause 9.1, attach or cause to be attached, hang or fix anything to a tree, plant, equipment, fence, post, structure or fixture on Local Government land.

**9.7 Bees**

Place a hive of bees thereupon, or allow it to remain thereon.

**9.8 Boats & Mooring**

Subject to the provisions of the *Harbors and Navigation Act 1993* and the *Marine Safety (Domestic Commercial Vessel) National Law*:

- 9.8.1 launch or retrieve a boat to or from any waters except:
- 9.8.1.1 in an area to which the Council has resolved this subclause applies; or
- 9.8.1.2 in an area where a nearby sign states that such activity is allowed and in accordance with any conditions stated in the sign;
- 9.8.2 use, propel, float or operate, or cause to be used, propelled, floated or operated, a boat in any waters except:
- 9.8.2.1 in an area to which the Council has resolved this subclause applies and in accordance with any conditions that the Council may have determined by resolution apply to that use; or
- 9.8.2.2 in an area where a nearby sign states that such activity is allowed and in accordance with any conditions stated in the sign;

**Note–**

Subclause 9.8.2 does not apply to waters to which Control 1 under Part 2 of Schedule 5 of the *Harbors and Navigation Regulations 2009* apply.

- 9.8.3 launch or retrieve a boat from or to any Local Government land without using a boat ramp constructed and set aside by the Council for that purpose;
- 9.8.4 hire out a boat or otherwise use a boat for commercial purposes except in an area to which the Council has resolved this subclause applies and other than in accordance with any conditions determined by resolution of the Council; or
- 9.8.5 moor any boat on or to Local Government land except:

- 9.8.5.1 on or to any Local Government land to which the Council has determined this subclause applies; or
- 9.8.5.2 on or to any Local Government land the Council has designated for mooring as indicated by signs on or in the vicinity and in accordance with any conditions that may be contained on the sign;
- 9.8.6 obstruct any boat or mooring place or access to any mooring place.
- 9.9 **Buildings**  
Use a building, or structure on Local Government land for a purpose other than its intended purpose.
- 9.10 **Burials and Memorials**
- 9.10.1 Bury, inter or spread the ashes of any human or animal remains.
- 9.10.2 Erect any memorial
- 9.11 **Camping and Tents**
- 9.11.1 Subject to this subclause 9.11, erect a tent or other structure of calico, canvas, plastic or similar material as a place of habitation for a period of 24 hours or more.
- 9.11.2 Camp or sleep overnight on Local Government land except:
- 9.11.2.1 in an area which has been designated by resolution of the Council for that purpose and only then, in accordance with such time limits and other conditions determined by resolution of the Council and contained in any signage erected thereon; or
- 9.11.2.2 in a caravan or motor home within 200 metres of a sign displayed by the Council indicating that camping in a caravan or motorhome is permitted on that land.
- 9.12 **Canvassing**  
Subject to subclause 14.2, convey any advertising, religious or other message to any bystander, passer-by or other.
- 9.13 **Defacing Property**  
Deface, remove, paint, spray, write upon, cut names, letters or make marks on any tree, rock, gate, fence, object, monument, building, sign, bridge or property of the Council.
- 9.14 **Depositing Soil**  
Deposit any soil, clay, gravel, sand, timber, stones, pebbles or other matter on the land.
- 9.15 **Distribution**  
Subject to subclause 14.2 and the *Local Nuisance and Litter Control Act 2016*, place on a vehicle (without the consent of the owner of the vehicle), or give out or distribute any book, leaflet or other printed matter to any bystander, passer-by or other person.
- 9.16 **Donations**  
Ask for or receive or indicate that he or she desires a donation of money or any other thing.
- 9.17 **Encroachment**  
Erect, place or cause to be erected or placed any fencing, poste or other structures or any other items so as to encroach onto the land.
- 9.18 **Entertainment**
- 9.18.1 Sing, busk or play a recording or use a musical instrument for the apparent purpose of entertaining others whether or not receiving money.
- 9.18.2 Conduct or hold a concert, festival, show, public gathering, circus, meeting, performance or any other similar activity.
- 9.19 **Equipment**  
Use an item of equipment, facilities or property belonging to the Council other than in accordance with any conditions of use contained on a sign or notice in the vicinity of the equipment, facility or property.
- 9.20 **Fires**  
Subject to the *Fire and Emergency Services Act 2005* light a fire except:
- 9.20.1 in a place provided by the Council for that purpose; or
- 9.20.2 in a portable barbeque, as long as the barbeque is used in an area that is clear of flammable material for a distance of at least four (4) metres.
- 9.21 **Fireworks**  
Ignite, explode or use any fireworks.
- 9.22 **Flora and Fauna**  
Subject to the *Native Vegetation Act 1991* and the *National Parks and Wildlife Act 1972*:
- 9.22.1 plant, damage, pick, cut, disturb, interfere with or remove any plant, tree or flower thereon;
- 9.22.2 cause or allow an animal to stand or walk on any flower bed or garden plot;
- 9.22.3 deposit, dig, damage, disturb, interfere with or remove any soil, stone, wood, clay, gravel, pebbles, timber, bark or any part of the land;
- 9.22.4 take, interfere with, tease, harm or disturb any animal, bird or aquatic life or the eggs or young of any animal, bird or aquatic life;
- 9.22.5 pick, collect, take, interfere with or disturb any fruit, nuts, berries or native seeds;
- 9.22.6 disturb, interfere with or damage any burrow, nest or habitat of any animal or bird;
- 9.22.7 use, possess or have control of any device for the purpose of killing or capturing any animal, bird or aquatic life; or

- 9.22.8 collect or take any dead wood or timber or burn any timber or dead wood; – with the exception that subclauses 9.23.4 and 9.23.7 do not apply to lawful fishing activities.
- 9.23 **Games & Sport**
- 9.23.1 Participate in, promote or organise any organised competition or sport, as distinct from organised social play.
- 9.23.2 Play, practise or participate in any game which involves the use of a ball, missile or other object which by the use thereof may cause or be likely to cause injury or discomfort to any person being on or in the vicinity of that land or detract from or be likely to detract from another person's lawful use and enjoyment of that land.
- 9.23.3 Engage or participate in or conduct any organised group fitness activity or training on Local Government land to which the Council has resolved this subclause applies.
- 9.23.4 Play or practise any game or sport on Local Government land to which the Council has resolved this subclause applies except at the times determined by the Council and indicated on a sign on or in the vicinity of the land (if any).
- 9.23.5 Participate in any game, recreational activity or event where the Council has caused a notice to be erected indicating the game, recreational activity or event is prohibited.
- 9.23.6 Play of practise the game of golf.
- 9.24 **Interference with Land**
- Interfere with, alter or damage the land (including a building, structure or fixture located on the land) including:
- 9.24.1 altering the construction or arrangement of the land to permit or facilitate access from an adjacent property;
- 9.24.2 erecting or installing a structure in, on, across, under or over the land;
- 9.24.3 changing or interfering with the construction, arrangement or materials of the land;
- 9.24.4 planting a tree or other vegetation on the land, interfering with the vegetation on the land or removing vegetation from the land; or
- 9.24.5 otherwise use the land in a manner contrary to the purpose for which the land was designed to be used.
- 9.25 **Model Aircraft, Boats and Cars**
- Subject to the *Civil Aviation Safety Regulations 1998*:
- 9.25.1 fly or operate a model or drone aircraft, boat or model or remote control vehicle in a manner which may cause or be likely to cause injury or discomfort to a person being on or in the vicinity of the land or detract from or be likely to detract from another person's lawful use of and enjoyment of the land; or
- 9.25.2 fly or operate a model or drone aircraft, boat or model or remote control vehicle on any Local Government land to which the Council has resolved this subclause applies.
- 9.26 **Overhanging Articles**
- Suspend or hang an article or object from a building, verandah, pergola, post or other structure where it might present a nuisance or danger to a person using the land or cause an unsightly condition in the opinion of an authorised person.
- 9.27 **Playing Area**
- Use or occupy a playing area:
- 9.27.1 in such a manner as to damage or be likely to damage the surface of the playing area or infrastructure (above and under ground level);
- 9.27.2 in a manner contrary to the purpose for which the playing area was intended to be used or occupied; or
- 9.27.3 contrary to directions of the Council made by resolution and indicated on a sign displayed adjacent to the playing area.
- 9.28 **Preaching**
- Preach, harangue or solicit for religious purposes.
- 9.29 **Removing Soil**
- Carry away or remove any soil, sand, clay, timber, stones, pebbles, gravel, other organic or inorganic materials or any part of the land.
- 9.30 **Rubbish Dumps and Rubbish Bins**
- 9.30.1 Interfere with, remove or take away any rubbish that has been discarded at any rubbish dump on Local Government land.
- 9.30.2 Remove, disperse or interfere with any rubbish (including bottles, newspapers, cans, containers or packaging) that has been discarded in a bin on any Local Government land, or placed on Local Government land for collection by the Council (or its agent).
- 9.31 **Swimming**
- Subject to the provisions of the *Harbors and Navigation Act 1993* enter, swim or engage in any aquatic activity in or on any waters except:
- 9.31.1 in waters that the Council has set aside for that purpose; or
- 9.31.2 in an area where a nearby sign states that such activity is allowed and in accordance with any conditions stated in the sign.

- 9.32 **Trading**
- 9.32.1 Sell buy, offer or display anything for sale or hire or lease any goods, merchandise, commodity, article or thing.
- 9.32.2 Carry on or cause to be carried on any business.
- 9.32.3 Set up a van or other vehicle, stall, stand, table or other structure, tray, carpet or device for the apparent purpose of buying, selling, offering, displaying or exposing for sale or the hiring or leasing of any goods, merchandise, commodity, article, service or thing.
- 9.33 **Vehicles**
- 9.33.1 Drive or propel a vehicle except on an area or road constructed and set aside by the Council for that purpose by means of signs, devices or fencing and the like.
- 9.33.2 Promote, organise or take part in a race, test or trial of any kind in which vehicles take part, except on an area properly constructed for that purpose.
- 9.33.3 Repair, wash, paint, panel beat or carry out any other work to a vehicle, except for running repairs in the case of a breakdown.
- 9.34 **Weddings, Functions and Special events**
- 9.34.1 Hold, conduct or participate in a marriage ceremony, funeral ceremony or special event.
- 9.34.2 Erect a marquee, stage or structure for the purpose of holding or conducting a wedding, funeral ceremony or special event.
- 9.34.3 Hold or conduct any filming where the filming is for a commercial purpose.
- 9.35 **Wheeled Recreational Devices**  
Subject to the *Road Traffic Act 1961*, ride a wheeled recreational device on Local Government land to which the Council has determined this subclause applies.

**10. Prohibited activities**

A person must not do any of the following on Local Government land.

- 10.1 **Animals**
- 10.1.1 Send, drive, lead, ride or take any animal or permit any animal to be sent, driven, led, ridden or taken on any land to which the Council has resolved this subclause applies.
- 10.1.2 Allow any animal to be let loose or left unattended on any land to which the Council has resolved this subclause applies.
- 10.2 **Annoyances**
- 10.2.1 Annoy, or unreasonably interfere with any other person's use of Local Government land by making a noise or by creating a disturbance that has not been authorised by the Council.
- 10.2.2 Spit, urinate or defecate other than in toilet provided thereon.
- 10.3 **Camping**  
Fail to keep the area on which the person is camped or the surrounds in a clean, tidy and sanitary condition.
- 10.4 **Equipment**  
Use any item of equipment, facilities or property belonging to the Council other than in the manner and for the purpose for which it was designed, constructed or intended to be used or in such manner as is likely to damage or destroy it.
- 10.5 **Fishing**
- 10.5.1 Fish in any waters to which the Council has determined this subclause applies.
- 10.5.2 Fish from any bridge or other structure to which the Council has resolved this subclause applies.
- 10.6 **Glass**  
Willfully break any glass, china or other brittle material.
- 10.7 **Interference with Permitted Use**  
Interrupt or unreasonably interfere with any other person's use of Local Government land where the person is using the land in a manner permitted by the Council or in accordance with any permission that has been granted by the Council.
- 10.8 **Nuisance**  
Behave in such an unreasonable manner as to cause discomfort, inconvenience, annoyance or offence to any other person including by using profane, indecent or obscene language.
- 10.9 **Playing games**  
Play or practise a game which is likely to cause damage to the land or anything on it.
- 10.10 **Smoking**  
Subject to the *Tobacco and E-Cigarette Products Act 1997*, smoke, hold or otherwise have control over an ignited tobacco product on any land to which the Council has determined this subclause applies.
- 10.11 **Missiles**  
Throw, roll or discharge any stone, substance or missile to the danger of any person or animal.
- 10.12 **Obstruction**  
Obstruct:
- 10.12.1 any path or track;
- 10.12.2 any door, entrance, stairway or aisle in any building; or
- 10.12.3 any gate or entrance to or on Local Government land;

- 10.13 **Solicitation**  
Tout or solicit customers for the parking of vehicles or for any other purpose whatsoever.
- 10.14 **Toilets**  
In any public convenience on Local Government land:
- 10.14.1 urinate other than in a urinal or pan or defecate other than in a pan set apart for that purpose;
  - 10.14.2 smoke tobacco or any other substance;
  - 10.14.3 deposit anything in a pan, urinal or drain which is likely to cause a blockage;
  - 10.14.4 use it for a purpose for which it was not designed or constructed;
  - 10.14.5 enter a toilet that is set aside for use of the opposite gender except:
    - 10.14.5.1 where a child under the age of eight years is accompanied by a parent or adult guardian of that gender; or
    - 10.14.5.2 to provide assistance to a person with a disability; or
    - 10.14.5.3 in the case of a genuine emergency.
- 10.15 **Waste**
- 10.15.1 Deposit or leave thereon:
    - 10.15.1.1 anything obnoxious or offensive;
    - 10.15.1.2 any mineral, mineral waste, industrial waste or by-products;
  - 10.15.2 Deposit any rubbish other than in receptacles provided by the Council for that purpose;
  - 10.15.3 Deposit in any rubbish bin:
    - 10.15.3.1 any trash emanated from a domestic, trade or commercial source; or
    - 10.15.3.2 contrary to any information on signs on the bin or in its vicinity.

**PART 4 – ENFORCEMENT****11. Directions**

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

**12. Orders**

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

**Note—**

Section 262(1) of the Act states:

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

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

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

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

**13. Removal of animals and objects**

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

**PART 5 – MISCELLANEOUS****14. Exemptions**

- 14.1 The restrictions in this by-law do not apply to any Police Officer, emergency worker, Council Officer or Council employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council Officer.
- 14.2 The restrictions in subclauses 9.12 and 9.15 of this By-law do not apply to electoral matter authorised by a candidate and which is:
- 14.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
  - 14.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
  - 14.2.3 related to, and occurs during the course of and for the purpose of a referendum.

**15. Liability of vehicle owners**

- 15.1 For the purposes of this clause 15, *owner* in relation to a vehicle has the same meaning as contained in section 4 of the Act.
- 15.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the Berri Barmera Council held on **28 JULY 2020** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

KARYN BURTON  
Chief Executive Officer

**BERRI BARMERA COUNCIL  
ROADS BY-LAW 2020  
By-law No. 4 of 2020**

*For the management, control and regulation of activities on roads in the Council's area.*

**PART 1— PRELIMINARY****1. Title**

This By-law may be cited as the *Roads By-law 2020* and is By-law No. 4 of the Berri Barmera Council.

**2. Authorising law**

This By-law is made under sections 239 and 246 of the Act and regulation 28 of the *Local Government (General) Regulations 2013*.

**3. Purpose**

The objectives of this By-law are to manage, control and regulate the prescribed uses of roads in the Council's area:

- 3.1 to protect the convenience, comfort and safety of road users and members of the public;
- 3.2 to prevent damage to buildings and structures on roads;
- 3.3 to prevent certain nuisances occurring on roads; and
- 3.4 for the good rule and government of the Council's area.

**4. Commencement, revocation and expiry**

- 4.1 The following By-laws previously made by the Council are revoked from the day on which this By-law comes into operation<sup>1</sup>:
- 4.2 By-Law No. 4 – Roads 2013.<sup>2</sup>
- 4.3 This By-law will expire on 1 January 2028.<sup>3</sup>

**Note—**

1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

**5. Application**

- 5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2020*.
- 5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.
- 5.3 Subclause 7.4.2.1 of this By-law applies throughout the Council's area except in such part or parts of the Council area as the Council may by resolution direct in accordance with section 246(3)(e) of the Act.

**6. Interpretation**

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **animal** includes birds, insects and poultry but does not include a dog;
- 6.3 **authorised person** is a person appointed by the Council as an authorised person under section 260 of the Act;
- 6.4 **camp** includes setting up a camp, or causing:
- 6.4.1 a tent (including a tent trailer) or other structure of calico, canvas, plastic or other similar material; or
- 6.4.2 a swag or similar bedding; or
- 6.4.3 subject to the *Road Traffic Act 1961*, a caravan or motor home;
- to remain on a road for the purpose of staying overnight, whether or not any person is in attendance or sleeps on the road;
- 6.5 **Council** means the Berri Barmera Council;
- 6.6 **effective control** means a person exercising effective control of an animal either:
- 6.6.1 by means of a physical restraint; or
- 6.6.2 by command, the animal being in close proximity to the person and the person being able to see the animal at all times;
- 6.7 **electoral matter** has the same meaning as in the *Electoral Act 1995* provided that such electoral matter is not capable of causing physical damage or injury to a person within its immediate vicinity;



- 6.8 **emergency worker** has the same meaning as in the *Road Traffic (Road Rules - Ancillary and Miscellaneous Provisions) Regulations 2014*;
- 6.9 **moveable sign** has the same meaning as in the Act;
- 6.10 **road** has the same meaning as in the Act being, a public or private street, road or thoroughfare to which public access is available on a continuous or substantially continuous basis to vehicles or pedestrians or both and includes—
- 6.10.1 a bridge, viaduct or subway; or
- 6.10.2 an alley, laneway or walkway; and
- 6.11 **vehicle** has the same meaning as in the *Road Traffic Act 1961*.

**Note—**

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

**PART 2 – USE OF ROADS****7. Activities Requiring Permission**

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

- 7.1 **Advertising**  
Display or cause to be displayed on a road or on a structure on a road, any poster, advertising or sign for the purpose of advertising goods or services or for any other purpose, other than a moveable sign that is displayed in accordance with the Council's Moveable Signs By-law.
- 7.2 **Amplification**  
Use an amplifier or other device whether mechanical or electrical for the purpose of amplifying sound or magnifying sound including the broadcasting of announcements or advertisements.
- 7.3 **Animals**
- 7.3.1 Cause or allow an animal to stray onto, move over, or graze on a road except where the Council has set aside a track or other area for use by or in connection with an animal of that kind, and provided the animal or animals are under effective control.
- 7.3.2 Subject to this subclause 7.3, ride, lead or drive any horse, cattle, sheep or other like animal except where the Council has set aside a track or other area for use by or in connection with an animal of that kind.
- 7.3.3 Lead, herd or exercise an animal in such a manner as to cause a nuisance or endanger the safety of a person.
- 7.4 **Camping and Tents**
- 7.4.1 Subject to this subclause 7.4, erect a tent or other structure of calico, canvas, plastic or other similar material as a place of habitation.
- 7.4.2 Camp or remain overnight except:
- 7.4.2.1 on a road to which the Council has resolved this subclause applies (if any) and in accordance with any conditions determined by the Council and displayed on any signage on or near the road; or
- 7.4.2.2 in a caravan or motorhome within 200m of a sign displayed by the Council indicating that camping in a caravan or motorhome is permitted on that road.
- 7.5 **Donations and soliciting**  
Ask for or receive or do anything to indicate a desire for a donation of money or any other thing.
- 7.6 **Obstructions**  
Erect, install or place or cause to be erected, installed or placed any structure, object or material of any kind so as to obstruct a road, footway, water-channel, or watercourse in a road.
- 7.7 **Preaching & Canvassing**
- 7.7.1 Preach, harangue, solicit or canvass for religious or charitable purposes.
- 7.7.2 Subject to subclause 11.2, convey any religious or other message to any bystander, passerby or other person.
- 7.8 **Public Exhibitions and Displays**
- 7.8.1 Sing, busk, play a recording or use a music instrument, or perform similar activities.
- 7.8.2 Conduct, cause or hold a concert, festival, show, display public gathering, circus, performance or a similar activity.
- 7.8.3 Erect a stage or structure for the purpose of conducting or holding a concert, festival, show, circus, performance or a similar activity.
- 7.8.4 Cause any public exhibition or displays.
- 7.9 **Rubbish Bins**  
Deposit in any Council bin on a road any rubbish:
- 7.9.1 Emanating from a domestic, commercial or trade source; or
- 7.9.2 that is not rubbish of the type permitted to be placed in the bin, as indicated on signs on the bin or in its vicinity.
- 7.10 **Repairs to Vehicles**  
Repair, wash, paint, panel beat or perform other work of any nature on or to any vehicle, except for running repairs in the case of a vehicle breakdown.

**Note–**

Movable signs on roads are regulated by sections 226 and 227 of the Act and the Council's Moveable Signs By law.

**PART 3 – ENFORCEMENT****8. Directions**

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

**9. Orders**

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

**Note–**

Section 262(1) of the Act states:

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

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

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

**10. Removal of animals and objects**

10.1 The Council (or its delegate) may, pursuant to section 234 of the Act, remove an animal or object that is on a road in breach of a By-law if no person is in charge, or apparently in charge, of the animal or object.

10.2 The Council may recover from the owner or apparent owner of an object removed under subclause 10.1 the costs it incurs in removing that object.

**PART 4 – MISCELLANEOUS****11. Exemptions**

11.1 The restrictions in this By-law do not apply to any emergency worker, Police Officer, Council Officer or employee acting in the course and within the scope of that person's normal duties, or to a contractor while performing work for the Council and while acting under the supervision or in accordance with a direction of a Council Officer.

11.2 The restrictions in subclauses 7.7.2 of this By-law do not apply to electoral matter authorised by a candidate and which is:

- 11.2.1 related to a Commonwealth or State election and occurs during the period commencing on the issue of the writ or writs for the election and ending at the close of polls on polling day; or
- 11.2.2 related to an election under the Act or the *Local Government (Elections) Act 1999* and occurs during the period commencing four weeks immediately before the date that has been set (either by or under either Act) for polling day and ending at the close of voting on polling day; or
- 11.2.3 related to, and occurs during the course of and for the purpose of a referendum.

**12. Liability of vehicle owners**

12.1 For the purposes of this clause 12, **owner** in relation to a vehicle has the same meaning as contained in section 4 of the Act.

12.2 The owner and the driver of a vehicle driven, parked or standing in contravention of this By-law are each guilty of an offence and liable to the penalty as prescribed for that offence.

This By-law was duly made and passed at a meeting of the Berri Barmera Council held on **28 JULY 2020** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

KARYN BURTON  
Chief Executive Officer

**BERRI BARMERA COUNCIL  
DOGS BY-LAW 2020  
By-law No. 5 of 2020**

*A By-law to limit the number of dogs kept on premises and for the management and control of dogs in the Council's area.*

**PART 1 – PRELIMINARY****1. Title**

This By-law may be cited as the *Dogs By-law 2020* and is By-law No. 5 of the Berri Barmera Council.

**2. Authorising law**

This By-law is made under section 90(5) of the *Dog and Cat Management Act 1995*, sections 238 and 246 of the Act, and section 18A of the *Harbors and Navigation Act 1993*.

**3. Purpose**

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

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

**4. Commencement, revocation and expiry**

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

By-Law No. 5 – Dogs 2013.<sup>2</sup>

4.2 This By-law will expire on 1 January 2028.<sup>3</sup>

**Note–**

- 1. Generally, a By-law comes into operation 4 months after the day on which it is gazetted: section 249(5) of the Act.
- 2. Section 253 of the Act provides that the revocation of a By-law by another By-law that contains substantially the same provisions, does not affect certain resolutions such as those applying a By-law to a part or parts of the Council area.
- 3. Pursuant to section 251 of the Act, a By-law will expire on 1 January following the seventh anniversary of the gazettal of the By-law.

**5. Application**

5.1 This By-law operates subject to the Council's *Permits and Penalties By-law 2020*.

5.2 Subject to subclause 5.3, this By-law applies throughout the Council's area.

5.3 Clauses 9 and 10, of this By-law only apply in such part or parts of the Council area as the Council may, by resolution direct in accordance with section 246(3)(e) of the Act.

**6. Interpretation**

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

- 6.1 **Act** means the *Local Government Act 1999*;
- 6.2 **approved kennel establishment** means a building, structure, premises or area approved by a relevant authority, pursuant to the *Development Act 1993* for the keeping of dogs on a temporary or permanent basis;
- 6.3 **assistance dog** means a dog trained and used for the purpose of assisting a person who is wholly or partially disabled;
- 6.4 **Council** means the Berri Barmera Council;
- 6.5 **dog** (except for in clause 7.1) has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.6 **effective control** means a person exercising effective control of a dog either:
  - 6.6.1 by means of a physical restraint (as defined under the *Dog and Cat Management Act 1995*); or
  - 6.6.2 by command, the dog being in close proximity to the person and the person being able to see the dog at all times;
- 6.7 **keep** includes the provision of food or shelter;
- 6.8 **park** has the same meaning as in the *Dog and Cat Management Act 1995*;
- 6.9 **premises** includes land and part of any premises or land whether used or occupied for domestic or non-domestic purposes;
- 6.10 **small dwelling** means a flat, a service flat, home unit, or a suite of rooms which is wholly occupied, or designed or intended or adapted to be occupied, as a separate dwelling, but does not include a detached, semi-detached or row dwelling house.
- 6.11 **township** has the same meaning as in the Act;
- 6.12 For the purposes of clause 9 of the By-law, a dog is under **effective control by means of a leash** if the dog is secured to a leash, chain or cord that does not exceed 2 metres in length and:
  - 6.12.1 the leash, chain or cord is either tethered securely to a fixed object; or
  - 6.12.2 held by a person capable of controlling the dog and preventing it from being a nuisance or a danger to other persons.

**Note–**

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

**PART 2 – LIMITS ON DOG NUMBERS****7. Limits on dog numbers in private premises**

- 7.1 Subject to subclauses 7.3 and 7.5, a person must not, without the Council's permission keep or cause, suffer or permit to be kept:
  - 7.1.1 more than one dog in a small dwelling; or
  - 7.1.2 in a township, more than two dogs in any premises other than a small dwelling.
  - 7.1.3 outside of a township, more than five dogs.
- 7.2 For the purposes of subclause 7.1, 'dog' means a dog that is three (3) months of age or older or, a dog that has lost its juvenile teeth.
- 7.3 Subclause 7.1 does not apply to:
  - 7.3.1 approved kennel establishments operating in accordance with all required approvals and consents; or

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

**PART 3 – DOG CONTROLS****8. Dog exercise areas**

Subject to clauses 9 and 10 of this By-law, a person may enter a park in the Council's area for the purpose of exercising a dog under his or her effective control.

**Note–**

If a person is exercising a dog in a park as permitted under this clause and the dog is not under effective control as that term is defined by the *Dog and Cat Management Act 1995*, this gives rise to a dog wandering at large offence under section 43(1) of the *Dog and Cat Management Act 1995*, for which the owner of or person responsible for the dog may be liable.

**9. Dog Prohibited Areas**

A person must not allow a dog under that person's control, charge or authority (except an assistance dog) to enter or remain on any Local Government land or public place to which the Council has determined that this subclause applies.

**10. Dog on Leash Areas**

A person must not, without the Council's permission, allow a dog under that person's control, charge or authority (except an assistance dog that is required to remain off-lead in order to fulfil its functions) to be or remain on Local Government land or in a public place to which the Council has resolved that this subclause applies unless the dog is under effective control by means of a leash.

**11. Dog faeces**

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

**PART 4 – EXEMPTIONS****12. Council may grant exemptions**

- 12.1 The Council may, by notice in writing, on application or on its own initiative, exempt a person (or a class of persons) from the operation of a specified provision of this By-law.
- 12.2 An exemption—
- 12.2.1 may be granted or refused at the discretion of the Council; and
- 12.2.2 may operate indefinitely or for a period specified in the instrument of exemption; and
- 12.2.3 is subject to any conditions specified in the instrument of exemption.
- 12.3 The Council may, by notice in writing, vary, revoke or add a condition of an exemption.
- 12.4 The Council may, in its discretion, revoke an exemption for a contravention of a condition of the exemption, or for any other reason it thinks fit.

**PART 5 – ENFORCEMENT****13. Orders**

- 13.1 If a person engages in conduct that is in contravention of this By-law, an authorised person may order that person:
- 13.1.1 if the conduct is still continuing – to stop the conduct; and
- 13.1.2 whether or not the conduct is still continuing – to take specified action to remedy the contravention.
- 13.2 A person must comply with an order under this clause.
- 13.3 If a person does not comply with an order, the authorised person may take action reasonably required to have the order carried out, and the Council may seek to recover its costs of any action so taken from the person to whom the order was directed.
- 13.4 However, an authorised person may not use force against a person under this section.

**Note–**

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

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

This By-law was duly made and passed at a meeting of the Berri Barmera Council held on **28 JULY 2020** by an absolute majority of the members for the time being constituting the Council, there being at least two thirds of the members present.

KARYN BURTON  
Chief Executive Officer

DISTRICT COUNCIL OF GRANT  
SUPPLEMENTARY ELECTION OF COUNCILLOR FOR CENTRAL WARD

*Call for Nominations*

Nominations to be a candidate for election as a member of the District Council of Grant will be received between Thursday, 27 August 2020 and 12 noon Thursday, 10 September 2020. 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, 324 Commercial Street West, Mount Gambier. Nomination forms and guides will also be available for download from the Electoral Commission SA website [www.ecsa.sa.gov.au](http://www.ecsa.sa.gov.au).

Intending candidates are advised that an interactive online briefing session will be held through Microsoft Teams at 5.30pm on Monday, 31 August 2020.

Register your interest by emailing your full name and council to [ecsa.elections@sa.gov.au](mailto:ecsa.elections@sa.gov.au) by 5pm Friday, 28 August 2020 and a link with further instructions will be provided.

Dated: 20 August 2020

MICK SHERRY  
Returning Officer

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YORKE PENINSULA COUNCIL

*Assumption of Care, Control and Management of Land*

Notice is hereby given that at its Meeting held on 12<sup>th</sup> August 2020 resolved to assume care, control and management of Section 379 Cunningham Road, HD Maitland, Certificate of Title Volume 5591 Folio 724 (Yorke Valley Dam Site) as Community Land, under a Category 3—Community Land Management Plan, Public and Community Facilities pursuant to Section 192 and 196 of the Local Government Act 1999.

Dated: 27 August 2020

ANDREW CAMERON  
Chief Executive Officer

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## PUBLIC NOTICES

### TRUSTEE ACT 1936

#### PUBLIC TRUSTEE

#### *Estates of Deceased Persons*

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

CASANOVA John late of 181-193 Days Road Regency Park of no occupation who died 02 June 2019  
CHILD Steven James late of 134 Morphett Road Novar Gardens Storeman who died 06 February 2020  
CLARK Claire late of 75 William Street Norwood Retired Librarian who died 10 May 2019  
DOUGLASS Gillian Evelyn late of 24 Elgin Avenue Warradale Retired Nurse who died 10 December 2019  
FRASER Alexander Mark late of 32 Riddoch Avenue Mount Burr of no occupation who died 08 September 2019  
GREENHALGH Norma late of 1A Mount Barker Road Hahndorf of no occupation who died 01 February 2019  
HURST Rita late of 67 Porter Street Salisbury of no occupation who died 12 March 2020  
RANKIN Bernice Rosa late of 7 Lancelot Drive Daw Park of no occupation who died 31 March 2020  
RUSSELL William late of 18 Cross Road Myrtle Bank of no occupation who died 07 October 2018  
SIMMONS David Anthony late of 5 Woodburn Avenue Hawthorndene of no occupation who died 20 June 2017  
WALKER Jeanette Margaret late of 1A Mount Barker Road Hahndorf of no occupation who died 25 May 2019

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 at GPO Box 1338, Adelaide, 5001, full particulars and proof of such claims, on or before the 25 September 2020 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: 27 August 2020

N S RANTANEN  
Acting Public Trustee

### SALE OF PROPERTY

#### *Warrant of Sale*

Auction Date: Thursday 3 September 2020 at 11.00am  
Location: 455-463 South Road, Keswick

Notice is hereby given that on the above date at the time and place stated, by virtue of the Warrant of Sale issued out of the Magistrates Court of South Australia, Action No. AMCCI 3282 of 2011 directed to the Sheriff of South Australia in an action wherein Colin D Field T/As Colin D Field Psychologist is the Plaintiff and Peter Nash is the Defendant, I Steve Ferguson, Sheriff of the State of South Australia, will by my auctioneers, Klemich Real Estate, make sale of the estate, right, title or interest whatsoever it may be of the Defendant, Peter Nash the registered proprietor of an estate in fee simple in the following:-

That piece of land situated in the area named Keswick, being 455-463 South Road, Keswick, Hundred of Adelaide, being the property comprised in Certificate of Title Register Book Volume 5935 Folio 451.

Further particulars from the auctioneers.

Richard Hayward  
Klemich Real Estate  
85 King William Street  
KENT TOWN SA 5067  
Telephone 0418 825 455

Dated: 27 August 2020

STEVE FERGUSON  
Sheriff of the State of South Australia

### SALE OF PROPERTY

#### *Warrant of Sale*

Auction Date: Friday 11 September 2020 at 11.30am  
Location: 74 Littler Drive, Fairview Park, South Australia

Notice is hereby given that on the above date at the time and place stated, by virtue of the Warrant of Sale issued out of the District Court of South Australia, Action No. 235 of 2019 directed to the Sheriff of South Australia in an action wherein Melissa Snelling is the Plaintiff and Robert Kingsley Snelling is the Defendant, I Steve Ferguson, Sheriff of the State of South Australia, will by my auctioneers, Mark Griffin Real Estate, make sale of the estate, right, title or interest whatsoever it may be of the Defendant, Robert Kingsley Snelling the registered proprietor of an estate in fee simple in the following:-

That piece of land situated in the area named Fairview Park, being 74 Littler Drive, Fairview Park, Hundred of Yatala, being the property comprised in Certificate of Title Register Book Volume 6234 Folio 261.

Further particulars from the auctioneers.

Mark Griffin  
Griffin Real Estate  
22 Greenhill Road  
WAYVILLE SA 5034  
Telephone 0413 214 858

Dated: 27 August 2020

STEVE FERGUSON  
Sheriff of the State of South Australia

# NOTICE SUBMISSION

The South Australian Government Gazette is compiled and published each Thursday.

Notices must be submitted before 4 p.m. Tuesday, the week of intended publication.

All submissions are formatted per the gazette style and proofs are supplied as soon as possible. Alterations must be returned before 4 p.m. Wednesday.

Requests to withdraw submitted notices must be received before 10 a.m. on the day of publication.

## **Gazette notices should be emailed as Word files in the following format:**

- Title—name of the governing Act/Regulation
- Subtitle—brief description of the notice
- A structured body of text
- Date of authorisation
- Name, position, and government department/organisation of the person authorising the notice

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**All instruments appearing in this gazette are to be considered official, and obeyed as such**