



# THE SOUTH AUSTRALIAN GOVERNMENT GAZETTE

PUBLISHED BY AUTHORITY

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

ADELAIDE, THURSDAY, 21 AUGUST 2003

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## GOVERNMENT GAZETTE NOTICES

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

Department of the Premier and Cabinet  
Adelaide, 21 August 2003

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Art Gallery Board, pursuant to the provisions of the Art Gallery Act 1939:

Member: (from 21 August 2003 until 20 August 2006)  
Philip Alan Speakman

By command,

S. W. KEY, for Premier

ASA 00007/02CS

Department of the Premier and Cabinet  
Adelaide, 21 August 2003

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Training and Skills Commission, pursuant to the provisions of the Training and Skills Development Act 2003:

Deputy Member: (from 21 August 2003 until 30 June 2005)  
Gayle Peak (Deputy to Wright)  
Stephen Kenseley Myatt (Deputy to Frith)  
Kate Thiele (Deputy to Smith)  
Douglas Donald Strain (Deputy to Mowbray)  
Faith Helen Elly Trent (Deputy to Winchester)

By command,

S. W. KEY, for Premier

METF 32/03CS

Department of the Premier and Cabinet  
Adelaide, 21 August 2003

HER Excellency the Governor in Executive Council has been pleased to appoint the undermentioned to the Medical Board, pursuant to the provisions of the Medical Practitioners Act 1983:

Member: (from 27 August 2003 until 26 August 2005)  
Peter James McDonald  
Villis Raymond Marshall  
Brendon John Kearney  
Richard Wyke Evans  
Christine Gates  
Anthony Russell Clarkson  
Ross Stewart Kalucy  
Mark Coleman

Deputy Member: (from 27 August 2003 until 26 August 2005)

Stephanie Janet Cooper (Deputy to McDonald)  
Ian Maddocks (Deputy to Marshall)  
Derek Brian Frewin (Deputy to Clarkson)  
Lindon Michael Harper Wing (Deputy to Kalucy)  
Jeanette Thrush Brentnall Linn (Deputy to Coleman)

Deputy Member: (from 1 October 2003 until 26 August 2005)

Michael Thomas James Jelly (Deputy to Kearney)

By command,

S. W. KEY, for Premier

MHEA MGR0010CS

Department of the Premier and Cabinet  
Adelaide, 21 August 2003

HER Excellency the Governor in Executive Council has been pleased to designate the Deputy Members appointed to the Training and Skills Commission on 26 June 2003 to be the Deputy of the Members of the Training and Skills Commission indicated below, pursuant to section 9 of the Training and Skills Development Act 2003.

Deputy Member: (from 1 July 2003 until 30 June 2005)  
Robyn Lee Buckler (Deputy to Curry)  
Sylvia Healy (Deputy to MacDonald-Taylor)  
Catherine Lennon (Deputy to Andrews)

By command,

S. W. KEY, for Premier

METF 32/03CS

Department of the Premier and Cabinet  
Adelaide, 21 August 2003

HER Excellency the Governor in Executive Council has been pleased to appoint the Honourable Jane Diane Lomax-Smith, MP, Minister for Tourism, Minister for Science and Information Economy and Minister for Employment, Training and Further Education to be also Acting Minister for Housing and Acting Minister for the Status of Women for the period 25 August 2003 to 4 September 2003 inclusive, during the absence of the Honourable Stephanie Wendy Key, MP.

By command,

S. W. KEY, for Premier

MSJ 019/03CS

Department of the Premier and Cabinet  
Adelaide, 21 August 2003

HER Excellency the Governor in Executive Council has been pleased to appoint the Honourable Jane Diane Lomax-Smith, MP, Minister for Tourism, Minister for Science and Information Economy and Minister for Employment, Training and Further Education to be also Acting Minister for Housing and Acting Minister for the Status of Women for the period 10 September 2003 to 14 September 2003 inclusive, during the absence of the Honourable Stephanie Wendy Key, MP.

By command,

S. W. KEY, for Premier

MSJ 019/03CS

Department of the Premier and Cabinet  
Adelaide, 21 August 2003

HER Excellency the Governor in Executive Council has been pleased to appoint the Honourable Patrick Frederick Conlon, MP, Minister for Infrastructure, Minister for Energy and Minister for Emergency Services to be also Acting Minister for Housing and Acting Minister for the Status of Women for the period 5 September 2003 to 9 September 2003 inclusive, during the absence of the Honourable Stephanie Wendy Key, MP.

By command,

S. W. KEY, for Premier

MSJ 019/03CS

Department of the Premier and Cabinet  
Adelaide, 21 August 2003

HER Excellency the Governor in Executive Council has been pleased to appoint the Honourable Jay Wilson Weatherill, MP, Minister for Urban Development and Planning, Minister for Administrative Services and Minister for Gambling to be also Acting Minister for Social Justice and Acting Minister for Youth for the period 25 August 2003 to 14 September 2003, inclusive, during the absence of the Honourable Stephanie Wendy Key, MP.

By command,

S. W. KEY, for Premier

MSJ 019/03CS

Department of the Premier and Cabinet  
Adelaide, 21 August 2003

HER Excellency the Governor in Executive Council has been pleased to appoint Her Honour Ann Marie Vanstone as a Judge of the Supreme Court from 21 August 2003, pursuant to the provisions of the Constitution Act 1934 and the Supreme Court Act 1935, and to determine pursuant to section 7 (3) (a) of the Oaths Act 1936 that the oaths related to the appointment shall be taken before the Chief Justice of the Supreme Court of South Australia.

By command,  
S. W. KEY, for Premier

ATTG 0070/03CS

Department of the Premier and Cabinet  
Adelaide, 21 August 2003

HER Excellency the Governor in Executive Council has been pleased to appoint Leonie Farrell to the office of Magistrate on an auxiliary basis for a period of six months commencing on 21 September 2003, it being a condition of appointment that the powers and jurisdictions of office should only be exercised during the time or times the actual duties are being undertaken, but at no other time throughout the period of appointment, pursuant to the provisions of the Judicial Administration (Auxiliary Appointments and Powers) Act 1988.

By command,  
S. W. KEY, for Premier

ATTG 0048/03CS

Department of the Premier and Cabinet  
Adelaide, 21 August 2003

HER Excellency the Governor in Executive Council has been pleased to appoint Patricia Kelly as a Judge of the District Court of South Australia from 21 August 2003, pursuant to Section 12 of the District Court Act 1991.

By command,  
S. W. KEY, for Premier

ATTG 0071/03CS

Department of the Premier and Cabinet  
Adelaide, 21 August 2003

HER Excellency the Governor in Executive Council has been pleased to appoint Penelope Anne Eldridge and Maria Panagiotidis as Stipendiary Magistrates from 21 August 2003, pursuant to the provisions of the Magistrates Act 1983.

By command,  
S. W. KEY, for Premier

ATTG 0017/03CS

Department of the Premier and Cabinet  
Adelaide, 21 August 2003

HER Excellency the Governor in Executive Council has been pleased to authorise Penelope Anne Eldridge and Maria Panagiotidis to issue recognition certificates for the purposes of the Sexual Reassignment Act 1988, pursuant to Section 7 of the Sexual Reassignment Act 1988.

By command,  
S. W. KEY, for Premier

ATTG 0017/03CS

Department of the Premier and Cabinet  
Adelaide, 21 August 2003

HER Excellency the Governor in Executive Council has been pleased to appoint Penelope Anne Eldridge and Maria Panagiotidis as Deputy State Coroners, pursuant to Section 8 of the Coroners Act 1975.

By command,  
S. W. KEY, for Premier

ATTG 0017/03CS

## ASSOCIATIONS INCORPORATION ACT 1985

### *Deregistration of Associations*

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

The Australasian Society for Traumatic Stress Studies S.A. Chapter Incorporated  
Barossa Music Festival Incorporated  
Friends of the Goolwa Library Incorporated  
Gawler Institute Authority Incorporated  
Illuminating Engineering Society of Australia and New Zealand Incorporated  
Jesus Blesses Little Children Incorporated  
Northern Living Vine Christian Centre Incorporated  
Workmate Incorporated

Dated 13 August 2003.

B. COLQUIST, a Delegate of the Corporate Affairs Commission

## CROWN LANDS ACT 1929: SECTION 5

TAKE NOTICE that pursuant to the Crown Lands Act 1929, I, JOHN HILL, Minister for Environment and Conservation, Minister of the Crown to whom the administration of the Crown Lands Act 1929 is committed DO HEREBY:

1. Dedicate the Crown Land defined in The First Schedule as a Recreation Reserve and declare that such land shall be under the care, control and management of the Kangaroo Island Council.
2. Dedicate the Crown Land defined in The Second Schedule as a Conservation Reserve and declare that such land shall be under the care, control and management of the Kangaroo Island Council.

### **The First Schedule**

Allotment 500 of DP 58455, Town of Penneshaw, Hundred of Dudley, County of Carnarvon, exclusive of all necessary roads, being the whole of the land contained in Crown Record Volume 5895 Folio 301.

### **The Second Schedule**

Allotment 502 of DP 58455, Town of Penneshaw, Hundred of Dudley, County of Carnarvon, exclusive of all necessary roads, being the whole of the land contained in Crown Record Volume 5895 Folio 303.

Dated 21 August 2003.

J. HILL, Minister for Environment and Conservation

DENR 12/0386

## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, Doug Graske (the 'exemption holder'), P.O. Box 1781, Port Lincoln, S.A. 5606 is exempt from the Fisheries Act 1982 and the Fisheries (General) Regulations 1991, but only insofar as the exemption holder may take blacklip abalone (*Haliotis rubra*) in South Australian coastal waters subject to the conditions in Schedule 1 (the 'exempted activity') from the date of the gazettal of this notice until 31 October 2003, unless varied or revoked earlier.

## SCHEDULE 1

1. The exemption holder may take a maximum of 100 blacklip abalone (*Haliotis rubra*). All abalone taken pursuant to this notice must be transferred to the South Australian Research and Development Institute.

2. The exempted activity may only be conducted by Doug Graske.

3. The exemption holder shall notify the PIRSA Fisheries Compliance Unit on 1800 065 522 at least 24 hours prior to conducting the exempted activity with the following information:

- details of the boat that will be used to engage in the exempted activity;
- the intended place and time of launching and retrieval of the nominated boat for that day; and
- the intended area of conducting the exempted activity.

4. PIRSA Fisheries retains the right for a departmental officer to accompany the exemption holder at any time during the exempted activity.

5. While engaged in the exempted activity the exemption holder must carry or have about or near his person a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer upon request.

6. The exemption holder must not contravene or fail to comply with the Fisheries Act 1982 or any regulations made under that Act, except where specifically exempted by this notice.

Dated 19 August 2003.

W. ZACHARIN, Director of Fisheries

## FISHERIES ACT 1982: SECTION 59

TAKE notice that, pursuant to section 59 of the Fisheries Act 1982, the persons listed in Schedule 1 (the 'exemption holders') of SA Abalone Developments Pty Ltd, P.O. Box 1579, Port Lincoln, S.A. 5606, are exempt from section 34 of the Fisheries Act 1982 and the Scheme of Management (Abalone Fisheries) Regulations 1991, but only insofar as they may take greenlip abalone (*Haliotis laevis*) for the purpose of trade or business (the 'exempted activity') in the waters specified in Schedule 2 subject to the conditions in Schedule 3.

## SCHEDULE 1

Dominic Henderson, Tony Kingdom, Milton Hunt, Darcy Eldridge, Jonas Woolford, Tobin Woolford, Jay Haagmans, John Haagmans, Barry Mattner, Howard Rodd and Douglas Graske.

## SCHEDULE 2

South Australian coastal waters south and east of a line drawn due south through Point Brown (latitude 32°32.6'S, longitude 133°50.8'E) and west of the meridian of longitude 136°30'E.

## SCHEDULE 3

1. The exemption holders may take a maximum of 200 greenlip abalone (*Haliotis laevis*) in total.

2. Abalone taken pursuant to this notice may only be used as abalone broodstock and must not be sold or transferred to another party.

3. All abalone taken pursuant to this notice must be delivered to and retained on the registered aquaculture site of landbased Aquaculture Licence No. FT00158.

4. The exemption holders may engage in the exempted activity from the date of gazettal of this notice until 30 June 2004.

5. The exemption holders shall notify the PIRSA Fisheries Compliance Unit on 1800 065 522 at least 24 hours prior to

conducting the exempted activity with the following information:

- details of the boat that will be used to engage in the exempted activity;
- the name of the person or persons who will be conducting the exempted activity;
- the intended place and time of launching and retrieval of the nominated boat for that day; and
- the intended area of conducting the exempted activity.

6. The exemption holders must, within 50 m of the point of landing of any abalone taken pursuant to this notice, ensure that the PIRSA Fisheries form Abalone Broodstock Collection Statement is completed. Immediately upon arrival at the exemption holder's registered aquaculture site, this form must be faxed to PIRSA Fisheries on (08) 8347 6150.

7. Prior to release into the registered aquaculture site, all abalone taken pursuant to this notice must be tagged so as to be clearly identified as wild broodstock.

8. The exemption holder must record the number of wild broodstock held pursuant to this notice in a register to be maintained at the registered aquaculture site, which must be made available for inspection by a PIRSA Fisheries Compliance Officer upon request.

9. The exemption holder must allow a PIRSA Fisheries departmental officer to accompany the exemption holder at any time during the exempted activity.

10. While engaged in the exempted activity the exemption holder must carry or have about or near his person a copy of this notice. Such notice must be produced to a PIRSA Fisheries Compliance Officer upon request.

11. The exemption holder must not contravene or fail to comply with the Fisheries Act 1982 or any regulations made under that Act, except where specifically exempted by this notice.

Dated 19 August 2003.

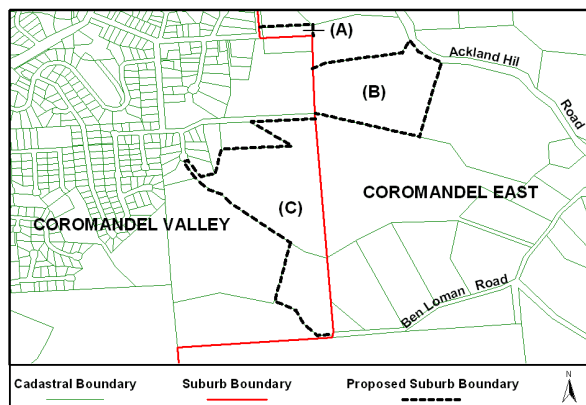
W. ZACHARIN, Director of Fisheries

## GEOGRAPHICAL NAMES ACT 1991

## Notice to Alter the Boundary of Suburbs

NOTICE is hereby given pursuant to Section 11B (4) of the Geographical Names Act 1991, that I, PETER MACLAREN KENTISH, Surveyor-General and Delegate appointed by Jay Weatherill, Minister for Administrative Services, Minister of the Crown to whom the administration of the Geographical Names Act 1991, is committed, DO HEREBY exclude from the suburb of COROMANDEL EAST and include into the suburb of COROMANDEL VALLEY the areas marked (A) and (B) and exclude from the suburb of COROMANDEL VALLEY and include into the suburb COROMANDEL EAST area marked (C) on the plan below.

## THE PLAN



Dated 14 August 2003.

P. M. KENTISH, Surveyor-General, Department for Administrative and Information Services

## INDUSTRIAL AND EMPLOYEE RELATIONS ACT 1994

## APPOINTMENT

*Erratum*

IN *Government Gazette* of 7 August 2003, page 3192, first notice appearing, the appointment of David Steele as an Industrial Relations Commissioner... *should* read David Steel as an Industrial Relations Commissioner...

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Botanic International Pty Ltd, c/o Wallmans Lawyers, 173 Wakefield Street, Adelaide, S.A. 5000 has applied to the Licensing Authority for a variation to the Conditions, Extended Trading Authorisation and Entertainment Consent in respect of premises situated at 4 East Terrace, Adelaide, S.A. 5000 and known as Botanic Cafe.

The application has been set down for hearing on 19 September 2003 at 9 a.m.

*Conditions*

The following licence conditions are sought:

- Extended Trading Authorisation (including Entertainment Consent) to apply on the following days in the whole of the licensed premises:

Monday to Saturday: Midnight to 3 a.m. the following day;

Sunday: 8 a.m. to 11 a.m. and 8 p.m. to 3 a.m. the following day;

Christmas Day: Midnight to 2 a.m. the following day.

- Entertainment Consent to apply to the interior of the premises.

- Variation of Conditions:

Deletion of the following current licence:

3. There shall be no live entertainment after 1 a.m. on any morning other than on New Year's Day, when entertainment shall cease at 3 a.m.

11. Entertainment shall be limited to solo artists, two piece jazz bands or similar.

12. Entertainment shall not include any disc jockey or karaoke type activity other than on Christmas Day or New Year's Eve and New Year's Day.

14. All external doors and windows are to be closed when live entertainment is being undertaken or a juke box is available for use.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 12 August 2003.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that PGSR Pty Ltd (ACN 078 770 475) has applied to the Licensing Authority for approval of alterations and variation to the Extended Trading Authorisation and Entertainment Consent which is in force in respect of premises situated at 27 Torrens Street, Riverton and known as Riverton Hotel.

The application has been set down for hearing on Friday, 19 September 2003 at 9 a.m.

*Conditions*

The following licence conditions are sought:

The alterations involve the establishment of a drive through/walk-in bottle shop and the provision of additional dining facilities:

1. That the licensee be permitted to sell liquor for consumption on the licensed premises from midnight to 2 a.m. of the morning following each Thursday and from 1 a.m. to 2 a.m. of the morning following each Friday and Saturday.

2. That the Extended Trading Authorisation shall apply to the whole of the licensed premises during the days and times sought in this application and all other days and times previously authorised for extended trading.

3. That entertainment be permitted in all areas of the hotel except the bottle department and the gaming room.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 11 August 2003.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Parminder and Anne Sandhu have applied to the Licensing Authority for the removal of a Restaurant Licence in respect of premises situated at 253 Rundle Street, Adelaide, to be situated at 242 Rundle Street, Adelaide and known as Taj Tandoor.

The application has been set down for hearing on 19 September 2003 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicants at the applicants' address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 13 August 2003.

Applicants

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that M. R. and K. L. Orrock, as trustees for the M. R. and K. L. Family Trust, c/o Teusner & Co., have applied to the Licensing Authority for a Special Circumstances Licence in respect of premises situated at Main North Road, Murraytown, S.A. 5482 and known as Remarkable View Wines.

The application has been set down for hearing on 19 September 2003 at 9 a.m.

*Conditions*

The following licence conditions are sought:

For consumption on the licensed premises:

- At all times with or ancillary to a meal.
- At all times to those persons attending a function.

3. For tastings by members of the public of wines produced from fruit grown by members of the Southern Flinders Winegrape Industry Council or wine produced by the licensee. Such tastings to be by way of free sample or by reasonable charge.

4. The sale of beer for consumption in the licensed area only.

5. Sale of wine by glass or bottle to be consumed in the licensed area if served and opened by Remarkable View Wines staff.

6. The hours sought are 11 a.m. to 5 p.m. Monday to Sunday subject to conditions 1 and 2.

For consumption off the licensed premises:

1. Wine of all types.

2. To wholesale or the sale of wine to other licensed premises.

3. Sale of wine by mail order to general public.

4. Sale plus tasting wines at functions as well as promotional events.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicants at the applicants' address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 13 August 2003.

Applicants

#### LIQUOR LICENSING ACT 1997

##### *Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Codbell Pty Ltd has applied to the Licensing Authority for a Retail Liquor Merchant's Licence in respect of premises situated at 19 Main Road, Robe, S.A. 5276 and to be known as Robe Cellars.

The application has been set down for hearing on 19 September 2003 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 13 August 2003.

Applicant

#### LIQUOR LICENSING ACT 1997

##### *Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Kalpara Vineyards Pty Ltd, c/o Teusner & Co. has applied to the Licensing Authority for a Producer's Licence in respect of premises situated at Lot 3, Nelbuck Street, Renmark North, S.A. 5343 and to be known as Kalpara Vineyards.

The application has been set down for hearing on 19 September 2003 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 14 August 2003.

Applicant

#### LIQUOR LICENSING ACT 1997

##### *Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Rohrlach Family Wines Pty Ltd has applied to the Licensing Authority for a Producer's Licence in respect of premises situated at Lot 361, Light Pass Road, Nuriootpa, S.A. 5355 and to be known as Rohrlach Wines.

The application has been set down for hearing on 19 September 2003 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 14 August 2003.

Applicant

#### LIQUOR LICENSING ACT 1997

##### *Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Sito JS has applied to the Licensing Authority for a Restaurant Licence with Extended Trading Authorisation in respect of premises situated at Shop 2, 234 Commercial Road, Port Adelaide, S.A. 5015 and to be known as Sidhars Curry.

The application has been set down for hearing on 19 September 2003 at 9 a.m.

##### *Conditions*

The following licence conditions are sought:

- Extended Trading Authorisation:

Sunday: 8 p.m. to midnight.

- Approval pursuant to section 34 (1) (c) to serve liquor without a meal to persons seated at a table.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 14 August 2003.

Applicant

#### LIQUOR LICENSING ACT 1997

##### *Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Adelaide Cruises Pty Ltd has applied to the Licensing Authority for a Special Circumstances Licence in respect of the vessel situated at Queens Wharf, Port Adelaide, S.A. 5015 and to be known as *Dolphin Explorer*.

The application has been set down for hearing on 19 September 2003 at 9 a.m.

*Conditions*

The following licence conditions are sought:

- The vessel will cruise the Port River area and the St Vincent Gulf and may be utilised for a range of functions including pre-booked functions (such as weddings, birthdays, corporate seminars, social clubs etc.) as well as customers who do not form part of an organised function.
- To authorise the sale and supply of liquor for consumption on the vessel at any time on any day (including Good Friday and Christmas Day) to persons on board the vessel.
- Entertainment consent is to apply to the areas as depicted in the plan lodged with this office, at any time the vessel is in use.
- Approval for minors to remain on the licensed premises after midnight provided that they are accompanied by their parents or legal guardian.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 15 August 2003.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Catch of the Bay SA Pty Ltd, c/o Wallmans Lawyers, 173 Wakefield Street, Adelaide, S.A. 5000 has applied to the Licensing Authority for a Restaurant Licence with Extended Trading Authorisation and Entertainment Consent in respect of premises situated at R8 Marina Pier, Holdfast Shores, Glenelg, S.A. 5045.

The application has been set down for hearing on 19 September 2003 at 9 a.m.

*Conditions*

The following licence conditions are sought:

Extended Trading Authorisation (including Entertainment Consent) to apply to the whole of the licensed premises at the following times:

- Monday to Thursday: Midnight to 1 a.m. the following day;
- Friday and Saturday: Midnight to 2 a.m. the following day;
- Sunday: 8 p.m. to midnight.

For consumption on the licensed premises by persons:

- (a) seated at a table; or
- (b) attending a function at which food is provided.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 14 August 2003.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Pentroth Pty Ltd has applied to the Licensing Authority for a Residential Licence with Extended Trading Authorisation and Entertainment Consent in respect of premises situated at 55 Frome Street, Adelaide, S.A. 5000 and to be known as Majestic Roof Garden Hotel.

The application has been set down for hearing on 19 September 2003.

*Conditions*

The following licence conditions are sought:

Extended Trading Authorisation:

- Monday to Saturday: Midnight to 2 a.m. the following day;
- Sunday: 8 a.m. to 11 a.m. and 8 p.m. to 2 a.m. the following day.

Entertainment Consent is sought for the above hours (no live entertainment after 1 a.m. on any morning).

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 11 August 2003.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Port Parham Sports & Social Club Inc. has applied to the Licensing Authority for an Extended Trading Authorisation and variation to Entertainment Consent in respect of premises situated at Dublin Road, Port Parham, S.A. 5501 and known as Port Parham Social Club.

The application has been set down for hearing on 19 September 2003 at 9 a.m.

*Conditions*

The following licence conditions are sought:

- Extended Trading Authorisation is to apply on the following days to the whole of the licensed premises:

- Friday: Midnight to 2 a.m. the following day;
- Saturday: Midnight to 2 a.m. the following day;
- Sunday: 8 a.m. to 10 a.m. and 8 p.m. to midnight.

- Variation to the Entertainment Consent is sought to include the hours above.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 13 August 2003.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Thomas Hardy Wines Pty Ltd, c/o Wallmans Lawyers, 173 Wakefield Street, S.A. 5000 has applied to the Licensing Authority for a Producer's Licence in respect of premises situated at 40/62 Seaview Avenue, Wirrina Cove, S.A. 5204.

The application has been set down for hearing on 19 September 2003 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 14 August 2003.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Bo Zhi Chen has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 114 Renmark Avenue, Renmark, S.A. 5341 and known as Golden Palace Chinese Restaurant.

The application has been set down for hearing on 24 September 2003 at 9.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 15 August 2003.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Cesare Aloï and Clarita Aloï have applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at Shop 6, Henley Square, 340 Seaview Road, Henley Beach, S.A. 5022 and known as Cafe Pacific.

The application has been set down for hearing on 22 September 2003.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicants at the applicants' address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 8 August 2003.

Applicants

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Kabab-Ji Pty Ltd (ACN 105 679 810) has applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at 172-180 Unley Road, Unley, S.A. 5061, known as Silk Ribbon and to be known as Kabab-Ji.

The application has been set down for hearing on 22 September 2003.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 12 August 2003.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Heather Carolyn Koto and Veiqali Tokasaya Koto, c/o Wallmans Lawyers, 173 Wakefield Street, Adelaide, S.A. 5000, have applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at Waterfall Gully Road, Waterfall Gully, S.A. 5066 and known as Waterfall Gully Restaurant.

The application has been set down for hearing on 22 September 2003 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicants at the applicants' address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 11 August 2003.

Applicants

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Fleurieu Leisure Pty Ltd (ACN 069 262 326) has applied to the Licensing Authority for the transfer of a Residential Licence in respect of premises situated at Hawdon Street, Barmera, S.A. 5345 and known as Barmera Golf Course Motel.

The application has been set down for hearing on 23 September 2003.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Applicant



## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Mudz Pty Ltd has applied to the Licensing Authority for the transfer of a Residential Licence in respect of premises situated at Lakeside Drive, Barmera, S.A. 5345 and known as The Lakes Resort.

The application has been set down for hearing on 23 September 2003 at 9 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 13 August 2003.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Denis Malcolm and Miriam Ann Wood, c/o Camatta Lempens, have applied to the Licensing Authority for the transfer of a Restaurant Licence in respect of premises situated at Shop 1, 17-21 Ocean Street, Victor Harbor, S.A. 5211 and known as Woks 2 Eat, Victor Harbor.

The application has been set down for hearing on 24 September 2003 at 10 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicants at the applicants' address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 15 August 2003.

Applicants

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Midriver Pty Ltd as Trustee for the Rocher Family Trust, c/o Kelly & Co., Level 17, Santos House, 91 King William Street, Adelaide, S.A. 5000, has applied to the Licensing Authority for the transfer of a Hotel and Gaming Machine Licence in respect of premises situated at Dukes Highway, Coonalpyn, S.A. 5265 and known as Coonalpyn Hotel.

The application has been set down for hearing on 23 September 2003 at 11 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 15 August 2003.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Stirling Hotel (S.A.) Pty Ltd has applied to the Licensing Authority for the transfer of a Hotel and Gaming Machine Licence in respect of premises situated at 52 Mount Barker Road, Stirling, S.A. 5152 and known as Stirling Hotel.

The application has been set down for hearing on 22 September 2003 at 9.30 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 14 August 2003.

Applicant

## LIQUOR LICENSING ACT 1997

*Notice of Application*

NOTICE is hereby given, pursuant to section 52 (2) (b) of the Liquor Licensing Act 1997, that Clarke McGee Hotels and Entertainment Pty Ltd, c/o Kelly & Co., Level 17, Santos House, 91 King William Street, Adelaide, S.A. 5000, has applied to the Licensing Authority for the transfer of a Hotel and Gaming Machine Licence and a variation to the Extended Trading Authorisation in respect of premises situated at Murray Street, Gawler, S.A. 5118 and known as Exchange Hotel.

The application has been set down for hearing on 23 September 2003 at 9.30 a.m.

*Conditions*

The following licence conditions are sought:

A variation to the Extended Trading Authorisation to include:

Friday and Saturday—midnight to 3 a.m. the following day.

Sunday preceding a Monday public holiday—8 a.m. to 11 a.m. and 8 p.m. to 3 a.m.

Any person may object to the application by lodging a notice of objection in the prescribed form with the Licensing Authority, and serving a copy of the notice on the applicant at the applicant's address given above, at least seven days before the hearing date.

Plans in respect of the premises the subject of the application are open to public inspection without fee at the Office of the Liquor and Gaming Commissioner, 9th Floor, East Wing, 50 Grenfell Street, Adelaide, S.A. 5000.

Dated 19 August 2003.

Applicant

## MINING ACT 1971

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

Applicant: Eyre Dimension Stone Pty Ltd

Location: Carrickalinga Hill area—Approximately 40 km south of Adelaide.

Term: 1 year

Area in km<sup>2</sup>: 46

Ref: 166/2002

Plans and co-ordinates can be found on the PIRSA Sarig website: <http://www.minerals.pir.sa.gov.au/sarig> or by phoning Mineral Tenements on (08) 8463 3103.

H. TYRTEOS, Mining Registrar

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#### MINING ACT 1971

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

Applicant: Minex (SA) Pty Ltd

Location: Kottata Well area—Approximately 60 km east-south-east of Streaky Bay.

Term: 1 year

Area in km<sup>2</sup>: 906

Ref: 013/2003

Plans and co-ordinates can be found on the PIRSA Sarig website: <http://www.minerals.pir.sa.gov.au/sarig> or by phoning Mineral Tenements on (08) 8463 3103.

H. TYRTEOS, Mining Registrar

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#### MINING ACT 1971

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

Applicant: Minex (SA) Pty Ltd

Location: Mentor Outstation area—Approximately 25 km north of Tarcoola.

Term: 1 year

Area in km<sup>2</sup>: 464

Ref: 080/2003

Plans and co-ordinates can be found on the PIRSA Sarig website: <http://www.minerals.pir.sa.gov.au/sarig> or by phoning Mineral Tenements on (08) 8463 3103.

H. TYRTEOS, Mining Registrar

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## PETROLEUM ACT 2000

*Grant of Associated Facilities Licence AFL 1*

NOTICE is hereby given that the undermentioned Associated Facilities Licence has been granted under the provisions of the Petroleum Act 2000, pursuant to delegated powers dated 28 March 2002, *Gazetted* 11 April 2002, page 1573.

No of Licence	Licensee	Locality	Area in km <sup>2</sup>	Reference
AFL 1	Beach Petroleum Limited Great Artesian Oil and Gas Limited	Cooper Basin of South Australia	1.51	27/02/259

*Description of Area*

A 50 m buffer around line segments defined by the following pairs of co-ordinates (decimal degrees GDA 94), adjacent to Petroleum Exploration Licence PEL 107:

From		To	
-28.081862	139.703248	-28.076694	139.713111
-28.081881	139.776232	-28.073528	139.792167
-28.081870	139.841545	-28.075417	139.853639
-28.081857	139.859449	-28.074889	139.872472
-28.065359	139.667931	-28.081844	139.677850
-28.067278	139.679056	-28.081853	139.687611
-28.071333	139.760472	-28.081886	139.767584
-28.081840	139.674700	-28.067389	139.700139
-28.072972	139.652833	-28.081846	139.658365
-28.075111	139.644417	-28.081855	139.648675

Dated 18 August 2003.

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

## PETROLEUM ACT 2000

*Grant of Associated Facilities Licence AFL 2*

NOTICE is hereby given that the undermentioned Associated Facilities Licence has been granted under the provisions of the Petroleum Act 2000, pursuant to delegated powers dated 28 March 2002, *Gazetted* 11 April 2002, page 1573.

No of Licence	Licensee	Locality	Area in km <sup>2</sup>	Reference
AFL 2	Beach Petroleum Limited Magellan Petroleum (Southern) Pty Ltd	Cooper Basin of South Australia	0.84	27/02/260

*Description of Area*

A 50 m buffer around line segments defined by the following pairs of coordinates (decimal degrees GDA 94), adjacent to Petroleum Exploration Licence PEL 110:

From		To	
-27.008056	140.643500	-26.998544	140.648185
-27.007222	140.617028	-26.998544	140.621214
-27.007222	140.594750	-26.998544	140.599052
-26.946131	140.751247	-26.951111	140.762139
-26.848874	140.751240	-26.856889	140.767750
-26.843892	140.751232	-26.823889	140.760972

Dated 12 August 2003.

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

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	\$		\$
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Meeting')		First Name .....	68.00
First Name.....	34.10	Each Subsequent Name.....	8.75
Each Subsequent Name.....	8.75	Noxious Trade .....	25.50
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pany be wound up voluntarily and that a liquidator		Registers of Members—Three pages and over:	
be appointed').....	43.00	Rate per page (in 8pt) .....	218.00
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## Acts, Bills, Rules, Parliamentary Papers and Regulations

Pages	Main	Amends	Pages	Main	Amends
1-16	2.05	0.90	497-512	29.20	28.00
17-32	2.80	1.75	513-528	30.00	28.80
33-48	3.65	2.60	529-544	30.90	29.90
49-64	4.60	3.50	545-560	31.70	30.90
65-80	5.40	4.45	561-576	32.50	31.70
81-96	6.25	5.20	577-592	33.60	32.20
97-112	7.15	6.05	593-608	34.40	33.25
113-128	8.00	7.00	609-624	35.20	34.30
129-144	9.00	7.95	625-640	35.90	34.80
145-160	9.85	8.80	641-656	36.80	35.85
161-176	10.80	9.65	657-672	37.40	36.60
177-192	11.60	10.60	673-688	39.00	37.40
193-208	12.50	11.50	689-704	39.80	38.40
209-224	13.30	12.25	705-720	40.30	39.50
225-240	14.20	13.10	721-736	41.80	40.00
241-257	15.10	13.80	737-752	42.30	41.30
258-272	16.00	14.75	753-768	43.40	41.80
273-288	16.90	15.80	769-784	43.90	43.10
289-304	17.60	16.60	785-800	44.70	43.90
305-320	18.60	17.50	801-816	45.50	44.40
321-336	19.40	18.30	817-832	46.50	45.50
337-352	20.40	19.30	833-848	47.50	46.25
353-368	21.20	20.20	849-864	48.30	47.00
369-384	22.10	21.10	865-880	49.00	48.30
385-400	22.90	21.90	881-896	49.60	48.80
401-416	23.70	22.60	897-912	51.20	49.60
417-432	24.80	23.60	913-928	51.70	51.20
433-448	25.60	24.50	929-944	52.50	51.70
449-464	26.50	25.30	945-960	53.50	52.20
465-480	27.00	26.20	961-976	54.50	53.25
481-496	28.20	27.00	977-992	55.60	54.00

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## RADIATION PROTECTION AND CONTROL ACT 1982

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

PURSUANT to section 44 of the Radiation Protection and Control Act 1982, I, Jill Fitch, Acting Director of the Radiation Protection Division of the Environment Protection Authority, being a person to whom the powers of the Minister under that section have been delegated under the Act, exempt Dr Evelyn Mei Yin Yap, MBBS, ANZAPNM, and Dr Michael William James Hayward, MBBCh, FRCS, FRCR from the requirement of Regulation 40 of the Ionizing Radiation Regulations 2000, to the extent that they may authorise the treatment with radionuclides of patients suffering from the disorders listed in Column 1 of the Schedule subject to the following conditions:

- (1) the authorisation and treatment shall be given in accordance with the requirements of Regulations 42 and 43; and
- (2) the type and maximum activity of the radionuclides to be used in the treatment shall conform with those listed in Column 2 of the Schedule; and
- (3) authorisation for treatment of malignant disorders shall only be given following consultation with a radiation oncologist; and
- (4) the treatments shall only be carried out at premises registered under section 29 of the Radiation Protection and Control Act 1982.

## THE SCHEDULE

Column 1	Column 2
Thyrototoxicosis.....	I-131 600 MBq
Hepatocellular carcinoma.....	Y-90 4 GBq

The exemption from the requirement of Regulation 55 of the Ionizing Radiation Regulations 1985, granted to Dr Michael Hayward on 19 October 1995, is hereby revoked.

Dated 18 August 2003.

J. FITCH, Delegate of the Minister for Environment and Conservation

## RADIATION PROTECTION AND CONTROL ACT 1982

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

PURSUANT to section 44 of the Radiation Protection and Control Act 1982, I, Jill Fitch, Acting Director of the Radiation Protection Division of the Environment Protection Authority, being a person to whom the powers of the Minister under that section have been delegated under the Act, exempt Dr Andrew Charles Biggs, MBBS, FRANZCR, ANZAPNM from the requirement of Regulation 40 of the Ionizing Radiation Regulations 2000, to the extent that he may authorise the treatment with radionuclides of patients suffering from the disorders listed in Column 1 of the Schedule subject to the following conditions:

- (1) the authorisation and treatment shall be given in accordance with the requirements of Regulations 42 and 43; and
- (2) the type and maximum activity of the radionuclides to be used in the treatment shall conform with those listed in Column 2 of the Schedule; and
- (3) authorisation for treatment of malignant disorders shall only be given following consultation with a radiation oncologist; and
- (4) the treatments shall only be carried out at premises registered under section 29 of the Radiation Protection and Control Act 1982.

## THE SCHEDULE

Column 1	Column 2
Advanced malignant pheochromocytoma, neuroblastoma or other endocrine tumours with active uptake.....	I-131 5 GBq
Thyroid malignancy.....	I-131 5 GBq
Thyrototoxicosis.....	I-131 600 MBq
Painful bone metastases.....	Sr-89 200 MBq
Painful bone metastases.....	Sm-153 5 GBq
Polycythaemia rubra vera.....	P-32 200 MBq
Thrombocytosis.....	P-32 200 MBq
Rheumatoid arthritis and related diseases.....	Y-90 500 MBq
Haemophilic arthropathy.....	Y-90 500 MBq
Hepatocellular carcinoma.....	Y-90 4 GBq

The exemption from the requirement of Regulation 55 of the Ionizing Radiation Regulations 1985, granted to Dr Andrew Charles Biggs on 20 November 1997, is hereby revoked.

Dated 18 August 2003.

J. FITCH, Delegate of the Minister for Environment and Conservation

## SOUTH AUSTRALIAN LOCAL GOVERNMENT GRANTS COMMISSION ACT 1992

*Payment of Grants*

I, RORY McEWEN, Minister for Industry, Trade and Regional Development, Minister for Small Business, Minister for Local Government and Minister for Forests being the Minister responsible for the administration of the South Australian Local Government Grants Commission Act 1992, hereby state pursuant to section 6 of the Act that:

- (a) the total amount available for payment of grants pursuant to this Act for 2003-2004 is \$105 973 204;
- (b) the amount available for payment of general purpose financial assistance grants within the total amount for 2003-2004 is \$80 493 714;
- (c) the amount available for payment of identified local road grants within the total amount for 2003-2004 is \$25 479 490; and
- (d) an additional amount of \$549 832 relating to the underpayment of grants for 2002-2003 (following adjustment for actual CPI, in accordance with Commonwealth legislation). This will be added to the funds to be paid to councils during 2003-2004, using the grant relativities applied in 2002-2003.

Dated 19 August 2003.

R. MCEWEN, Minister for Local Government

## NOTICE TO MARINERS

NO. 39 of 2003

*South Australia—Gulf of St. Vincent—Port Vincent Marina—Lights Established*

THE following lights have been installed on the marina at Port Vincent in WGS 84 datum:

1. Flashing (red) every 3 seconds in latitude 34°45.969'S, longitude 137°51.86'E.
2. Flashing (green) every 3 seconds in latitude 34°45.949'S, longitude 137°51.87'E.

Navy Charts affected: Aus 780.

Publication affected: Australia Pilot Vol. 1. (7<sup>th</sup> Edition 1992) page 133.

Dated 15 August 2003.

M. WRIGHT, Minister for Transport, Industrial Relations, Recreation, Sport and Racing

TSA 2003/00738

**WATER MAINS AND SEWERS**

Office of the South Australian Water Corporation  
Adelaide, 21 August 2003

**WATER MAINS LAID**

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

**ADELAIDE WATER DISTRICT**

**CITY OF CHARLES STURT**  
Grange Court, Findon. p27

**LIGHT REGIONAL COUNCIL**  
Expedition Drive, Hewett. p29  
Compass Court, Hewett. p29  
Wills Way, Hewett. p29

**THE DISTRICT COUNCIL OF MOUNT BARKER**  
Burnbank Way, Mount Barker. p30 and 31  
Easement in lot 3020 in LTRO DP 60909, Burnbank Way, Mount Barker. p31  
Ferguson Court, Mount Barker. p30  
London Court, Mount Barker. p31

**CITY OF ONKAPARINGA**  
Chamberlain Drive, Christie Downs. p28  
In and across Hartland Avenue, Christie Downs. p28

**CITY OF PORT ADELAIDE ENFIELD**  
McRostie Street, Ferryden Park. p24 and 25  
Romney Avenue, Ferryden Park. p25  
Reynolds Street, Ferryden Park. p24  
Easement in lot 904 in LTRO DP 60486, Reynolds Street, Ferryden Park. p24  
Constable Street, Ferryden Park. p24  
In and across Gainsborough Avenue, Ferryden Park. p25

**CITY OF SALISBURY**  
In and across Charlotte Drive, Paralowie. p22  
Easement in reserve (lot 301), Charlotte Drive, Paralowie. p22  
Martins Road, Paralowie. p22  
Rosette Avenue, Para Hills West. p23  
Beafield Road, Para Hills West. p23  
Cyclamen Avenue, Para Hills West. p23  
McNicoll Road, Paralowie. p26  
Yates Street, Mawson Lakes. p32  
Freeman Lane, Mawson Lakes. p32

**CITY OF WEST TORRENS**  
Thomas Street, Cowandilla. p16  
Harley Street, Cowandilla. p17  
Bagot Avenue, Mile End. p18  
Cowra Street, Mile End. p18  
Tarragon Street, Mile End. p18  
Marion Road, Torrensville and Cowandilla. p21

**ANGASTON WATER DISTRICT**

**BAROSSA COUNCIL**  
In and across Eden Valley Road, Angaston. p6

**BAROSSA COUNTRY LANDS WATER DISTRICT**

**BAROSSA COUNCIL**  
Barossa Valley Highway, Lyndoch. p14  
Easements in railway reserve (allotment piece 74 in LTRO FP 217539), Barossa Valley Highway, Lyndoch. p14

**BUNDALEER COUNTRY LANDS WATER DISTRICT**

**WAKEFIELD REGIONAL COUNCIL**  
In and across Highway One, Port Wakefield. p7-11

**TUMBY BAY WATER DISTRICT**

**THE DISTRICT COUNCIL OF TUMBY BAY**  
Lakin Crescent, Tumby Bay. p19  
Swaffer Street, Tumby Bay. p19

**WATER MAINS ABANDONED**

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

**ADELAIDE WATER DISTRICT**

**THE DISTRICT COUNCIL OF MOUNT BARKER**  
Waterworks land (lot 89 in LTRO FP 157524), Government road, hundred of Kanmantoo. p1  
Easement in lot 13 in LTRO DP 21619, Government road, hundred of Kanmantoo. p1

**CITY OF PORT ADELAIDE ENFIELD**  
Constable Street, Ferryden Park. p24  
Easement in lots 134 and 133, McRostie Street and lot 904, Reynolds Street, Ferryden Park. p24  
Easement in lot 124, McRostie Street, Ferryden Park. p24  
McRostie Street, Ferryden Park. p24 and 25  
Romney Avenue, Ferryden Park. p25  
McEllister Court, Ferryden Park. p24  
Easement in reserve (lot 1000 in LTRO DP 60486), McEllister Court, Ferryden Park. p24  
Gainsborough Avenue, Ferryden Park. p24 and 25

**CITY OF WEST TORRENS**  
Thomas Street, Cowandilla. p16  
Harley Street, Cowandilla. p17  
Bagot Avenue, Mile End. p18  
Cowra Street, Mile End. p18  
Tarragon Street, Mile End. p18  
Marion Road, Torrensville and Cowandilla. p21

**ANGASTON WATER DISTRICT**

**BAROSSA COUNCIL**  
In and across Eden Valley Road, Angaston. p6

**BAROSSA COUNTRY LANDS WATER DISTRICT**

**BAROSSA COUNCIL**  
Barossa Valley Highway, Lyndoch. p14

**BUNDALEER COUNTRY LANDS WATER DISTRICT**

**WAKEFIELD REGIONAL COUNCIL**  
Highway One, Port Wakefield. p7

**WATER MAINS LAID**

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

**ADELAIDE WATER DISTRICT**

**THE DISTRICT COUNCIL OF MOUNT BARKER**  
Waterworks land (lot 89 in LTRO FP 157524), Government road, hundred of Kanmantoo. p1-5  
Easement in lot 13 in LTRO DP 21619, Government road, hundred of Kanmantoo. p1-3 and 5

**PORT VICTOR WATER DISTRICT**

CITY OF VICTOR HARBOR  
Waterworks land (lot 618 in LTRO FP 165867), Canterbury Road,  
Victor Harbor. p15

**SEWERS LAID**

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

**ADELAIDE DRAINAGE AREA**

CITY OF CHARLES STURT  
Across Grange Road, Findon. FB 1117 p38  
Easement in lot 18, Grange Court, Findon. FB 1117 p38  
Grange Court, Findon. FB 1117 p38  
Ray Street, Findon. FB 1117 p38

**TOWN OF GAWLER**

Rossiter Drive, Evanston Park. FB 1116 p50-52  
Thiele Crescent, Evanston Park. FB 1116 p50 and 51  
Toner Crescent, Evanston Park. FB 1116 p50-52  
Netherby Avenue, Evanston Park. FB 1116 p50-52  
Urrbrae Way, Evanston Park. FB 1116 p50 and 51  
Chambers Court, Evanston Park. FB 1116 p50 and 52  
Easement in lot 90 in LTRO FP 153991, Chambers Court,  
Evanston Park. FB 1116 p50 and 52

**CITY OF ONKAPARINGA**

Hartland Avenue, Christie Downs. FB 1117 p39 and 40  
Easement in lots 26-29, Hartland Avenue, Christie Downs.  
FB 1117 p39 and 40  
Chamberlain Drive, Christie Downs. FB 1117 p39 and 40  
Easement in lots 7 and 6, Chamberlain Drive, Christie Downs.  
FB 1117 p39 and 40  
Easement in lots 3 and 2, Elizabeth Road, and lot 5, Chamberlain  
Drive, Christie Downs. FB 1117 p39 and 40  
Easement in lot 80, Chamberlain Drive, Christie Downs. FB 1117  
p39 and 40

**CITY OF PORT ADELAIDE ENFIELD**

McRostie Street, Ferryden Park. FB 1117 p34-37  
Reynolds Street, Ferryden Park. FB 1117 p34, 35 and 37  
Easement in lot 904 in LTRO DP 60486, Reynolds Street,  
Ferryden Park. FB 1117 p34, 35 and 37  
Gainsborough Avenue, Ferryden Park. FB 1117 p34, 36 and 37

**CITY OF SALISBURY**

Charlotte Drive, Paralowie. FB 1113 p59 and 60  
Easement in reserve (lot 301), Charlotte Drive, Paralowie.  
FB 1113 p59 and 60  
Martins Road, Paralowie. FB 1113 p59 and 60  
Rosette Avenue, Para Hills West. FB 1116 p58 and 59  
Cyclamen Avenue, Para Hills West. FB 1116 p58 and 59  
McNicoll Road, Paralowie. FB 1116 p60

**PORT LINCOLN COUNTRY DRAINAGE AREA**

CITY OF PORT LINCOLN  
Easements in lot 103 in LTRO DP 20598, lot 100 in LTRO DP  
20007, and lots 201-206, Robertson Road, Port Lincoln. FB 1099  
p15

**SEWERS ABANDONED**

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

**ADELAIDE DRAINAGE AREA**

CITY OF PORT ADELAIDE ENFIELD  
Constable Street, Ferryden Park. FB 1117 p35  
Easement in lots 134 and 133, McRostie Street, and lot 904,  
Reynolds Street, Ferryden Park. FB 1117 p35  
Easement in Lot 124, McRostie Street, Ferryden Park. FB 1117  
p35  
McRostie Street, Ferryden Park. FB 1117 p35 and 36  
Gainsborough Avenue, Ferryden Park. FB 1117 p36

**SEWERS LAID**

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

**ADELAIDE DRAINAGE AREA**

CITY OF CHARLES STURT  
Cudmore Terrace, Henley Beach—200 mm PVC pumping main.  
FB 1116 p41  
Grange Road, Henley Beach—200 mm PVC pumping main.  
FB 1116 p41  
In and across Frederick Road, West Lakes—150 mm PVC  
pumping main. FB 1116 p42  
Sewerage land (lot 3 in LTRO DP 21788), Clovelly Avenue,  
Royal Park—150 mm PVC pumping main. FB 1116 p43, 44  
and 47  
Clovelly Avenue, Royal Park—150 mm PVC pumping main.  
FB 1116 p43, 44 and 47  
Palm Avenue, Royal Park—150 mm PVC pumping main.  
FB 1116 p43, 44 and 47  
Link Street, Royal Park—150 mm PVC pumping main. FB 1116  
p43, 44 and 47  
Wilson Street, Royal Park—150 mm PVC pumping main.  
FB 1116 p43, 44 and 47  
Brandwood Street, Royal Park—150 mm PVC pumping main.  
FB 1116 p43-45 and 47  
Frederick Road, Royal Park—150 mm PVC pumping main.  
FB 1116 p43, 45 and 48  
Sewerage land (section 934, hundred of Yatala), Frederick Road,  
West Lakes—150 mm PVC pumping main. FB 1116 p43, 45, 46,  
48 and 49

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

**WATER RESOURCES ACT 1997***Variation of the Notice of Prohibition of Water Use in the  
Bremer River Area*

PURSUANT to section 16 (9) of the Water Resources Act 1997 (the Act), I, John David Hill, Minister for Environment and Conservation, hereby vary the notice dated 28 April 2003, published pursuant to section 16 (1) of the Act in the *Government Gazette* on 1 May 2003 at page 1846 (the notice) in accordance with Schedule 1.

**SCHEDULE 1**

The notice is varied by extending the period of the notice from 31 August 2003 to 31 October 2003.

Dated 18 August 2003.

J. HILL, Minister for Environment  
and Conservation



South Australia

## **Motor Vehicles (Control of Medical Services and Charges) Notice 2003**

under section 127A(2)(a) of the *Motor Vehicles Act 1959*

### **1—Short title**

This notice may be cited as the *Motor Vehicles (Control of Medical Services and Charges) Notice 2003*.

### **2—Commencement**

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

### **3—Modifications to *Workers Rehabilitation and Compensation (Scales of Charges—Medical Practitioners) Regulations 1999***

For the purposes of section 127A of the *Motor Vehicles Act 1959*, the *Workers Rehabilitation and Compensation (Scales of Charges—Medical Practitioners) Regulations 1999* are to be read as if—

- (a) in regulation 4(2) the words "or B" were omitted; and
- (b) in regulation 5 the words "Schedules A and B" were substituted by "Schedule A"; and
- (c) in regulation 6 the words "or B" wherever occurring were omitted; and
- (d) Schedule B were omitted.

### **Made by the Minister for Transport**

after consultation with professional associations representing the providers of services to which this notice relates

on 21 August 2003.

South Australia

## **Chicken Meat Industry Act (Commencement) Proclamation 2003**

### **1—Short title**

This proclamation may be cited as the *Chicken Meat Industry Act (Commencement) Proclamation 2003*.

### **2—Commencement of Act and suspension of certain provisions**

- (1) The *Chicken Meat Industry Act 2003* (No 26 of 2003) will come into operation on 21 August 2003.
- (2) The operation of sections 6 to 36, clause 1 of Schedule 1 and Schedule 2 of the Act are suspended until a day to be fixed by subsequent proclamation.

### **Made by the Governor**

with the advice and consent of the Executive Council

on 21 August 2003.

MAFF 03/0039 CS

South Australia

## **Land Acquisition (Native Title) Amendment Act (Commencement) Proclamation 2003**

### **1—Short title**

This proclamation may be cited as the *Land Acquisition (Native Title) Amendment Act (Commencement) Proclamation 2003*.

### **2—Commencement of Act**

The *Land Acquisition (Native Title) Amendment Act 2001* (No 53 of 2001) will come into operation on 1 September 2003.

### **Made by the Governor**

with the advice and consent of the Executive Council

on 21 August 2003.

AG00121/03CS

South Australia

# **National Wine Centre (Restructuring and Leasing Arrangements) Act and National Wine Centre (Restructuring and Leasing Arrangements) (University of Adelaide) Amendment Act (Commencement) Proclamation 2003**

## **1—Short title**

This proclamation may be cited as the *National Wine Centre (Restructuring and Leasing Arrangements) Act and National Wine Centre (Restructuring and Leasing Arrangements) (University of Adelaide) Amendment Act (Commencement) Proclamation 2003*.

## **2—Commencement of *National Wine Centre (Restructuring and Leasing Arrangements) Act 2002***

The *National Wine Centre (Restructuring and Leasing Arrangements) Act 2002* (Act No 8 of 2002) will come into operation on 21 August 2003.

## **3—Commencement of *National Wine Centre (Restructuring and Leasing Arrangements) (University of Adelaide) Amendment Act 2003***

The *National Wine Centre (Restructuring and Leasing Arrangements) (University of Adelaide) Amendment Act 2003* (Act No 30 of 2003) will come into operation immediately after the *National Wine Centre (Restructuring and Leasing Arrangements) Act 2002* comes into operation.

## **Made by the Governor**

with the advice and consent of the Executive Council  
on 21 August 2003.

T&F03/086CS

South Australia

## **Native Vegetation (Miscellaneous) Amendment (Commencement of Suspended Provisions) Proclamation 2003**

### **1—Short title**

This proclamation may be cited as the *Native Vegetation (Miscellaneous) Amendment (Commencement of Suspended Provisions) Proclamation 2003*.

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

The remaining provisions of the *Native Vegetation (Miscellaneous) Amendment Act 2002* (No 44 of 2002) will come into operation on 25 August 2003.

### **Made by the Governor**

with the advice and consent of the Executive Council  
on 21 August 2003.

EC03/0075CS

South Australia

## **Administrative Arrangements (Administration of Chicken Meat Industry Act) Proclamation 2003**

under section 5 of the *Administrative Arrangements Act 1994*

### **1—Short title**

This proclamation may be cited as the *Administrative Arrangements (Administration of Chicken Meat Industry Act) Proclamation 2003*.

### **2—Commencement**

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

### **3—Administration of Act committed to Minister for Agriculture, Food and Fisheries**

The administration of the *Chicken Meat Industry Act 2003* is committed to the Minister for Agriculture, Food and Fisheries.

### **Made by the Governor**

with the advice and consent of the Executive Council

on 21 August 2003.

MAFF 03/0039 CS

South Australia

## **Highways (Control of Access-Sturt Road and South Road) Proclamation 2003**

under section 30A(1) of the *Highways Act 1926*

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### **Preamble**

- 1 On 19 January 1989 a portion of Road No 6610 Sturt Road in the Hundred of Adelaide was declared by proclamation to be a controlled-access road (*Gazette 19.1.1989 p112*).
  - 2 It is now intended that that controlled-access road cease to be a controlled-access road.
  - 3 It is also intended that a portion of Road No 6610 Sturt Road in the Hundred of Adelaide and a portion of Road No 6203 South Road in the Hundred of Adelaide be declared to be a controlled-access road. For that purpose a portion of road that ceases to be part of the controlled-access road referred to in clause 1 will form part of the new controlled-access road.
- 

### **1—Short title**

This proclamation may be cited as the *Highways (Control of Access-Sturt Road and South Road) Proclamation 2003*.

### **2—Commencement**

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

### **3—Land ceasing to be controlled access road**

The controlled-access road referred to in clause 1 of the preamble ceases to be a controlled-access road.

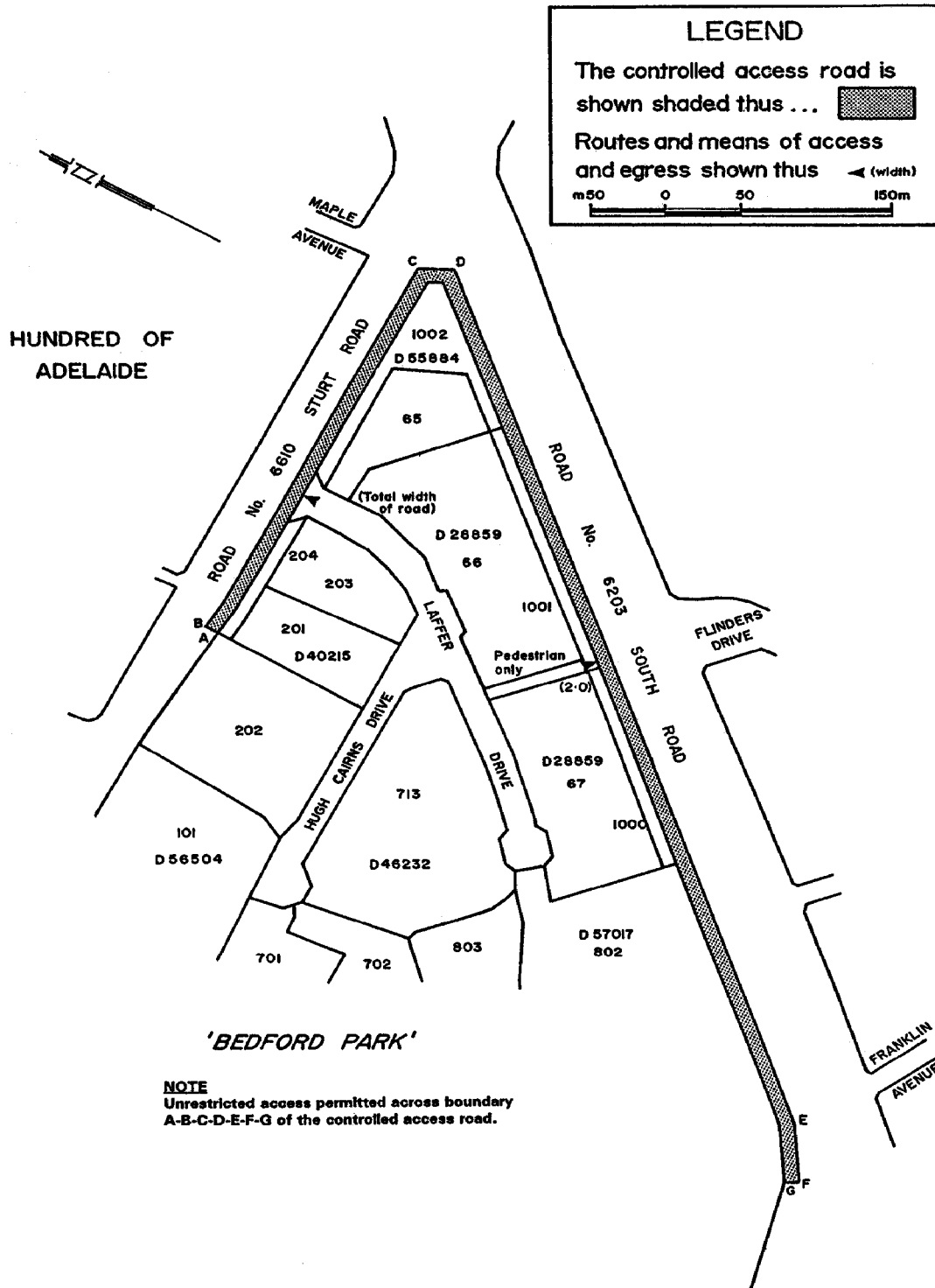
### **4—Controlled-access road**

The land shaded in grey on the plan in the Schedule of this proclamation is a controlled-access road.

### **5—Routes and means of access**

The routes and means of access by which persons and vehicles may enter or leave the controlled-access road declared in clause 4 are as shown on the plan referred to in that clause.

### Schedule 1—Plan



### Made by the Governor

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

on 21 August 2003.

CTSA2003/00466

South Australia

## **Mining (Reservation from Act) (Coastal land) Variation Proclamation 2003**

under section 8(2) of the *Mining Act 1971*

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### **Preamble**

- 1 By proclamation made pursuant to the *Mining Act 1971* on 19 April 1973 (*Gazette 19.4.1973 p1777*, fourth appearing), as varied, certain land along the coast of the State of South Australia is reserved from the operation of certain provisions of that Act.
  - 2 By proclamation made pursuant to the *Mining Act 1971* on 19 June 2003 (*Gazette 19.6.2003 p2603*) certain land in the Hundreds of Cunningham, Muloowurtie, Curramulka and Ramsay was excluded from that reservation.
  - 3 It is now intended that the land no longer be excluded from that reservation.
- 

### **Part 1—Preliminary**

#### **1—Short title**

This proclamation may be cited as the *Mining (Reservation from Act) (Coastal land) Variation Proclamation 2003*.

#### **2—Commencement**

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

#### **3—Variation provisions**

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

### **Part 2—Variation of proclamation under *Mining Act 1971* reserving lands from operation of certain provisions of Act (*Gazette 19.4.1973 p1777*, fourth appearing) as varied**

#### **4—Variation of Schedule**

Schedule, paragraph D—delete the paragraph

#### **Made by the Governor**

with the advice and consent of the Executive Council

on 21 August 2003.

MMRD03/0030CS



South Australia

## **Youth Court (Designation of Magistrates) Proclamation 2003**

under section 9 of the *Youth Court Act 1993*

### **1—Short title**

This proclamation may be cited as the *Youth Court (Designation of Magistrates) Proclamation 2003*.

### **2—Commencement**

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

### **3—Designation of Magistrates**

The Magistrates named in Schedule 1 are—

- (a) designated as Magistrates of the Youth Court of South Australia; and
- (b) classified as members of that Court's ancillary judiciary.

## **Schedule 1—Magistrates designated as Magistrates of Youth Court**

Penelope Anne Eldridge, SM

Maria Panagiotidis, SM

### **Made by the Governor**

with the advice and consent of the Executive Council

on 21 August 2003.

AGO 0017/03 CS

South Australia

## **Native Vegetation Regulations 2003**

under the *Native Vegetation Act 1991*

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### **Contents**

#### Part 1—Preliminary

1. Short title
2. Commencement
3. Interpretation

#### Part 2—Exemptions from clearance controls under Act

4. Application of Part
5. Exemptions
6. Restrictions on clearance of vegetation
7. Compliance with management plan

#### Part 3—Application for consent

8. Application for consent

#### Part 4—Miscellaneous

9. Definition of native vegetation
10. Interest
11. Prescribed form (section 33C(8) of Act)
12. Service of notices
13. Use of money paid under regulations
14. Revocation

Schedule 1—Specified species of vegetation for the purposes of regulation 5(1)

Schedule 2—Notice under section 33C(8) of Act

---

### **Part 1—Preliminary**

#### **Short title**

1. These regulations may be cited as the *Native Vegetation Regulations 2003*.

#### **Commencement**

2. These regulations will come into operation on the day on which section 4 of the *Native Vegetation (Miscellaneous) Amendment Act 2002* comes into operation.

#### **Interpretation**

3. In these regulations, unless the contrary intention appears—

"Act" means the *Native Vegetation Act 1991*;

**"building"** means a building or structure that is permanently fixed to land so that it cannot be moved without dismantling or destroying it and—

- (a) includes a transportable building if the building is connected to a sewage system or a septic tank and then is not moved after it is first connected to that sewage system or septic tank; but
- (b) does not include a building or structure erected or placed on land in contravention of the *Development Act 1993* or a corresponding previous enactment;

**"business day"** means any day except Saturday, Sunday or a public holiday;

**"C.F.S."** means the Country Fire Service;

**"country"** has the same meaning as in the *Country Fires Act 1989*;

**"Development Plan"** means a Development Plan under the *Development Act 1993*;

**"dwelling"** means a building or part of a building used as a self-contained residence;

**"fence"** means a fence consisting of posts and wire fixed permanently to land and designed for the purpose of controlling access by people or the movement of animals;

**"fire-control purposes"**—these are purposes associated with preventing or controlling the spread of fires or potential fires;

**"infrastructure"** means—

- (a) the infrastructure, equipment, structures, works and other facilities used in or in connection with the supply of water or electricity, gas or other forms of energy, the provision of telecommunications, or the drainage, removal or treatment of waste water or sewage; or
- (b) roads and their supporting structures or works; or
- (c) ports, wharfs, jetties, railways, trams and busways;

**"private mine"** means land declared under the *Mining Act 1971* to be a private mine;

**"township of Robe"** means the area shown as the township of Robe in the Development Plan that applies to that area of the State.

## Part 2—Exemptions from clearance controls under Act

### Application of Part

4. Exemptions under this Part do not extend to native vegetation growing or situated on land that is subject to a heritage agreement under the Act or a heritage agreement that was entered into in compliance with a condition of consent to clear native vegetation under the repealed Act unless the paragraph setting out the exemption explicitly extends its operation to that vegetation.

### Exemptions

5. (1) Pursuant to section 27(1)(b) of the Act, native vegetation may, subject to any other Act or law to the contrary, be cleared—

- (a) if it is proposed to erect a building that is a dwelling or a structure or other facility that is ancillary to a dwelling and—
  - (i) any development authorisation for the erection of the dwelling or structure or other facility required by or under the *Development Act 1993* has been obtained; and
  - (ii) either—
    - (A) the vegetation—
      - does not comprise or form part of a stratum of native vegetation that is substantially intact; and
      - except where the dwelling is within a residential or township zone under the relevant Development Plan, does not include vegetation of the genus *Eucalyptus* with a stem diameter at 300 millimetres above the ground of 200 millimetres or more, or other vegetation with a stem diameter at the lowest point of the stem above ground level of 100 millimetres or more; or
    - (B) · the Council is satisfied that, after taking into account the need to preserve biological diversity and taking into account the needs of the owner of the land, the proposed site for the building is the most suitable that is available; and
    - there is no other practicable alternative that would involve no clearance or the clearance of less vegetation or the clearance of vegetation that is less significant or (if relevant) the clearance of vegetation that has been degraded to a greater extent than the vegetation proposed to be cleared; and
    - the clearance is undertaken in accordance with a management plan that has been approved by the Council and that results in a significant environmental benefit on the property where the building is to be situated, or the owner of the land (or a person acting on his or her behalf) has, on application to the Council to proceed with clearing the vegetation in accordance with this provision, made a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) of the Act;

- (b) if it is proposed to erect a building or a structure or other facility that is ancillary to a building, other than a dwelling or a structure or other facility that is ancillary to a dwelling, and—
- (i) any development authorisation for the erection of the building or structure or other facility required by or under the *Development Act 1993* has been obtained; and
  - (ii) the vegetation—
    - (A) does not comprise or form part of a stratum of native vegetation that is substantially intact; and
    - (B) except where the building is within a tourist accommodation, business, centre, commerce, commercial, industrial, industry or office zone under the relevant Development Plan, does not include vegetation of the genus *Eucalyptus* with a stem diameter at 300 millimetres above the ground of 200 millimetres or more, or other vegetation with a stem diameter at the lowest point of the stem above ground level of 100 millimetres or more;
- (c) if—
- (i) the clearance is incidental to a proposed development to which section 48 of the *Development Act 1993* applies; and
  - (ii) an environmental impact statement, public environmental report or development report, and an Assessment Report, relating to the development have been prepared under that Act; and
  - (iii) the Minister responsible for the administration of the *Development Act 1993* referred the environmental impact statement, public environmental report or development report to the Native Vegetation Council for comment and report and—
    - (A) the Council provided comments which were included (wholly or substantially) in the relevant Assessment Report; or
    - (B) the Council failed to provide comments within 8 weeks after receiving the Minister's invitation for comment and report; and
  - (iv) the Governor has granted his or her consent to the proposed development under section 48 of the *Development Act 1993*; and
  - (v) the clearance is undertaken in accordance with that consent; and
  - (vi) the clearance is undertaken in accordance with a management plan that has been approved by the Council that results in a significant environmental benefit on the property where the development is being undertaken, or the owner of the land (or a person acting on his or her behalf) has, on application to the Council to proceed with clearing the vegetation in accordance with this provision, made a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) of the Act;

- (d) if—
- (i) —
    - (A) the clearance is incidental to the construction of a building or infrastructure and the Council is satisfied that the clearance is in the public interest; or
    - (B) the clearance is required in connection with the provision of infrastructure or services to a building or proposed building, or to any place; and
  - (ii) any development authorisation required by or under the *Development Act 1993* has been obtained; and
  - (iii) the Council is satisfied that, after taking into account the need to preserve biological diversity and the nature and purposes of any proposed building or infrastructure that is yet to be constructed, the proposed site of the building or infrastructure is the most suitable that is available; and
  - (iv) there is no other practicable alternative that would involve no clearance or the clearance of less vegetation or the clearance of vegetation that is less significant or (if relevant) the clearance of vegetation that has been degraded to a greater extent than the vegetation proposed to be cleared; and
  - (v) the clearance is undertaken in accordance with a standard operating procedure determined or approved by the Council for the purposes of this provision or a management plan that has been approved by the Council, and either there will be a significant environmental benefit on the property where the clearance is being undertaken or within the same region of the State, or the owner of the land (or a person acting on his or her behalf) has, on application to the Council to proceed with clearing the vegetation in accordance with this provision, made a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) of the Act;
- (e) if—
- (i) the clearance is incidental to the repair or maintenance work of the Crown; and
  - (ii) the person undertaking the clearance—
    - (A) has given at least 10 business days notice in writing outlining the proposed clearance to a person who has the care, control or management of the land before commencing the clearance (unless the land is under the care, control or management of the Crown); or
    - (B) is acting in accordance with a standard operating procedure determined or approved by the Council for the purposes of this provision; or
    - (C) is acting in a situation of urgency that requires action without delay; and

- (iii) the person undertaking the clearance complies with any guidelines relating to the protection of native vegetation from the spread of plant diseases or noxious weeds, or from unnecessary damage during the performance of any work, prepared by the Council in accordance with section 25 of the Act,

(and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement);

(f) if—

(i) —

- (A) the clearance is being undertaken as part of the duty of an electricity entity under Part 5 of the *Electricity Act 1996*; or
- (B) the clearance is incidental to any repair or maintenance work of an electricity entity within the meaning of the *Electricity Act 1996*; and

(ii) the person undertaking the clearance—

- (A) is acting in accordance with the principles of vegetation clearance under the *Electricity Act 1996*; or
- (B) has given at least 10 business days notice in writing outlining the proposed clearance to a person who has the care, control or management of the land before commencing the clearance (unless the land is under the care, control or management of the electricity entity); or
- (C) is acting in accordance with a standard operating procedure determined or approved by the Council for the purposes of this provision; or
- (D) is acting in a situation of urgency that requires action without delay; and

- (iii) the person undertaking the clearance complies with any guidelines relating to the protection of native vegetation from the spread of plant diseases or noxious weeds, or from unnecessary damage during the performance of any work, prepared by the Council in accordance with section 25 of the Act,

(and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement);

(g) if—

(i) the clearance is incidental to the repair or maintenance of any infrastructure; and

(ii) the person undertaking the clearance—

- (A) has given at least 10 business days notice in writing outlining the proposed clearance to a person who has the care, control or management of the land before commencing the clearance (unless the land is under the care, control or management of the person who is responsible for the infrastructure); or

- (B) in acting in accordance with a standard operating procedure determined or approved by the Council for the purposes of this provision; or
  - (C) is acting in a situation of urgency that requires action without delay; and
- (iii) the person undertaking the clearance complies with any guidelines relating to the protection of native vegetation from the spread of plant diseases or noxious weeds, or from unnecessary damage during the performance of any work, prepared by the Council in accordance with section 25 of the Act,

(and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement);

(h) if—

- (i) the clearance is incidental to work being undertaken by or on behalf of the Commissioner of Highways; and
- (ii) except where the clearance is incidental to repair or maintenance work, there is no other practicable alternative that would involve no clearance or the clearance of less vegetation or the clearance of vegetation that is less significant or (if relevant) the clearance of vegetation that has been degraded to a greater extent than the vegetation proposed to be cleared; and
- (iii) either—
  - (A) the clearance is undertaken in accordance with a standard operating procedure determined or approved by the Council for the purposes of this provision or a management plan that has been approved by the Council, and either there will be a significant environmental benefit at the site of the relevant work or within the same region of the State, or the Commissioner of Highways or another person undertaking the work has, on application to the Council to proceed with clearing the vegetation in accordance with this provision, made a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) of the Act; or
  - (B) the clearance is incidental to repair or maintenance work and the person undertaking the clearance—
    - has given at least 10 business days notice in writing outlining the proposed clearance to a person who has the care, control or management of the land before commencing the clearance (unless the land is under the care, control or management of the Commissioner of Highways); or
    - is acting in accordance with a standard operating procedure determined or approved by the Council for the purposes of this provision; or
    - is acting in a situation of urgency that requires action without delay; and



- (iv) the person undertaking the clearance complies with any guidelines relating to the protection of native vegetation from the spread of plant diseases or noxious weeds, or from unnecessary damage during the performance of any work, prepared by the Council in accordance with section 25 of the Act;
- (i) if the clearance is incidental to the repair or maintenance of an existing dam;
- (j) if—
  - (i) the clearance is incidental to the lawful construction of a new dam that will cover less than 200 square metres in surface area when full; and
  - (ii) the vegetation to be cleared comprises trees with a stem diameter at the lowest point on the stem above ground level of 150 millimetres or more; and
  - (iii) the land on which the vegetation is situated has been cleared of all other native vegetation and has been maintained during the immediately preceding 5 years for cultivation or pasture; and
  - (iv) the vegetation is not of a class specified in Schedule 1;
- (k) if—
  - (i) the vegetation is growing or is situated within 20 metres of a dwelling (including a dwelling in the course of construction if the foundations, concrete slab or other footings have been completed); and
  - (ii) the clearance of the vegetation is to be undertaken—
    - (A) on land that is owned by the person or persons who own the land on which the dwelling is situated; or
    - (B) on other land and with the agreement in writing of the person or persons who own the land on which the clearance is to be undertaken; and
  - (iii) in a case involving the proposed clearance of vegetation of the genus *Eucalyptus* with a stem diameter at 300 millimetres above the ground of 200 millimetres or more situated in the country—the C.F.S. has given its approval to the clearance of the vegetation;
- (l) if—
  - (i) a plant comprising native vegetation exceeds 2 metres in height; and
  - (ii) there is a danger that the plant will fall over or a limb or some other part of the plant will fall from it because of disease, wind damage or any other cause; and
  - (iii) there is a real risk of personal injury or damage to property if that occurs; and
  - (iv) it is not reasonably practicable to avoid the risk by avoiding the vicinity in which the plant is growing or is situated; and
  - (v) the state of the plant has been assessed by a person with expertise in the area of plant health, or by any other person acting in an emergency situation or in any other situation that gives rise to an immediate risk of personal injury or damage to property; and

- (vi) the clearance is confined to removing the limb or other part of the plant causing the danger and only extends to destroying the plant if that is necessary to remove the existing danger,

(and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement);
- (m) if—
  - (i) the purpose of the clearance is to reduce combustible material on land; and
  - (ii) the owner of the land or the district bushfire prevention committee under the *Country Fires Act 1989* for the area in which the land is situated has prepared a management plan that applies to the clearance of the vegetation and the Council has given its approval to the management plan after taking into account the operation of subregulation (2); and
  - (iii) the person who carries out the clearance complies with the requirements of the management plan;
- (n) if—
  - (i) the only purpose of the clearance is to protect a dwelling or other building from the threat of fire; and
  - (ii) the person undertaking the clearance complies with any guidelines relating to the clearance of vegetation near buildings to protect the buildings from fire prepared by the Council in accordance with section 25 of the Act;
- (o) by a C.F.S. officer or any other member of the C.F.S. acting under section 54 of the *Country Fires Act 1989*, or by any other person acting with the authority of a C.F.S. officer or other member of the C.F.S. under that section (and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement);
- (p) by the State Co-ordinator or an authorised officer acting under section 15 of the *State Disaster Act 1980* (and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement);
- (q) if—
  - (i) the clearance is solely for the purpose of providing firewood for use by the owner of the land on which the vegetation was growing or was situated for the purpose of domestic heating or cooking; and
  - (ii) the quantity of firewood provided by the clearance when aggregated with the quantity of firewood (if any) previously provided by clearance under this paragraph (or a previous corresponding paragraph) and not yet burnt does not exceed 6 cubic metres when calculated over the immediately preceding period of 2 years; and
  - (iii) the vegetation has a stem diameter at 300 millimetres from the base of the plant of 200 millimetres or less; and

- (iv) in the case of living vegetation—the clearance does not kill the vegetation, does not prevent regrowth, and is undertaken at least 300 millimetres above the base of the plant; and
- (v) either—
  - (A) the vegetation is not of a class specified in Schedule 1; or
  - (B) the clearance complies with guidelines prepared by the Council for the purposes of this provision;
- (r) if—
  - (i) the clearance is solely for the purpose of—
    - (A) providing fence posts for the construction of permanent fencing on the land on which the vegetation was growing or was situated (or on other land owned by the owner of the land on which the vegetation was growing or was situated) for the purpose of controlling access by people or the movement of animals and is consistent with practices undertaken on the land over the immediately preceding period of 25 years; or
    - (B) repairing an existing fence on the land on which the vegetation was growing or was situated (or on the other land owned by the owner of the land on which the vegetation was growing or was situated) for the purpose of controlling access by people or the movement of animals; and
  - (ii) the quantity of fence posts provided by the clearance when aggregated with the quantity of fence posts (if any) previously provided by clearance under this paragraph (or a previous corresponding paragraph) and not yet used does not exceed the quantity required by the plans the owner has when the clearance occurs for the construction of fencing on his or her land in the period of 2 years from the time of clearance; and
  - (iii) the vegetation has a stem diameter at 300 millimetres from the base of the plant of 200 millimetres or less; and
  - (iv) in the case of living vegetation—
    - (A) the vegetation was growing on land subject to a pastoral lease under the *Pastoral Land Management and Conservation Act 1989* the terms of which explicitly provide that vegetation on the land may be cleared for the sole purpose of providing fence posts; or
    - (B) the clearance does not kill the vegetation, does not prevent regrowth and is undertaken at least 300 millimetres above the base of the plant; and
  - (v) the clearance has been undertaken in accordance with a management plan that has been approved by the Council; and
  - (vi) either—
    - (A) the vegetation is not of a class specified in Schedule 1; or

- (B) the clearance complies with guidelines prepared by the Council for the purposes of this provision;
- (s) if the clearance is for the purpose of providing a strip of cleared land of not more than 5 metres in width on either side or both sides of an existing fence or of a fence in the course of construction to provide access for the purpose of maintaining or establishing the fence and—
- (i) the fence is reasonably required to control access by people or the movement of animals; and
  - (ii) the clearance is required to give reasonable access to the fence and is limited to the extent reasonably required to achieve that access; and
  - (iii) there is no other practicable alternative (including, in the case of a new fence, to the position of the fence) that would involve no clearance or the clearance of less vegetation or the clearance of vegetation that is less significant or (if relevant) the clearance of vegetation that has been degraded to a greater extent than the vegetation proposed to be cleared,
- (and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement but does not apply to vegetation on a road reserve);
- (t) if the clearance is for the purpose of establishing or maintaining an existing track that is not more than 5 meters in width for use by vehicles having at least 4 wheels and—
- (i) the track is reasonably required to provide access; and
  - (ii) the clearance is limited to the extent reasonably required to achieve the relevant purpose; and
  - (iii) there is no other practicable alternative (including, in the case of a new track, to the position of the track) that would involve no clearance or the clearance of less vegetation or the clearance of vegetation that is less significant or (if relevant) the clearance of vegetation that has been degraded to a greater extent than the vegetation proposed to be cleared,
- (but this paragraph does not apply to vegetation on a road reserve);
- (u) if the clearance is for the purpose of establishing or maintaining a walking track that is not more than 1 metre in width and—
- (i) the track is used, or is genuinely expected to be used, by pedestrians; and
  - (ii) there is no other practicable alternative (including, in the case of a new track, to the position of the track) that would involve no clearance or the clearance of less vegetation or the clearance of vegetation that is less significant or (if relevant) the clearance of vegetation that has been degraded to a greater extent than the vegetation proposed to be cleared,
- (but this paragraph does not apply to vegetation on a road reserve);

- (v) if the clearance is for a fuel break for fire-control purposes and—
- (i) the fuel break is not more than 5 metres in width or such lesser width that when added to the width of adjacent land that is cleared (or sufficiently cleared) for fuel break purposes or is the subject of consent granted by the Council for clearance to an extent that is sufficient for fuel break purposes is not more than 5 metres in width and the fuel break is along an existing fence-line (and within 5 metres of the fence); or
  - (ii) the fuel break is not more than 7.5 metres in width or such lesser width that when added to the width of adjacent land that is cleared (or sufficiently cleared) for fuel break purposes is not more than 7.5 metres in width and—
    - (A) the fuel break is on the boundary between land owned by different persons; and
    - (B) all, or a substantial part, of the vegetation to be cleared is part of an area of a mallee scrub community that is the subject of a declaration by the Council under subregulation (7) that is in force; and
    - (C) where the full width of the fuel break or of any part of it is within the area referred to in subsubparagraph (B), the distance of all points on the lateral boundaries of the fuel break, or that part of it that is within the area, is at least 100 metres from every point on the boundaries of the area; or
  - (iii) the fuel break is not more than 15 metres in width or such lesser width that when added to the width of adjacent land that is cleared (or sufficiently cleared for fuel break purposes) is not more than 15 metres in width and—
    - (A) the fuel break is situated on a property the sole use, or one of the principal uses, of which is primary production; and
    - (B) the purpose of the fuel break is to protect that property; and
    - (C) the fuel break is situated within the area of a rural council as defined in the *Country Fires Act 1989* and the district bushfire prevention committee established under the *Country Fires Act 1989* for that area has given its consent to the clearance after taking into account the operation of subregulations (3), (4) and (5); and
    - (D) the clearance is at least 200 metres from another fuel break cleared under this paragraph (other than a fuel break that runs at right-angles, or approximately at right-angles, to the fuel break that is being cleared), and the clearance complies with any guidelines prepared by the Council for the purposes of this subparagraph,
- (but this paragraph does not apply to vegetation on a road reserve);
- (w) if the clearance is for a fuel break for fire-control purposes and—
- (i) the owner of the land on which the vegetation is growing or the district bushfire prevention committee under the *Country Fires Act 1989* for the area in which the land is situated has prepared a management plan that applies to the clearance of the vegetation and the Council has given its approval to the management plan; and

- (ii) the person undertaking the clearance does so in accordance with the management plan, (but this paragraph does not apply to vegetation on a road reserve);
- (x) by, or on behalf of, a district bushfire prevention committee under the *Country Fires Act 1989* if—
  - (i) the vegetation is growing on a road reserve; and
  - (ii) the local council for the area (if any) has consented to the clearance; and
  - (iii) the person undertaking the clearance complies with a management plan approved by the Council or, if no such plan has been approved, with any guidelines prepared by the Council in accordance with section 25 of the Act relating to the clearance;
- (y) by, or on behalf of, a local council if—
  - (i) the vegetation is growing on a road reserve in the area of the council; and
  - (ii) the person undertaking the clearance complies with a management plan relating to the clearance prepared by the local council and approved by the Council or, if no such plan has been prepared and approved, with any guidelines prepared by the Council in accordance with section 25 of the Act relating to the clearance;
- (z) by, or on behalf of, a rural council as defined in the *Country Fires Act 1989* for a fuel break for fire-control purposes if—
  - (i) the fuel break is not more than 5 metres in width or such lesser width that when added to the width of adjacent land that is cleared (or is sufficiently cleared for fuel break purposes) is not more than 5 metres in width and—
    - (A) the vegetation is on a reserve (other than a road reserve) vested in the council or the care, control and management of which is vested in the council; and
    - (B) the purpose of the fuel break is to protect the reserve; and
    - (C) the fuel break will be bounded on one side by a boundary of the reserve or will be situated on both sides of a boundary of the reserve; and
    - (D) the person undertaking the clearance complies with a management plan relating to the clearance prepared by the rural council and approved by the Council; or
  - (ii) the fuel break is not more than 15 metres in width or such lesser width that when added to the width of adjacent land that is cleared (or is sufficiently cleared for fuel break purposes) is not more than 15 metres in width and—
    - (A) the district bushfire prevention committee established under the *Country Fires Act 1989* for that area has given its consent to the clearance after taking into account the operation of subregulations (3), (4) and (5); and

- (B) the person undertaking the clearance complies with guidelines prepared by the Council for the purposes of this subparagraph;

(za) if—

- (i) the clearance is for fire prevention or fire protection purposes in a reserve constituted under the *National Parks and Wildlife Act 1972* or in a wilderness protection zone or area constituted under the *Wilderness Protection Act 1992*; and
- (ii) the clearance is undertaken in accordance with a standard operating procedure determined or approved by the Council for the purposes of this provision;

(zb) if the clearance comprises the taking of—

- (i) a specimen; or
- (ii) a cutting for propagation; or
- (iii) such part of a plant as is required in order to obtain the seeds of the plant,
- and does not cause substantial damage to the plant;

(zc) if—

- (i) the clearance is incidental to exploratory operations authorised under the *Mining Act 1971* or the *Petroleum Act 2000*; and
- (ii) the clearance is undertaken in accordance with accepted industry environmental management practices for facilitating the regrowth of native vegetation, recognised by the Council for the purposes of this subparagraph; and
- (iii) there is no other practicable alternative that would involve no clearance or the clearance of less vegetation or the clearance of vegetation that is less significant or (if relevant) the clearance of vegetation that has been degraded to a greater extent than the vegetation proposed to be cleared;

(zd) if—

- (i) the clearance is incidental to operations authorised under the *Mining Act 1971* or the *Petroleum Act 2000*; and
- (ii) —

- (A) in the case of operations authorised under the *Mining Act 1971*, the clearance is undertaken in accordance with a management plan under that Act and the Council has signified that, as a result of work undertaken in accordance with that plan, there will be a significant environmental benefit on the site of the operations or within the same region of the State, or the person undertaking the operations has, on application to the Council to proceed with clearing the vegetation in accordance with this provision, made a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) of the Act; and

- (B) in the case of operations authorised under the *Petroleum Act 2000*, the clearance is undertaken in accordance with a statement of environmental objectives under that Act and the Council has signified that, as a result of work undertaken in accordance with that statement, there will be a significant environmental benefit at the site of the operations or within the same region of the State, or the person undertaking the operations has, on application to the Council to proceed with clearing the vegetation in accordance with this provision, made a payment into the Fund of an amount considered by the Council to be sufficient to achieve a significant environmental benefit in the manner contemplated by section 21(6) of the Act;
- (ze) if the clearance is incidental to mining operations at a private mine at which mining operations have not been discontinued for a period exceeding 12 months at any time after 21 November 1984;
- (zf) if—
- (i) the land on which the vegetation is situated was used for cultivation, pasture or forestry within 5 years immediately before the proposed clearance occurs; and
  - (ii) the clearance is necessary to maintain the land so that it can continue to be used for cultivation, pasture or forestry to the extent to which it had been used for that purpose within the immediately preceding 5 years; and
  - (iii) the vegetation to be cleared consists only of plants or parts of plants that have grown or have regrown in the immediately preceding 5 years; and
  - (iv) either—
    - (C) the vegetation has a stem diameter at the lowest point on the stem above ground level of 150 millimetres or less; or
    - (D) the vegetation is of the genus *Xanthorrhoea*;
- (zg) if—
- (i) the native vegetation to be cleared comprises plants that are used, or are to be used, for grazing by domestic animals; and
  - (ii) the purpose of the clearance is to maintain the value of the native vegetation for the purpose of pasture; and
  - (iii) the clearance is in accordance with practices used during the previous 10 years on the land on which the vegetation is growing for the purpose of maintaining pasture; and
  - (iv) the clearance is undertaken in accordance with a management plan that has been prepared by, or on behalf of, the owner of the land on which the vegetation is growing or by the soil conservation board for the soil conservation district in which the land is situated and has been approved by the Council;



- (zh) by grazing domestic stock on land in a manner and at a rate that will not cause permanent degradation of the native vegetation on the land but only if—
- (i) the manner and rate of grazing is consistent with the manner in which, and the rate at which, the land has been grazed by domestic stock of the same species during the previous 10 years; or
  - (ii) —
    - (A) the owner of the land has prepared a management plan that applies to grazing of vegetation on the land by the relevant species of animal; and
    - (B) the owner of the land has satisfied the Council that the management plan complies with guidelines that have been prepared by the Council in accordance with section 25 of the Act; and
    - (C) the Council has given its approval to the management plan and, where the land on which the vegetation is growing is pastoral land, the Pastoral Board has also given its approval to the management plan; and
    - (D) the grazing occurs in accordance with the management plan;
- (zi) if the purposes of the clearance is to preserve or enhance biological diversity and—
- (i) —
    - (A) the owner of the land has prepared a management plan that provides for monitoring the effects of the clearance; and
    - (B) the owner of the land has satisfied the Council that the management plan complies with guidelines that have been prepared by the Council in accordance with section 25 of the Act; and
    - (C) the Council has given its approval to the management plan; and
    - (D) the clearance is undertaken in accordance with the management plan; or
  - (ii) the clearance is undertaken in accordance with guidelines that apply to the clearance that have been prepared by the Council in accordance with section 25 of the Act;
- (zj) if the vegetation is causing land management problems because it is detrimentally affecting other native vegetation, or is growing on land previously cleared of native vegetation, and—
- (i) —
    - (A) the owner of the land has prepared a management plan relating to the proposed clearance; and
    - (B) the owner of the land has satisfied the Council that the management plan complies with guidelines that have been prepared by the Council in accordance with section 25 of the Act; and
    - (C) the Council has given its approval to the management plan; and

- (D) the clearance is undertaken in accordance with the management plan; or
  - (ii) the clearance is undertaken in accordance with guidelines that have been prepared by the Council in accordance with section 25 of the Act;
- (zk) if—
- (i) it is not reasonably practicable to comply with an obligation under the *Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986* to destroy or control animals or plants without at the same time destroying, damaging or otherwise clearing native vegetation; and
  - (ii) the person undertaking the clearance complies with guidelines relating to the clearance prepared by the Council in accordance with section 25 of the Act after consultation with the Animal and Plant Control Commission (in addition to any other consultation required by that section),

(and the operation of this paragraph extends to vegetation on land that is subject to a heritage agreement but does not apply to vegetation on a road reserve);

- (zl) if—
- (i) the land on which the vegetation is situated is in the County of Cardwell or within the hundreds of Stirling, Willalooka, Duffield, Landseer, Peacock, Marcollat, Mincrow, Woolumbool, Townsend, Lochaber, Murrabinna, Spence or Joyce; and
  - (ii) the clearance is to provide cleared land—
    - (A) for the purposes of the construction or maintenance of water management works within the meaning of the *South Eastern Water Conservation and Drainage Act 1992* by, or on behalf of, the South Eastern Water Conservation and Drainage Board pursuant to section 34 of that Act; or
    - (B) for the purposes of the implementation of the Project under the *Upper South East Dryland Salinity and Flood Management Act 2002* by, or on behalf of, the relevant Minister under that Act; and
  - (iii) the Board, the relevant Minister or a person acting on behalf of the Board or that Minister has prepared a management plan in relation to the clearance of the vegetation and the Native Vegetation Council has given its approval to the plan; and
  - (iv) the clearance is undertaken in accordance with the management plan;

- (zm) if—
- (i) the land on which the vegetation is situated is in the County of Flinders or Robinson; and
  - (ii) the clearance is necessary to preserve or augment an underground water supply of a city or town; and
  - (iii) the clearance has been requested by the local council; and

- (iv) the owner of the land or the person who has the care, control and management of the land has prepared a management plan in relation to the clearance of the vegetation and the Native Vegetation Council has given its approval to the plan; and
- (v) the clearance is undertaken in accordance with the management plan.

(2) For the purposes of paragraph (m) of subregulation (1), the Council must, when considering a management plan under that paragraph, have regard to the following:

- (a) the need to protect people and property; and
- (b) the need to preserve vegetation for such of the reasons set out in paragraphs (a) to (k) (inclusive) of Schedule 1 of the Act as are applicable; and
- (c) if the Council is of the opinion that there is more than one effective method of clearing native vegetation in the relevant circumstances, the need for the person undertaking the clearance to use the method of clearance that will cause the least environmental damage.

(3) The decision of a district bushfire prevention committee to consent to the proposed clearance of land under subregulation (1)(v)(iii)(C) or (z)(ii)(A) must be made in accordance with guidelines relating to the clearance of native vegetation for fire-control purposes in the committee's area adopted by the Council under section 25 of the Act.

(4) If relevant guidelines have not been adopted by the Council, the district bushfire prevention committee must, when making its decision, have regard to the following:

- (a) the need to protect land used for primary production; and
- (b) the need to preserve the vegetation for such of the reasons set out in paragraphs (a) to (k) (inclusive) of Schedule 1 of the Act as are applicable.

(5) If a district bushfire prevention committee is of the opinion that there is more than one effective method of clearing native vegetation in the circumstances of an application for its consent under subregulation (1)(v)(iii)(C) or (z)(ii)(A), it must, if it gives its consent to the clearance and subject to any relevant guidelines adopted by the Native Vegetation Council, direct the applicant to use the method of clearance that will cause the least environmental damage.

(6) A committee's consent to clearance under subregulation (1)(v)(iii)(C) or (z)(ii)(A) is subject to—

- (a) a condition that the applicant comply with a direction (if any) given to the applicant under subregulation (5); and
- (b) such other conditions at the committee imposes.

(7) The Council may, by notice in the *Gazette*, declare that subparagraph (ii) of paragraph (v) of subregulation (1) applies in relation to an area of a mallee scrub community identified in the notice and may, by subsequent notice in the *Gazette*, vary or revoke such a declaration.

**Restrictions on clearance of vegetation**

6. (1) Native vegetation may not be cleared pursuant to regulation 5(1)(k) if—

- (a) the vegetation is situated within any of the following areas:
  - (i) sections 13, 135, 136, 224, 225, 227, 228, 229, 230, 285, 368, 492, 512, 530 and D in the Hundred of Waterhouse;
  - (ii) part sections 13, 30, 223 and 225 that are in the Hundred of Waterhouse;
  - (iii) that part of section 214 that is within the township of Robe;
  - (iv) that part of part section 369, Hundred of Waterhouse, that is east of Christine Drive and Lake Road; or
- (b) the vegetation—
  - (i) consists of a tree (including a dead tree) where the diameter of the trunk of the tree at 300 millimetres from the base of the tree is 600 millimetres or more; and
  - (ii) is situated within the 1956 flood plain of the River Murray, other than where the vegetation is within the area of a city or township.

(2) Native vegetation may not be cleared pursuant to regulation 5(1)(a), (b), (j), (q), (r), (s), (t), (u), (v) or (z) if—

- (a) the clearance would be contrary to the requirements of a condition attached to a consent to clearance granted by the Council under the Act or by the Native Vegetation Authority under the repealed Act or of an order of a court under the Act or the repealed Act; or
- (b) the vegetation was sown or planted in compliance with a condition attached to a consent to clearance granted by the Council under the Act or by the Native Vegetation Authority under the repealed Act or in compliance with an order of a court under the Act or the repealed Act.

(3) In this regulation—

**"township"** has the same meaning as in the *Local Government Act 1999*.

**Compliance with management plan**

7. A person must not—

- (a) clear native vegetation in contravention of a management plan under regulation 5; or
- (b) fail to comply with the terms or requirements of regulation 5.

### **Part 3—Application for consent**

#### **Application for consent**

8. (1) For the purposes of section 28(3)(b)(iia) of the Act, the prescribed number of copies is 1.

(2) For the purposes of section 28(3)(b)(iii) of the Act, the prescribed fee is \$400 plus the fee referred to in subregulation (3).

(3) The fee payable by an applicant for consent to clear native vegetation for the preparation of the report referred to in section 28(3)(b)(iia) of the Act is the Minister's estimate of the reasonable cost of preparing a report of that kind determined after consultation with the Council.

(4) The Council may remit payment of, or refund, the whole, or part, of a fee payable or paid in relation to an application (including a fee for a report under section 28(3)(b)(iia) of the Act).

(5) For the purposes of section 28(5) of the Act, any agency, instrumentality, person or body approved by the Council as an entity that may prepare a report of the relevant kind is specified.

## Part 4—Miscellaneous

### Definition of native vegetation

9. For the purposes of the Act and these regulations—

"**native vegetation**" includes a dead tree of a species indigenous to South Australia if—

- (a) the diameter of the trunk of the tree at 300 millimetres from the base of the tree is 600 millimetres or more; and
- (b) the tree provides or has the potential to provide, or is a part of a group of trees or other plants (whether alive or dead) that provides, or has the potential to provide, a habitat for animals of a listed threatened species under the *Environment Protection and Biodiversity Conservation Act 1999* of the Commonwealth.

### Interest

10. (1) Interest accrues from the end of the period referred to in section 31D(4)(a) or 31E(6)(a) of the Act at the prime bank rate for the relevant financial year.

(2) Interest accrues on unpaid interest at 6 monthly intervals from the end of the period referred to in subregulation (1).

(3) In this regulation—

"**prime bank rate**" for a particular financial year means the corporate loan reference rate applied by the Commonwealth Bank of Australia for corporate lending on the first trading day of the Bank in that financial year.

### Prescribed form (section 33C(8) of Act)

11. For the purposes of section 33C(8) of the Act, the form set out in Schedule 2 is prescribed.

### Service of notices

12. Notice may be served under the Act on a land owner—

- (a) personally; or
- (b) by posting it to the land owner at the address of the land owner last known to the person or body serving the notice.

### Use of money paid under regulations

13. Money standing to the credit of the Fund on account of a payment into the Fund under Part 2 of these regulations must, as far as practicable, be used—

- (a) to establish or regenerate native vegetation on land that is within the same region of the State as the land that is to be cleared by virtue of the exemption under that Part and that has been selected by the Council for that purpose after having regard to the Regional Biodiversity Plan or Plans (if any) approved by the Minister that apply within that region; and
- (b) to preserve and maintain that vegetation once established or reinstated.

### Revocation

14. The *Native Vegetation Regulations 1991* (*Gazette 18 April 1991* p 1311), as varied, are revoked.

**Schedule 1—Specified species of vegetation for the purposes of regulation 5(1)**

River red gum

*Eucalyptus camaldulensis*

**Schedule 2—Notice under section 33C(8) of Act***Native Vegetation Act 1991***Notice of information relating to a warrant**

**NOTE:** Section 33C of the *Native Vegetation Act 1991* provides for the issuing and execution of a warrant in various cases. A warrant has been issued under the Act and the following information is provided in relation to this matter:

1. The name of authorised officer executing the warrant is:

**This person is an authorised officer under the *Native Vegetation Act 1991*.**

2. This warrant was issued by the following magistrate:

3. This warrant was issued on  
at a.m./p.m.

4. The warrant authorises the following course of action:

- A warrant expires at the expiration of 1 month from the date of its issue.
- A person may be guilty of an offence if he or she fails to comply with a requirement under the Act or hinders an authorised officer in the lawful exercise of a power under the Act. The maximum penalty for an offence is \$5 000. (A person is not required to answer any question if to do so might incriminate the person or make the person liable to a criminal penalty.)

.....  
(Authorised officer executing warrant)

.....  
(Date)

**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 21 August 2003.

No. 173 of 2003  
DWLBC0906/03CS



South Australia

## Occupational Therapists Regulations 2003

under the *Occupational Therapists Act 1974*

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### Contents

- 1 Short title
- 2 Commencement
- 3 Interpretation
- 4 Qualifications for registration (section 11 of Act)
- 5 Application for registration
- 6 Application for renewal of registration—prescribed form (section 12 of Act)
- 7 Certificate of registration
- 8 Fees
- 9 Obligation to report unfitness (section 14B of Act)
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Schedule 1—Prescribed qualifications

Schedule 2—Form of application for renewal of registration

Schedule 3—Fees

Schedule 4—Revocation of Occupational Therapists Regulations 1988

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### 1—Short title

These regulations may be cited as the *Occupational Therapists Regulations 2003*.

### 2—Commencement

These regulations will come into operation on 1 September 2003.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Occupational Therapists Act 1974*.

### 4—Qualifications for registration (section 11 of Act)

For the purposes of section 11(1)(c)(i) of the Act, the qualifications set out in Schedule 1 are prescribed.

### 5—Application for registration

An applicant for registration must, if the Board or Registrar so requires, provide the Board with specified information to enable the Board to determine the application.

## **6—Application for renewal of registration—prescribed form (section 12 of Act)**

For the purposes of section 12(2) of the Act, the form set out in Schedule 2 is prescribed.

## **7—Certificate of registration**

The Board must issue a certificate of registration to every successful applicant for full registration under the Act.

## **8—Fees**

For the purposes of sections 11(1) and 12(2) of the Act, the fees set out in Schedule 3 are prescribed.

## **9—Obligation to report unfitness (section 14B of Act)**

For the purposes of section 14B(c) of the Act, the information required to be included in a report submitted to the Board by a medical practitioner who is treating a patient who is a registered occupational therapist is—

- (a) the prognosis and likely duration of the patient's medical condition; and
- (b) any finding that suggests that the patient should not practise in a particular branch of occupational therapy; and
- (c) if the patient has received or is receiving treatment for a psychiatric condition—whether or not he or she has at any time been a patient within the meaning of the *Mental Health Act 1993*.

## **10—Obligation to notify change of address**

A registered occupational therapist must, within 1 month after changing his or her postal, residential or business address, inform the Registrar in writing of the change.

Maximum penalty: \$250.

## **Schedule 1—Prescribed qualifications**

### **South Australia**

Degree of Bachelor of Applied Science (Occupational Therapy) of the University of South Australia

Degree of Bachelor of Applied Science in Occupational Therapy of the South Australian Institute of Technology

Diploma in Technology (Occupational Therapy) of the South Australian Institute of Technology

### **New South Wales**

Degree of Bachelor of Health Science (Occupational Therapy) of Charles Sturt University

Degree of Bachelor of Health Science (Occupational Therapy) of the University of Newcastle

Degree of Bachelor of Applied Science (Occupational Therapy) of the University of Sydney

Degree of Bachelor of Applied Science (Occupational Therapy) of the University of Western Sydney

Degree of Bachelor of Applied Science (Occupational Therapy) of the Cumberland College of Health Sciences of New South Wales

Diploma of Applied Science (Occupational Therapy) of the Cumberland College of Health Sciences of New South Wales

Diploma in Occupational Therapy of the Cumberland College of Health Sciences of New South Wales

Entry Level Degree of Master of Occupational Therapy of the University of New South Wales

### **Queensland**

Degree of Bachelor of Occupational Therapy of the University of Queensland

Degree of Master of Occupational Therapy Studies of the University of Queensland

Diploma in Occupational Therapy of the University of Queensland

Degree of Bachelor of Applied Science (Occupational Therapy & Physiotherapy) of the University of Queensland

### **Victoria**

Degree of Bachelor of Occupational Therapy of La Trobe University

Degree of Bachelor of Applied Science (Occupational Therapy) of the Lincoln Institute School of Occupational Therapy of Victoria

Diploma of Occupational Therapy of the Lincoln Institute School of Occupational Therapy of Victoria

### **Western Australia**

Degree of Bachelor of Science (Occupational Therapy) of the Curtin University of Technology

Degree of Bachelor of Science (Occupational Therapy) and Bachelor of Business Administration of the Curtin University of Technology

Degree of Master of Occupational Therapy of the Curtin University of Technology

Degree of Bachelor of Applied Science (Occupational Therapy) of the Western Australian Institute of Technology

Diploma in Occupational Therapy of the Western Australia Institute of Technology

Associateship in Occupational Therapy of the Western Australian Institute of Technology

### **New Zealand**

Degree of Bachelor of Occupational Therapy of Otago Polytechnic

Diploma in Occupational Therapy of Otago Polytechnic

Degree of Bachelor of Health Science (Occupational Therapy) of the Auckland Institute of Technology

Diploma in Occupational Therapy of the Auckland Institute of Technology

Diploma in Occupational Therapy of the Central Institute of Technology

State examination in Occupational Therapy of the New Zealand School of Occupational Therapy

### **Other**

Certificate of Practical Completion of the Council of Occupational Therapists Registration Boards (Australia & New Zealand) Inc.

### Schedule 2—Form of application for renewal of registration

Form 1—Application for renewal of registration  
*Occupational Therapists Act 1974*

OCCUPATIONAL THERAPISTS REGISTRATION BOARD OF SOUTH AUSTRALIA

**1 JULY ..... – 30 JUNE .....**  
**AMOUNT DUE BY 31 MAY ..... - \$.....** (GST Exempt)

Please complete all details and either post or fax, even if using Bpay.

1. Postal address .....  
 ..... Postcode .....  
*(This may be a residential, employment or other address. The Board will use this for all mailing purposes)*
  
2. Professional address (include name of employer or whether self employed) .....  
 .....  
 ..... Postcode ..... Phone ..... Email.....  
**Do you choose to make the professional details above available to the public?** Yes  No   
*(eg. website, phone enquiries)*
  
3. Residential address .....  
 ..... Postcode ..... Phone ..... Mobile .....  
*(This address will not be released by the Board)*
  
4. Have you in the past 12 months, in South Australia or elsewhere, been:
  - (a) found guilty of unprofessional conduct? Yes  No
  - (b) convicted (*convicted means found guilty in a court whether or not a conviction was recorded*) or found guilty of, any criminal offence? Yes  No

*If "Yes" box is ticked in any of the above three questions, please give details in separate document.*

I certify that the above information is true and correct. **Signature** ..... **Date** ..... / ..... / 2003

**Method of Payment (please circle):** Bpay / Credit Card (*form attached*) / Cheque / Money Order / Cash

**NOTE:**  
A receipt / certificate of current registration will be forwarded to you in due course.  
A change of name must be notified with copy of marriage certificate or other authorised document.

### Schedule 3—Fees

1. Application for full registration or for limited registration for a period exceeding 1 month—
  - (a) if the application is made in respect of the applicant's first year (or part year) of practice immediately following graduation and is made—
    - (i) between 1 July and 31 December (inclusive) ..... \$100
    - (ii) between 1 January and 30 June (inclusive)..... \$50
  - (b) in any other case, if the application is made—
    - (i) between 1 July and 31 December (inclusive) in any year..... \$200
    - (ii) between 1 January and 30 June (inclusive) in any year..... \$100

2. Application for limited registration for a period not exceeding 1 month..... \$50
3. Application for renewal of registration..... \$150

## **Schedule 4—Revocation of Occupational Therapists Regulations 1988**

### **1—Revocation of regulations**

The *Occupational Therapists Regulations 1988* are revoked.

#### **Note—**

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

### **Made by the Governor**

on the recommendation of the Occupational Therapists Registration Board of South Australia and with the advice and consent of the Executive Council

on 21 August 2003.

No. 174 of 2003

DHSCS03/26

South Australia

## **Controlled Substances (Pesticides) Regulations 2003**

under the *Controlled Substances Act 1984*

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## Part 1—Preliminary

### 1—Short title

These regulations may be cited as the *Controlled Substances (Pesticides) Regulations 2003*.

### 2—Commencement

These regulations will come into operation on 1 September 2003.

### 3—Interpretation

In these regulations, unless the contrary intention appears—

*Act* means the *Controlled Substances Act 1984*;

*Agvet Code* means the *Agvet Code of South Australia* (see section 5 of the *Agricultural and Veterinary Chemicals (South Australia) Act 1994*);

*approved label* has the meaning given by the Agvet Code;

*director*, in relation to a body corporate, has the same meaning as in the *Corporations Act 2001* of the Commonwealth;

*disposal*, in relation to pesticide, means—

- (a) disposal of unused pesticide; or
- (b) disposal of a container that has been used to hold pesticide;

*employ* includes engage under a contract for services;

*licensing authority* means the person or body designated from time to time by the Minister by instrument in writing as the licensing authority for the purposes of these regulations;

*Part 7 permit* means a permit under Part 7 of the Agvet Code;

*pest* has the meaning given by the Agvet Code;

*pest control business* means a business in which pest control work is performed for another for fee or reward;

*pest controller* means a person who carries on a pest control business;

*pest control work* means using a pesticide to—

- (a) kill, stupefy or repel a pest; or
- (b) inhibit the feeding of a pest; or
- (c) modify the physiology of a pest to alter its natural development or reproductive capacity,

and includes measuring, mixing, weighing or otherwise preparing a pesticide for such use;

*pesticide* means a substance or preparation that—

- (a) contains any proportion of a poison listed in schedule 5, schedule 6 or schedule 7 of the *Standard for the Uniform Scheduling of Drugs and Poisons* published by the National Drugs and Poisons Schedule Committee, as modified by and incorporated into the *Controlled Substances (Poisons) Regulations 1996*; and
- (b) is authorised under the Agvet Code for use for pest control work;

*pest management technician* means a person who personally performs pest control work in the course of a pest control business;

*pest management technician's licence* means a full pest management technician's licence or a limited pest management technician's licence.

#### 4—Meaning of supervision

- (1) For the purposes of these regulations, pest control work is performed by a person under the supervision of another (the *supervisor*) if and only if—
  - (a) the pest control work is of a kind that the supervisor is licensed to perform; and
  - (b) the pesticides used in the pest control work are of a kind that the supervisor is licensed to use; and
  - (c) subject to subregulation (2), the supervisor is present within sight and sound of the person while the person is performing the work and is available—
    - (i) to advise or assist the person in the performance of the work; or
    - (ii) to intervene in the performance of the work,as may be necessary in the circumstances of the case.
- (2) If, on application made by a pest controller who employs a person to perform pest control work under the supervision of another, the licensing authority determines that the competence of the person to perform pest control work is such that the level of supervision required by subregulation (1)(c) is unnecessary, that subregulation does not apply but instead the supervisor must be contactable in a manner approved by the licensing authority to provide advice or instruction to the person performing the pest control work, if necessary, while the person is performing the work.

#### 5—Non-application of regulations to certain pest control work

These regulations do not apply in relation to pest control work consisting only of—

- (a) the application of glyphosate by means of—
  - (i) hand-held equipment with a tank having a maximum capacity of 15 litres or less; or
  - (ii) a brush or similar implement; or
- (b) measuring, mixing, weighing or otherwise preparing glyphosate for application by such means.

### Part 2—Licences

#### 6—Requirement for licence

- (1) A person must not carry on a pest control business except as authorised by—
  - (a) a pest controller's licence under these regulations; or
  - (b) a commercial operator's licence issued under the *Agricultural and Veterinary Chemicals (Control of Use) Act 1995* of Tasmania as amended from time to time, or under an Act substituted for that Act; or



- (c) registration as a commercial pesticide firm under the *Health Act 1911* of Western Australia as amended from time to time, or under an Act substituted for that Act.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) A person must not perform pest control work in the course of a pest control business except as authorised by a pest management technician's licence under these regulations.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) A person who carries on a pest control business must ensure that no person performs pest control work in the course of that business except as authorised by a pest management technician's licence under these regulations.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **7—Authority conferred by licence**

Subject to these regulations—

- (a) a pest controller's licence authorises the holder of the licence to carry on a pest control business in which pest control work of a kind specified in the licence using pesticides of a kind specified in the licence may be performed by the holder of a pest management technician's licence authorising pest control work of that kind by the use of pesticides of that kind;
- (b) a full pest management technicians's licence authorises the holder of the licence to perform pest control work of a kind specified in the licence using pesticides of a kind specified in the licence;
- (c) a limited pest management technician's licence authorises the holder of the licence to perform pest control work of a kind specified in the licence using pesticides of a kind specified in the licence under the supervision of the holder of a full pest management technician's licence.

## **8—Pest controller's licence**

- (1) The licensing authority may grant an application for a pest controller's licence if satisfied—

- (a) that the applicant—

- (i) holds a full pest management technician's licence; or
- (ii) employs a person who holds such a licence,

authorising the holder to perform pest control work of the kind, by the use of pesticides of the kind, for which the pest controller's licence is sought; and

- (b) that the applicant, or a person employed by the applicant, has an adequate knowledge of the requirements of these regulations and of the practices that should be followed in the conduct of a pest control business; and
- (c) that the applicant has appropriate equipment to perform pest control work of the kind for which the pest controller's licence is sought; and

- (d) that—
  - (i) in the case of an application by a natural person—the applicant is otherwise a fit and proper person to hold a pest controller's licence; or
  - (ii) in the case of an application by a body corporate—each director of the body corporate is a fit and proper person to be the director of a body corporate that holds a pest controller's licence.
- (2) A pest controller's licence is subject to the following conditions:
  - (a) a condition that the holder of the licence will maintain any premises and equipment used for the purposes of the holder's pest control business in a clean, efficient and safe working condition;
  - (b) a condition that the holder of the licence will ensure that any pesticide, while handled or used in the course of the holder's pest control business, is under the direct control of the holder of a pest management technician's licence;
  - (c) a condition that the holder of the licence will ensure that any unused pesticide or any container used to hold a pesticide in the course of the pest controller's business is disposed of in a manner not likely to endanger the health of any person.

### **9—Pest management technician's licence**

- (1) The licensing authority may grant an application for a full pest management technician's licence if satisfied that the applicant—
  - (a) has qualifications that the licensing authority considers appropriate having regard to the kind of pest control work for which the licence is sought; and
  - (b) is medically fit to perform pest control work of the kind for which the licence is sought; and
  - (c) is otherwise a fit and proper person to hold a pest management technician's licence.
- (2) A person who does not have the qualifications required for the grant of a full pest management technician's licence may apply to the licensing authority for a limited pest management technician's licence.
- (3) The licensing authority may grant an application for a limited pest management technician's licence if—
  - (a) the applicant gives to the licensing authority an undertaking that the applicant will, as soon as practicable after the grant of the licence, commence an appropriate course of instruction or training approved by the licensing authority to obtain the qualifications required for the grant of a full pest management technician's licence; and
  - (b) the licensing authority is satisfied that the applicant—
    - (i) is employed by a pest controller to perform pest control work under the supervision of the holder of a full pest management technician's licence; and
    - (ii) is medically fit to perform pest control work of the kind for which the licence is sought; and
    - (iii) is otherwise a fit and proper person to be licensed as a pest management technician.

- (4) A full pest management technician's licence or limited pest management technician's licence is subject to the following conditions:
- (a) a condition that the holder of the licence will, while using pesticides, wear protective clothing sufficient to prevent contamination of the holder;
  - (b) a condition that the holder of the licence will keep suitable first aid materials available where pesticides are being used by the holder;
  - (c) a condition that the holder of the licence will not handle or use pesticides in a manner dangerous to the health of any person;
  - (d) a condition that the holder of the licence will dispose of any unused pesticide or any container used to hold a pesticide in a manner not likely to endanger the health of any person;
  - (e) a condition that the holder of the licence will, if a spillage of pesticides occurs, clean and decontaminate the area in which the spillage occurred in a manner approved by the licensing authority;
  - (f) a condition that the holder of the licence will submit to such medical examinations as the licensing authority considers necessary to monitor exposure of the holder to pesticides;
  - (g) a condition that the holder of the licence will submit to such assessments as the licensing authority considers necessary to ensure that the holder maintains an adequate knowledge of pest control work and pesticides of the kind authorised by the licence.
- (5) A limited pest management technician's licence is subject to a condition that the holder of the licence will not make recommendations or give advice to any person concerning the use of pesticides.
- (6) An application for a pest management technician's licence cannot be made except by, or on behalf of, a natural person.

## **10—Conditions of licence**

- (1) A licence under these regulations is subject to—
- (a) such conditions as are imposed by these regulations; and
  - (b) such other conditions as the licensing authority thinks fit to impose and specifies in the licence or by notice in writing given personally or by post to the holder of the licence.
- (2) The holder of a licence under these regulations must not contravene or fail to comply with a condition of the licence.
- Maximum penalty: \$5 000.  
Expiation fee: \$315.

## **11—Term and renewal of licence**

- (1) A pest controller's licence or full pest management technician's licence expires on 30 June following the date of its grant and may, on application made to the licensing authority before the expiry of the licence, be renewed for successive terms of 12 months.

- (2) A limited pest management technician's licence expires—
  - (a) on the first anniversary of the date of its grant; or
  - (b) in the case of a licence that has been renewed—
    - (i) on the first anniversary of the date of its renewal; or
    - (ii) if the licensing authority has extended the term of the licence—at the end of the period of extension.
- (3) The licensing authority may, on application made by the holder of a limited pest management technician's licence before the expiry of the licence, extend the term of the licence for a period not exceeding 6 months if, in the opinion of the licensing authority, it is fair in the circumstances of the particular case to allow the holder of the licence further time to do whatever is necessary for the holder to qualify for the grant of a full pest management technician's licence.
- (4) A limited pest management technician's licence may be renewed once by the licensing authority on application made before the expiry of the licence.

## **12—Exemptions**

- (1) The licensing authority may exempt a person from the obligation to hold a licence under these regulations on such conditions as the licensing authority thinks fit.
- (2) The licensing authority may, by notice in writing given personally or by post to a person granted an exemption under this regulation, vary or revoke the exemption.
- (3) The licensing authority must not grant or vary an exemption unless satisfied that pest control work performed in compliance with the conditions of the exemption as granted or varied will not entail any significant risk to public health or the environment.
- (4) A person who contravenes, or fails to comply with, a condition of an exemption under this regulation is guilty of an offence.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.

## **13—Variation of licence**

- (1) The licensing authority may, by notice in writing given personally or by post to the holder of a licence under these regulations—
  - (a) vary the licence to extend or limit the kind of pest control work authorised by, or the kind of pesticides that may be used pursuant to, the licence; or
  - (b) vary or revoke a condition of the licence imposed by the licensing authority, or impose a further condition on the licence.
- (2) The powers conferred by subregulation (1) may be exercised—
  - (a) on the application of the holder of the licence; or
  - (b) if the licensing authority is of the opinion that there are proper reasons for doing so.

## 14—Suspension or cancellation of licence

The licensing authority may, by notice in writing given personally or by post to the holder of a licence under these regulations, suspend or cancel the licence if satisfied—

- (a) that the holder made a false statement or furnished false information in applying for the grant, renewal or variation of the licence; or
- (b) that the holder has been found guilty of an offence against the Act or these regulations or any other law relating to pesticides (including a law of another State or a Territory); or
- (c) that—
  - (i) in the case of a licence held by a natural person—
    - (A) the holder's health will be seriously endangered if he or she continues to perform pest control work of the kind authorised by the licence; or
    - (B) the holder is no longer competent to perform pest control work of the kind authorised by the licence; or
    - (C) the holder is for any other reason no longer a fit and proper person to hold the licence; or
  - (ii) in the case of a pest controller's licence held by a body corporate—a director of the body corporate is no longer a fit and proper person to be the director of a body corporate that holds a pest controller's licence.

## 15—Right of appeal

- (1) The following appeals may be made to the Administrative and Disciplinary Division of the District Court:
  - (a) an applicant for a licence under these regulations may appeal against a decision of the licensing authority—
    - (i) to refuse to grant the licence; or
    - (ii) to impose particular conditions on the licence;
  - (b) a person who holds or formerly held a licence under these regulations may appeal against a decision of the licensing authority—
    - (i) to suspend or cancel the licence; or
    - (ii) to vary the licence; or
    - (iii) to impose or vary particular conditions on the licence.
- (2) Subject to this regulation, an appeal must be instituted within 1 month of the making of the decision appealed against.
- (3) The licensing authority must, on application by a person seeking to appeal a decision of the licensing authority, state in writing the reasons for the decision.
- (4) If the reasons of the licensing authority are not given in writing at the time of making a decision and the person affected by the decision, within 1 month of the making of the decision, requires the licensing authority to state the reasons in writing, the time for instituting an appeal runs from the time when the person receives the written statement of those reasons.

## Part 3—Duties of pest controllers and pest management technicians

### 16—Storage of pesticides

- (1) A pest controller must ensure that a pesticide stored in the course of the pest controller's business is kept in a prescribed container that—
  - (a) is kept securely closed; and
  - (b) is housed in a structure that—
    - (i) is roofed; and
    - (ii) has a floor impervious to water; and
    - (iii) is adequately ventilated; and
    - (iv) is locked when unattended; and
    - (v) has an adequate supply of water available to wash any spillage of pesticide that may occur; and
    - (vi) is so situated or constructed that a spillage of pesticide cannot drain into a water supply or watercourse or soak into the soil.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) In this regulation—

*prescribed container* means—

- (a) a container that bears an approved label; or
- (b) a container of a kind approved by the licensing authority for the purposes of this regulation.

### 17—Transport of pesticides

- (1) A pest controller must ensure that the following provisions are complied with in relation to the transport of a pesticide in the course of the pest controller's business:
  - (a) the pesticide must be transported in a securely closed container that—
    - (i) in the case of a pesticide registered under the Agvet Code—bears the approved label for containers of that pesticide; or
    - (ii) in the case of a pesticide that is not registered under the Agvet Code but is the subject of a Part 7 permit—bears a label that contains adequate instructions relating to the matters referred to in section 14(3)(g) of the Agvet Code;
  - (b) the pesticide must not be left in an unattended vehicle unless the vehicle has an enclosed storage facility that forms part of or is securely fixed to the structure of the vehicle and the pesticide is kept securely locked in that storage facility;
  - (c) the driving compartment of the vehicle used to transport the pesticide must be separated from the pesticide storage area by a gas-tight barrier.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) Subregulation (1)(a) does not apply if pesticide is transported in a securely closed spray tank that—
- (a) forms part of or is securely fixed to the structure of the vehicle being used to transport the pesticide; and
  - (b) is prominently marked with—
    - (i) the word "CAUTION" or "POISON" or any other warning approved by the licensing authority; and
    - (ii) the name of the pesticide.

### **18—Compliance with prescribed standards and codes of practice**

- (1) A pest controller must ensure that the requirements of the prescribed standards and codes of practice are complied with in relation to pest control work carried out in the course of the pest controller's business.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (2) A pest management technician must perform pest control work in accordance with the prescribed standards and codes of practice.  
Maximum penalty: \$5 000.  
Expiation fee: \$315.
- (3) For the purposes of this regulation, the prescribed standards and codes of practice are—
- (a) AS 3660.1—2000 published by Standards Australia as amended from time to time; and
  - (b) AS 3660.2—2000 published by Standards Australia as amended from time to time; and
  - (c) *South Australian Health Commission Code of Practice for Diluting Pesticides from a Water Supply* published by the South Australian Health Commission on 19 May 1988 (*Gazette 19.5.1988 p1280*) as amended from time to time; and
  - (d) *South Australian Health Commission Termiticides (Safe Use) Code of Practice* published by the South Australian Health Commission on 19 May 1988 (*Gazette 19.5.1988 p1285*) as amended from time to time.

### **19—Compliance with Agvet Code**

- (1) A pest controller must, in relation to a pesticide registered under the Agvet Code, ensure that—
- (a) the directions stated on the approved label for the container for the pesticide are complied with in relation to the handling or use of the pesticide in the course of the pest controller's business; and
  - (b) the pesticide is not used in the course of the pest controller's business for a purpose not stated on the approved label,

unless the pesticide is the subject of a Part 7 permit.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (2) A pest controller must, in relation to a pesticide that is the subject of a Part 7 permit, ensure that—
- (a) the conditions of the permit are complied with in relation to the handling or use of the pesticide in the course of the pest controller's business; and
  - (b) the pesticide is not used in the course of the pest controller's business for a purpose not authorised by the permit.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) A pest management technician—
- (a) must perform pest control work using a pesticide that is registered under the Agvet Code in accordance with the directions stated on the approved label for the container for the pesticide; and
  - (b) must not use the pesticide for a purpose not stated on the approved label,
- unless the pesticide is the subject of a Part 7 permit.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (4) A pest management technician—
- (a) must perform pest control work using a pesticide that is the subject of a Part 7 permit in accordance with the conditions of the permit; and
  - (b) must not use the pesticide for a purpose not authorised by the permit.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **20—Reporting of certain spillages of pesticide**

If a person who holds a licence under these regulations observes a spillage of pesticide that, because of its magnitude or location, or because of the toxicity of the pesticide involved—

- (a) requires assistance to be managed; or
- (b) is such that it may have an immediate impact on the environment or the health or safety of members of the public,

the person must immediately report the spillage to the licensing authority or a police officer.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## **21—Records to be kept by pest controllers**

- (1) A pest controller must, in relation to each pest management technician employed in the pest controller's business, keep a record of—
- (a) the technician's name and address; and
  - (b) the technician's date of birth; and
  - (c) the date on which the technician commenced employment with the pest controller; and



- (d) the date on which the technician ceased employment with the pest controller; and
- (e) the pesticides handled or used by the technician in the course of that employment.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (2) A pest controller must, within 28 days after a pest management technician ceases to be employed in the pest controller's business, forward a copy of the records kept under subregulation (1) to the licensing authority.
- Maximum penalty: \$2 500.
- Expiation fee: \$210.
- (3) A pest controller must retain a record kept under subregulation (1) for 7 years after the date of the last entry made in it.
- Maximum penalty: \$2 500.
- Expiation fee: \$210.
- (4) A pest controller must, in relation to each application of pesticide in the course of the pest controller's business, keep a record of—
- (a) the date, time and location of the application; and
  - (b) the name and quantity of the pesticide applied; and
  - (c) the name of the pest management technician who applied the pesticide; and
  - (d) the proximity of other people to the area where the pesticide was applied; and
  - (e) in the case of a pesticide applied outdoors—the prevailing weather conditions in the area where the pesticide was applied; and
  - (f) in the case of a termiticide applied to a site before or during the construction of a building—
    - (i) the total surface area of the land or building treated with the termiticide; and
    - (ii) the name and principal place of business of the supplier of the termiticide.

Maximum penalty: \$2 500.

Expiation fee: \$210.

- (5) A pest controller must retain a record kept under subregulation (4) for 7 years after the date it was made.
- Maximum penalty: \$2 500.
- Expiation fee: \$210.
- (6) A pest controller must, on request by the licensing authority in writing, provide the licensing authority with specified information contained in a record kept under this regulation within the time specified in the request.
- Maximum penalty: \$2 500.
- Expiation fee: \$210.

**22—Duty of holder of pest controller's licence to notify change of business name or address**

The holder of a pest controller's licence must, within 14 days of any change in—

- (a) any business name under which the holder carries on the pest control business; or
- (b) the holder's business or registered address,

give the licensing authority written notice of the change.

Maximum penalty: \$250.

Expiation fee: \$80.

**23—Duty of holder of limited pest management technician's licence to notify change or cessation of employment**

The holder of a limited pest management technician's licence must, within 14 days of—

- (a) changing employment from one pest controller to another; or
- (b) ceasing to be employed as a pest management technician,

give the licensing authority written notice of the change or cessation of employment.

Maximum penalty: \$250.

Expiation fee: \$80.

**Part 4—Miscellaneous****24—Applications**

- (1) An application under these regulations must—
  - (a) be made in a manner and form approved by the licensing authority; and
  - (b) be accompanied by the appropriate fee set out in Schedule 1.
- (2) A person who makes an application under these regulations must, if the licensing authority so requires—
  - (a) provide the licensing authority with specified information to enable the licensing authority to determine the application; and
  - (b) verify, by statutory declaration, information furnished for the purposes of the application.

**25—False or misleading statement**

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided under these regulations.

Maximum penalty: \$5 000.

## Schedule 1—Fees

1.	On application for the issue of a pest controller's licence that is to take effect in—	
	July.....	\$209.00
	August.....	\$194.00
	September .....	\$179.00
	October .....	\$163.00
	November .....	\$148.00
	December.....	\$133.00
	January.....	\$118.00
	February.....	\$102.00
	March.....	\$87.00
	April.....	\$72.00
	May .....	\$57.00
	June .....	\$41.50
2.	On application for the issue of a full pest management technician's licence that is to take effect in—	
	July.....	\$51.50
	August.....	\$48.00
	September .....	\$44.50
	October .....	\$41.00
	November .....	\$37.50
	December.....	\$34.00
	January.....	\$30.50
	February.....	\$27.00
	March.....	\$23.50
	April.....	\$20.00
	May .....	\$16.50
	June.....	\$13.00
3.	On application for the issue of a limited pest management technician's licence.....	\$51.50
4.	On application for an extension of the term of a limited pest management technician's licence .....	\$20.00
5.	On application for the renewal of a pest controller's licence .....	\$209.00
6.	On application for the renewal of a pest management technician's licence ..	\$51.50

## **Schedule 2—Revocation and transitional provisions**

### **Part 1—Revocation of *Controlled Substances (Pesticide) Regulations 1988***

#### **1—Revocation of regulations**

The *Controlled Substances (Pesticide) Regulations 1988* are revoked.

### **Part 2—Transitional provisions**

#### **2—Interpretation**

In this clause—

*revoked regulations* means the regulations revoked by clause 1.

#### **3—Continuation of licences**

- (1) A pest controller's licence under the revoked regulations in force immediately before the commencement of these regulations continues in force under these regulations, subject to its terms and conditions, as a pest controller's licence under these regulations for the balance of the term for which it was granted or last renewed.
- (2) A pest operator's licence grade 1 under the revoked regulations in force immediately before the commencement of these regulations continues in force under these regulations, subject to its terms and conditions, as a limited pest management technician's licence under these regulations for the balance of the term for which it was granted or last renewed.
- (3) A pest operator's licence grade 2 under the revoked regulations in force immediately before the commencement of these regulations continues in force under these regulations, subject to its terms and conditions, as a limited pest management technician's licence under these regulations for a term expiring on the first anniversary of the commencement of these regulations.
- (4) A pest operator's licence grade 3 under the revoked regulations in force immediately before the commencement of these regulations continues in force under these regulations, subject to its terms and conditions, as a full pest management technician's licence under these regulations for the balance of the term for which it was granted or last renewed.

#### **4—Continuation of exemptions**

An exemption under the revoked regulations in force immediately before the commencement of these regulations continues in force under these regulations, subject to its terms and conditions, as an exemption under these regulations.

#### **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**

after consultation by the Minister with the Controlled Substances Advisory Council and with the advice and consent of the Executive Council

on 21 August 2003.

No. 175 of 2003

DHCS02/66CS

South Australia

## **Land Acquisition (Variation) Regulations 2003**

under the *Land Acquisition Act 1969*

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### **Contents**

#### **Part 1—Preliminary**

- 1 Short title
- 2 Commencement
- 3 Variation provisions

#### **Part 2—Variation of Land Acquisition Regulations 1991**

- 4 Substitution of regulation 6A
  - 5 Variation of Schedule—Forms
- 

### **Part 1—Preliminary**

#### **1—Short title**

These regulations may be cited as the *Land Acquisition (Variation) Regulations 2003*.

#### **2—Commencement**

These regulations will come into operation on 1 September 2003.

#### **3—Variation provisions**

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

### **Part 2—Variation of *Land Acquisition Regulations 1991***

#### **4—Substitution of regulation 6A**

Regulation 6A—delete the regulation and substitute:

##### **6A—Notice of intention to acquire land**

For the purposes of section 10(2)(b)(ii)(B) of the Act, the following supporting materials must be exhibited:

- (a) in the case of service by publication in a newspaper or relevant special-interest publication in accordance with the *Native Title (South Australia) Act 1994*—a copy of an extract from the publication containing the notice and identifying the name of the publication and the date of publication;

- (b) in the case of service by giving a copy of the notice personally or by post or by some other agreed method in accordance with the *Native Title (South Australia) Act 1994*—a copy of the notice so served.

### **6B—Explanation of acquisition scheme may be required**

For the purposes of section 11(2)(b)(iii)(B) and 12(2)(b)(iii)(B) of the Act, an Aboriginal group must authorise the representative Aboriginal body to act on its behalf as follows:

- (a) the authorisation must be in writing; and
- (b) the authorisation must—
  - (i) name the persons comprising the Aboriginal group claiming native title or otherwise define the Aboriginal group sufficiently clearly so that it can be ascertained whether any particular person is a member of the group; and
  - (ii) state that the Aboriginal group does not have, and is not part of another Aboriginal group that has, a registered representative; and
  - (iii) define the land to which the claim relates with sufficient particularity to enable the boundaries of the area covered by the claim and any areas within those boundaries that are not covered by the claim to be readily identified; and
  - (iv) state the nature of the rights conferred by the native title claimed and the nature of activities that may be carried out pursuant to those rights; and
  - (v) state the factual basis on which it is asserted that the Aboriginal group holds the native title claimed; and
- (c) the authorisation must expressly authorise the representative Aboriginal body to act under section 11 and 12 of the Act on behalf of the group in relation to a specified notice of intention to acquire land to which the native title claim relates; and
- (d) the authorisation must be signed by a member of the group authorised to sign on behalf of the group following either—
  - (i) a process of decision making recognised by the traditional laws or customs of the Aboriginal group; or
  - (ii) a process of decision making agreed to and adopted by the Aboriginal group in relation to the decision or in relation to decisions of that kind.

### **5—Variation of Schedule—Forms**

- (1) Schedule, Form 1—delete "[*This form is to be used for any acquisition other than an acquisition of native title land for the purpose of conferring proprietary rights or interests on a person other than the Crown or an instrumentality of the Crown.*]" and substitute:

*[This form is to be used for an acquisition other than one to which Part 4 Division 1 of the Act applies.]*

(2) Schedule, Form 1, clause 1—after the first sentence insert:

(If—

- the Authority is the Crown or an instrumentality of the Crown; and
- the Authority proposes to acquire native title; and
- the Authority does not propose to acquire the land for the purpose of conferring rights or interests on someone other than the Crown or an instrumentality of the Crown,

the notice must state that the purpose of the acquisition is to confer rights or interests in relation to the land on the Crown or an instrumentality of the Crown.)

(3) Schedule, Form 1, clause 2—before "the representative Aboriginal body" insert:

, in certain cases,

(4) Schedule, Form 1, clause 3—before "the representative Aboriginal body" insert:

, in certain cases,

(5) Schedule, Form 1—after clause 3 insert:

### **3A—Additional right of native title parties to object to prescribed private acquisition (section 12B)**

Within 2 months or, if an explanation of the reasons for the acquisition is required, within 2 months after the explanation is provided, native title parties may, by written notice to the Minister, object to a prescribed private acquisition<sup>2</sup> so far as it affects their registered native title rights.

#### **Note—**

- The Minister must consult any native title parties who object about ways of minimising the impact of the acquisition project on registered native title rights and, if relevant, access to the land.
- The Attorney-General must, at the request of a native title party who has made an objection under this section, appoint an independent person or body to hear the objection.
- Before making such an appointment, the Attorney-General must consult the Minister and the native title party.
- If the independent person or body hearing an objection under this section makes a determination upholding the objection, or that contains conditions about the acquisition that relate to registered native title rights, the determination must be complied with unless—
  - the Minister responsible for indigenous affairs is consulted; and
  - the consultation is taken into account; and
  - it is in the interests of the State not to comply with the recommendation.



- (6) Schedule, Form 1, clause 4, note, dot point 3—after "party" insert:

who is the holder of native title

- (7) Schedule, Form 1, clause 4, note, dot point 4—delete "12 months" and substitute:

18 months or a longer period fixed under section 15(4a) of the *Land Acquisition Act 1969*

- (8) Schedule, Form 1, clause 5, italic note at foot—after "1886" insert:

*and the land is not native title land*

- (9) Schedule, Form 1, note 1 at foot of form—delete the note and substitute:

1 The notice must be given to each person whose interest in the land is subject to acquisition, or such of those persons as, after diligent inquiry, become known to the Authority. If the Authority proposes to acquire native title in land, the notice must also be given to—

- if there is a native title declaration for the land—the registered representative of the native title holders and the relevant representative Aboriginal body;
- if there is no native title declaration for the land—to all persons who hold, or may hold, native title in the land (see Part 5 of the *Native Title (South Australia) Act 1994*).

2 A prescribed private acquisition means—

- an acquisition by the Crown or an instrumentality of the Crown of native title in land for the purpose of conferring rights or interests in relation to the land on a person other than the Crown or an instrumentality of the Crown so that an infrastructure facility may be provided; or
- an acquisition by the Crown or an instrumentality of the Crown of native title in land wholly within a town or city for the purpose of conferring rights or interests on a person other than the Crown or an instrumentality of the Crown; or
- an acquisition by the Crown or an instrumentality of the Crown of native title in land situated on the seaward side of the mean high-water mark of the sea for the purpose of conferring rights or interests on a person other than the Crown or an instrumentality of the Crown; or
- an acquisition of native title in land that is neither made by the Crown or an instrumentality of the Crown nor made for the purpose of conferring rights or interests on the Crown or an instrumentality of the Crown.

- (10) Schedule, Form 2—delete "[*This form is to be used for a proposed acquisition of native title land for the purpose of conferring proprietary rights or interests on a person other than the Crown or an instrumentality of the Crown.*]" and substitute:

*[This form is to be used for a proposed acquisition of native title if the acquisition is to be made by the Crown or an instrumentality of the Crown for the purpose of conferring rights or interests on a person other than the Crown or an instrumentality of the Crown and the proposed acquisition is not a prescribed private acquisition.]*

- (11) Schedule, Form 2, clause 1—delete "proprietary"
- (12) Schedule, Form 2, clause 1—before the last sentence insert:
- Aboriginal groups who are not registered under the law of the State or the Commonwealth as holders of or claimants to native title in the land but want to participate in the negotiations must take the necessary steps under that law to become native title parties in relation to the relevant land within three months after service of this notice. In order to be appropriate native title parties with whom the Authority must negotiate under section 19 of the *Land Acquisition Act 1969*, the parties must be registered as holders of or claimants to native title in the land on the date falling four months after service of this notice.
- (13) Schedule, Form 2, clause 2—before "the representative Aboriginal body" insert:
- , in certain cases,
- (14) Schedule, Form 2, clause 3—before "the representative Aboriginal body" insert:
- , in certain cases,
- (15) Schedule, Form 2, clause 4—before "land" first occurring insert:
- native title in the
- (16) Schedule, Form 2, clause 4, note, dot point 1—delete "2" and substitute:
- 4
- (17) Schedule, Form 2, clause 4, note, dot point 4—delete "(but compensation is not to be determined at this stage)" and substitute:
- (but a final determination of compensation cannot be made at this stage)
- (18) Schedule, Form 2, clause 4, note, dot point 5—delete the dot point
- (19) Schedule, Form 2, clause 4, note, dot point 7—after "State" insert:
- or in the national interest
- (20) Schedule, Form 2, clause 5, note, dot point 3—after "party" insert:
- who is the holder of native title
- (21) Schedule, Form 2, clause 5, note, dot point 4—delete "12 months" and substitute:
- 18 months or a longer period fixed under section 15(4a) of the *Land Acquisition Act 1969*
- (22) Schedule, Form 2, clause 6 (including the italic note at the foot of the clause)—delete the clause
- (23) Schedule, Form 2, note 1 at foot of form—delete the note and insert:
- 1 The notice must be given to—
- if there is a native title declaration for the land—the registered representative of the native title holders and the relevant representative Aboriginal body;
  - if there is no native title declaration for the land—to all persons who hold, or may hold, native title in the land (see Part 5 of the *Native Title (South Australia) Act 1994*).

In addition, the Authority must—

- give a copy of the notice of intention to acquire the land to the Registrar of the Environment, Resources and Development Court and the Commonwealth Registrar; and
- as soon as practicable after completing all requirements for service of the notice, give the Registrar of the Environment, Resources and Development Court, the Commonwealth Registrar, the relevant representative Aboriginal body and any other prescribed persons a statutory declaration—
  - specifying the steps that have been taken to effect service, the date of each step, and when the requirements for service were completed; and
  - exhibiting any supporting materials required under the regulations.

NOTE: The periods referred to in this notice run from the date when the requirements for service of the notice are completed. Information about when the requirements for service were completed, as disclosed in the Authority's statutory declaration, can be obtained by contacting the Registrar of the Environment, Resources and Development Court, the Commonwealth Registrar or the relevant representative Aboriginal body.

(24) Schedule, Form 4, clause 3—delete "3 months" and substitute:

6 months

(25) Schedule, Form 5, clause 2—delete all words after the first sentence

(26) Schedule, Form 6, clause 2—at the end of the clause insert:

(If Part 4 Division 1 of the Act applies and the Authority has already paid an amount into the Environment Resources and Development Court, the amount (if any) paid into the Land and Valuation Court will be the amount by which the amount of the offer exceeds that amount already paid into the Environment, Resources and Development Court.)

(27) Schedule, Form 6, clause 3—delete the clause and substitute:

### **3—Reference of matters into Court**

The Authority or a claimant for compensation may refer a question arising in the course of negotiations into the Land and Valuation Court (see section 23C of the *Land Acquisition Act 1969*).

The principles for determining compensation are set out in section 25 of the *Land Acquisition Act 1969*.

(28) Schedule, Form 7, clause 4 (including the italic note at the foot of the clause)—delete the clause

(29) Schedule, Form 7, note 1 at foot of form—delete the note and substitute:

1 The notice must be given to the owner (including a person who holds native title in land) and occupier of the land at least 7 days before entry.

(30) Schedule, Form 8, clause 2—at the end of the clause insert:

However, the Authority is not authorised to take stone, gravel, earth or other material from land for the purpose of extracting, producing or refining minerals from it or processing it by non-mechanical means.

(31) Schedule, Form 8, clause 4 (including the italic note at the foot of that clause)—delete the clause

(32) Schedule, Form 8, note 1 at foot of form—delete the note and substitute:

1 The notice must be given to the owner (including a person who holds native title in land) and occupier of the land at least 7 days before entry.

**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 21 August 2003.

No. 176 of 2003

AGO0121-03CS

South Australia

## **Fair Trading (General) Variation Regulations 2003**

under the *Fair Trading Act 1987*

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### **Contents**

#### **Part 1—Preliminary**

1. Short title
2. Commencement
3. Variation provisions

#### **Part 2—Variation of Fair Trading (General) Regulations 1999 (Gazette 19.8.99 p 934)**

4. Variation of Regulation 5—Related Acts
- 

### **Part 1—Preliminary**

#### **Short title**

1. These regulations may be cited as the *Fair Trading (General) Variation Regulations 2003*.

#### **Commencement**

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

#### **Variation provisions**

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

### **Part 2—Variation of Fair Trading (General) Regulations 1999 (Gazette 19.8.99 p 934)**

#### **Variation of Regulation 5—Related Acts**

4. Regulation 5—after paragraph (a) insert:

(aa) the *Land and Business (Sale and Conveyancing) Act 1994*;

#### **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 21 August 2003.

No. 177 of 2003  
OCBA CS 012/03

South Australia

## Hairdressers Regulations 2003

under the *Hairdressers Act 1988*

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### Contents

1. Short title
2. Commencement
3. Interpretation
4. Prescribed qualifications

Schedule—Revocation of Hairdressers Regulations 1988 (Gazette 15.12.1988 p 2033)

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### Short title

1. These regulations may be cited as the *Hairdressers Regulations 2003*.

### Commencement

2. These regulations come into operation on 1 September 2003.

### Interpretation

3. (1) In these regulations—

"**Act**" means the *Hairdressers Act 1988*;

"**revoked regulations**" means the regulations revoked by the Schedule.

(2) In these regulations, "**ANTA**", "**ARC**" and "**certificate**" have the same respective meanings as in the *Vocational Education, Employment and Training Act 1994*.

### Prescribed qualifications

4. For the purposes of paragraph (b) of the definition of "**prescribed qualifications**" in section 4 of the Act, the following are declared to be prescribed qualifications:

- (a) a certificate evidencing the successful completion of the following units of competency forming part of the National Hairdressing Training Package (WRH00) endorsed by ANTA on 4 August 2000:
  - (i) Maintain a safe, clean and efficient work environment (WRH01A);
  - (ii) Remove chemicals from hair (WRH06A);
  - (iii) Consult with clients and diagnose hair and scalp conditions (WRH09A);
  - (iv) Treat hair and scalp (WRH10A);
  - (v) Cut hair (WRH11A);
  - (vi) Dress (style) hair (WRH12A);

- 
- (vii) Perform permanent wave and chemical relaxation services (WRH13A);
  - (viii) Colour hair (WRH14A); or
  - (b) a certificate evidencing the successful completion of a course of training in hairdressing issued by an authority of another State or a Territory of the Commonwealth with which ARC has a reciprocal arrangement relating to the recognition of training qualifications; or
  - (c) in the case of a person who, immediately before the commencement of these regulations, had qualifications declared by the revoked regulations to be prescribed qualifications—those qualifications.

**Schedule—Revocation of Hairdressers Regulations 1988 (Gazette 15.12.1988 p 2033)**

The *Hairdressers Regulations 1988 (Gazette 15.12.1988 p 2033)* are revoked.

**Note—**

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

**Made by the Governor**

with the advice and consent of the Executive Council  
on 21 August 2003.

No. 178 of 2003  
OCBA CS 017/02



South Australia

## Construction Industry Long Service Leave Regulations 2003

under the *Construction Industry Long Service Leave Act 1987*

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### Schedule 1—Revocation of Construction Industry Long Service Leave Regulations 1988

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#### 1—Short title

These regulations may be cited as the *Construction Industry Long Service Leave Regulations 2003*.

#### 2—Commencement

These regulations will come into operation on 1 September 2003.

#### 3—Interpretation

In these regulations—

*Act* means the *Construction Industry Long Service Leave Act 1987*.

#### 4—Allowable absence

- (1) For the purposes of the definition of *allowable absence* in section 4 of the Act, the absence of a worker from work by reason of any of the following is an allowable absence:
  - (a) a public holiday;
  - (b) —
    - (i) paid annual leave; or

- (ii) if the worker is paid an allowance instead of being entitled to paid annual leave—a period that is represented by the allowance (but, in this case, only up to 20 working days per year);
  - (c) —
    - (i) paid sick leave; or
    - (ii) if the worker is paid an allowance instead of being entitled to paid sick leave—an injury or illness to which the allowance may be related (but, in this case, only up to 10 working days per year);
  - (d) long service leave (whether under the Act or the *Long Service Leave Act 1987*);
  - (e) any injury suffered during the course of employment.
- (2) If a worker suffers an injury in the course of employment and is entitled to compensation by way of income maintenance in respect of the injury under the *Workers Rehabilitation and Compensation Act 1986*, the absence of the worker from work because of the injury is an allowable absence under subregulation (1)(e) but only until the worker has received compensation by way of income maintenance for a period of 2 years or for separate periods that when aggregated amount to 2 years.

## 5—Corresponding law

For the purposes of the definition of *corresponding law* in section 4 of the Act, each of the following is a corresponding law:

- (a) *Long Service Leave (Building and Construction Industry) Act 1981* of the Australian Capital Territory;
- (b) *Construction Industry Long Service Leave Act 1997* of Victoria;
- (c) *Long Service Leave (Construction Industry) Act 1971* of Tasmania;
- (d) *Construction Industry Portable Paid Long Service Leave Act 1985* of Western Australia;
- (e) *Building and Construction Industry Long Service Payments Act 1986* of New South Wales;
- (f) *Building and Construction Industry (Portable Long Service Leave) Act 1991* of Queensland.

## 6—Ordinary weekly pay

Pursuant to section 4(3)(d) of the Act—

- (a) the following payments made to or for the benefit of a construction worker must be included for the purposes of a determination or calculation under section 4(3):
  - (i) any payment related to annual leave (other than a payment in the nature of an annual leave loading);
  - (ii) any payment related to sick leave;
  - (iii) any payment related to a day off work for a public holiday;
  - (iv) any payment related to a rostered day off work;
  - (v) any industry allowance or tool allowance;

- (vi) any compensation by way of income maintenance paid in respect of a compensable disability under the *Workers Rehabilitation and Compensation Act 1986* (but not if the period, or the aggregate of separate periods, for which the compensation has already been paid exceeds 2 years); and
- (b) the following payments made to or for the benefit of a construction worker must be excluded for the purposes of a determination or calculation under section 4(3):
  - (i) any payment in the nature of an annual leave loading;
  - (ii) any payment in respect of overtime;
  - (iii) any payment in the nature of a bonus;
  - (iv) any site allowance;
  - (v) any payment made on the retirement or retrenchment of the worker, or in relation to any redundancy, other than for back-pay;
  - (vi) any payment in respect of fares or in the nature of a travelling allowance;
  - (vii) any payment that is in the nature of a special rate paid to the worker on an irregular basis to compensate for occasional disabilities under which work is performed, other than where the rate is paid during a period of leave with pay.

## **7—Registration as an employer**

- (1) A person who becomes an employer must register as an employer within 1 month of the date on which he or she becomes an employer.
- (2) In order to register as an employer, a person must post or deliver to the Board an application in writing that is signed by or on behalf of the applicant and which sets out the following:
  - (a) the name of the applicant, including—
    - (i) if the employer is a partnership—the full name of each partner; or
    - (ii) if the employer is a body corporate—the full name of each director;
  - (b) any business name used by the employer;
  - (c) the postal address of the business;
  - (d) in the case of a body corporate—the address of its registered office (if that address is different from the postal address);
  - (e) the address at which business records are kept (if that address is different from the postal address);
  - (f) the date on which wages were first paid in South Australia to a construction worker;
  - (g) the number of construction workers employed.
- (3) A person who fails to comply with this regulation is guilty of an offence.  
Maximum penalty: \$1 000.

## **8—Notice of work as a supervisor**

- (1) In order to give notice under section 18 of the Act, a person must post or deliver to the Board a notice in writing that sets out the following:
  - (a) the person's full name and address;

- (b) the date on which he or she ceased to work as a construction worker;
  - (c) the date on which he or she commenced work as a supervisor in the construction industry, and the full name and address of his or her employer.
- (2) A notice under subregulation (1) must be verified by a statutory declaration made by the person giving the notice.

## 9—Services

- (1) For the purposes of section 26(2) of the Act, 2.5 per cent is prescribed.
- (2) Pursuant to section 26(6) of the Act, but without derogating from the general meaning of *remuneration*—
- (a) the following payments made to or for the benefit of a construction worker will be taken as constituting remuneration for the purposes of section 26 of the Act:
    - (i) any payment related to annual leave (other than a payment in the nature of an annual leave loading);
    - (ii) any payment related to sick leave;
    - (iii) any payment related to a day off work for a public holiday;
    - (iv) any payment related to a rostered day off work;
    - (v) any industry allowance or tool allowance;
    - (vi) any compensation by way of income maintenance paid in respect of a compensable disability under the *Workers Rehabilitation and Compensation Act 1986* (but not if the period, or the aggregate of separate periods, for which the compensation has already been paid exceeds 2 years); and
  - (b) the following payments made to or for the benefit of a construction worker will not be taken as constituting remuneration for the purposes of section 26 of the Act:
    - (i) any payment in the nature of an annual leave loading;
    - (ii) any payment in respect of overtime;
    - (iii) any payment in the nature of a bonus;
    - (iv) any site allowance;
    - (v) any payment made on the retirement or retrenchment of the worker, or in relation to any redundancy, other than for back-pay;
    - (vi) any payment in respect of fares or in the nature of a travelling allowance;
    - (vii) any payment that is in the nature of a special rate paid to the worker on an irregular basis to compensate for occasional disabilities under which work is performed, other than where the rate is paid during a period of leave with pay.

## 10—Return period

For the purposes of section 27(1) of the Act, the following periods in each financial year are prescribed as return periods:

July/August

September/October

November/December

January/February

March/April

May/June.

### **11—Penalty for late payment**

- (1) For the purposes of section 29(1)(a) of the Act, the prescribed rate of interest is 20 per cent per annum.
- (2) For the purposes of section 29(1)(b) of the Act, the prescribed amount is \$75.

### **12—Notice of appeal**

- (1) A person who appeals to the Tribunal must, within the time allowed under section 34 of the Act, post or deliver to the Tribunal a notice of appeal that is signed by or on behalf of the appellant and sets out the following:
  - (a) the name and address of the appellant;
  - (b) details of the decision appealed against;
  - (c) the grounds of appeal;
  - (d) the appellant's address for service.
- (2) The Tribunal must, within 7 days following receipt of a notice of appeal, forward a copy of the notice to the Board.
- (3) The Board must then, within a further period of 21 days, forward to the Tribunal in respect of the decision appealed against—
  - (a) a copy of any transcript of evidence; and
  - (b) any exhibit tendered in evidence; and
  - (c) a statement of the Board's reasons for the decision.
- (4) The Tribunal must, at least 21 days before the date on which the appeal is to be heard, post or deliver to the appellant and the Board notice in writing setting out—
  - (a) the date and time of the hearing of the appeal; and
  - (b) the place at which the appeal is to be heard.

### **13—Procedure on appeal**

- (1) At the hearing of an appeal—
  - (a) the Tribunal is not bound by the rules of evidence and may inform itself on any matter, in any manner it thinks fit; and
  - (b) the proceedings must be conducted according to equity, good conscience and the substantial merits of the case without regard to technicalities and legal forms.
- (2) At the hearing of an appeal, any party may appear personally or by legal practitioner or other agent.

### **14—Hearing of appeal to be in public**

- (1) Unless otherwise directed by the Tribunal, appeals must be heard in public.

- (2) If the Tribunal is satisfied that it is desirable to do so—
- (a) in the interests of justice; or
  - (b) by reason of the confidential nature of any evidence or matter; or
  - (c) in order to expedite procedures before the Tribunal; or
  - (d) for any other reason that the Tribunal thinks sufficient,

the Tribunal may direct that a hearing or part of a hearing will take place in chambers and give further directions as to who may then be present.

### **15—Decision on appeal**

The Tribunal must give reasons for its decision in writing and provide a copy of the reasons to all of the parties to the appeal.

### **16—Self-employed contractors and working directors**

- (1) For the purposes of section 37A(4)(b) of the Act, the following periods in respect of each financial year are prescribed:
- July/August
  - September/October
  - November/December
  - January/February
  - March/April
  - May/June.
- (2) For the purposes of section 37A(4)(c)(i) of the Act, the prescribed number of days of effective service entitlement to be credited by the Board in respect of each period prescribed under subregulation (1) for which a payment is made under section 37A of the Act is the number of days of effective service entitlement that would be credited to the person under the Act for that period if he or she were working full-time in the construction industry as a construction worker.

## **Schedule 1—Revocation of *Construction Industry Long Service Leave Regulations 1988***

The *Construction Industry Long Service Leave Regulations 1988* are revoked.

### **Note—**

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

### **Made by the Governor**

with the advice and consent of the Executive Council

on 21 August 2003.

No. 179 of 2003

MIR 03/023/CS

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## CITY OF CAMPBELLTOWN

*Close of Roll for Supplementary Election*

NOTICE is hereby given that due to the resignation of a member of the Council, a supplementary election will be necessary to fill the vacancy of Area Councillor for the City of Campbelltown.

The voters roll to conduct this supplementary election will close at 5 p.m. on Friday, 29 August 2003.

Nominations to fill the vacancy will open on Thursday, 25 September 2003 and will be received up until 12 noon on Thursday, 16 October 2003.

The election will be conducted entirely by post with the return of ballot material to reach the Returning Officer no later than 12 noon on Monday, 17 November 2003.

STEVE TULLY, Returning Officer

## THE RURAL CITY OF MURRAY BRIDGE

*Adoption of Valuation and Declaration of Rates*

NOTICE is hereby given that at its meeting held on 11 August 2003, the council resolved that in exercise of the powers contained in Chapters 8 and 10 of the Local Government Act 1999 (the 'Act'), and in respect of the financial year ending 30 June 2004:

*Adoption of Valuation*

1. The most recent valuation of the Valuer-General available to the council of the capital value of land within the council's area, being \$1 074 395 280 be adopted for rating purposes.

*Attribution of Land Uses*

2. (1) The numbers indicated against the various categories of land use prescribed by Regulation 10 of the Local Government (General) Regulations 1999 (the 'Regulations') be used to designate land uses in the Assessment Record;

(2) The use indicated by those numbers in respect of each separate assessment of land described in the Assessment Record on this date (as laid before the council) be attributed to each such assessment respectively; and

(3) Reference in this resolution to land being of a certain category use means the use indicated by that category number in the Regulations.

*Declaration of General Rates*

3. In order to raise the amount required for general rate revenue:

- (1) differential general rates pursuant to section 156 (1) (c) of the Act be declared on all rateable land as follows:
  - (i) 0.725 cents in the dollar of the capital value of rateable land of Categories 1 and 9 use (residential and 'other' categories);
  - (ii) 1.359 cents in the dollar of the capital value of rateable land of Categories 2, 3 and 4 use (commercial categories);
  - (iii) 0.989 cents in the dollar of the capital value of rateable land of Categories 5 and 6 use (industrial categories);
  - (iv) 0.613 cents in the dollar of the capital value of rateable land of Category 7 use (primary production); and
  - (v) 0.955 cents in the dollar of the capital value of rateable land of Category 8 use (vacant land);
- (2) a minimum amount payable by way of the general rate of \$485 in respect of each assessment in accordance with section 158 of the Act.

*Declaration of Separate Rates*

4. (1) In exercise of the powers contained in section 154 of the Act in order to upgrade and improve the Town Centre Zone (as defined in the Development Plan under the Development Act 1993, applicable to the council's area), a separate rate of 0.00 cents in the dollar of the capital value of rateable land in the Town Centre Zone is declared on that land.

(2) In exercise of the powers contained in section 182 (1) of the Act, a remission of rates be granted to ratepayers of property in the Town Centre Zone where the property is used for other than Categories 2, 3 or 4 use, such remission being of an amount of 0.00 cents in the dollar of the capital value of the property.

*Declaration of Service Rate*

5. (1) Pursuant to section 155 of the Act, a service charge of \$425 per assessment, and a service rate of 0.1279 cents in the dollar of the capital value of rateable land comprising allotments 1 to 30, 125 and 126 in Deposited Plan 30450 and allotment 50 in Deposited Plans 44291 and 48073 and Units 1 to 73 in Strata Plan No. SP11238, the area defined as Riverglen, is declared on the land, to which the council provides a service, namely the provision of sewage/effluent disposal and water supply services to the land.

(2) Pursuant to section 155 of the Act, a service charge of \$350 per assessment, and a service rate of 0.2029 cents in the dollar of the capital value of rateable land comprising allotments 1 to 19 in Deposited Plans 44292 and 48073 and allotments 1 to 37 and 40 in Deposited Plan 51229, and allotment 50 in Deposited Plan 53034, the area defined as Woodlane, is declared on the land, to which the council provides a service, namely the provision of sewage disposal and water supply services to the land.

(3) Pursuant to section 155 of the Act, a service charge of \$50 per new bin is to be raised on new properties who require bins where council provides a waste disposal collection service and receptacle.

*Payment*

6. Pursuant to section 181 (1) of the Act, all rates are payable in four equal or approximately equal instalments. Such instalments will be payable by the following dates:

30 September 2003;  
19 December 2003;  
19 March 2004;  
18 June 2004.

*Early Payment Incentive Scheme*

7. In exercise of the powers contained in section 181 (11) of the Act, and being of the opinion that it is desirable to encourage ratepayers to pay their general rates and/or separate rates, and/or service rates, and/or service charges early, the council offers to give a discount of 1% of the amount payable of general rates, and/or separate rates, and/or service rates, and/or service charges if paid in full by 30 September 2003.

R. J. FOSTER, Chief Executive Officer

## CITY OF PLAYFORD

## ROADS (OPENING AND CLOSING) ACT 1991

*Walkway Walditch to Wimborne Streets, Elizabeth Downs*

NOTICE is hereby given that pursuant to section 10 of the said Act, council proposes to make a Road Process Order to close and transfer to M. C. Vass and P. A. and K. J. Coombe the adjoining walkway (allotment 151 in Deposited Plan 9517), shown lettered 'A' and 'B' (respectively) on Preliminary Plan No. 03/0076.

A copy of the plan and statement of persons affected are available for public inspection at Council's Office, Warooka Drive, Smithfield and the office of the Surveyor-General, 101 Grenfell Street, Adelaide during normal office hours.

Any application for easement or objection must be made in writing within 28 days from 21 August 2003, to the Council, Warooka Drive, Smithfield, S.A. 5114 and the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001, setting out full details.

Where a submission is made, council will give notification of a meeting to deal with the matter.

T. R. S. JACKSON, Chief Executive Officer



## CITY OF PORT ADELAIDE ENFIELD

*Conversion of Private Roads to Public Roads*

NOTICE is hereby given that pursuant to section 210 (5) of the Local Government Act 1999, the City of Port Adelaide Enfield at its meeting held on 12 August 2003 declared:

*Butler Street, Port Adelaide*

Butler Street, Port Adelaide contained in General Registry Office Plan 57 of 1857 situated between Commercial Road and Lipson Street to be a public road.

*Rutland Street, Gillman*

Rutland Street, Gillman being allotment 155 in Deposited Plan 505 contained in certificate of title volume 5479, folio 224, to be a public road.

H. J. WIERDA, City Manager

## ALEXANDRINA COUNCIL

## ROADS (OPENING AND CLOSING) ACT 1991

*Cole Crossing Road, adjacent Cox Scrub Conservation Park*

NOTICE is hereby given that pursuant to section 10 of the said Act, council proposes to make a Road Process Order to close and vest in the Crown, portion of Cole Crossing Road adjoining the southern boundaries of section 102, Hundred of Kondoparinga, shown lettered 'A' on Preliminary Plan No. 03/0069.

A copy of the plan and statement of persons affected are available for public inspection at Council's Office, 16 Dawson Street, Goolwa and the office of the Surveyor-General, 101 Grenfell Street, Adelaide during normal office hours.

Any application for easement or objections must be made in writing within 28 days from 21 August 2003, to the Council, P.O. Box 21, Goolwa, S.A. 5214 and the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001, setting out full details.

Where a submission is made, council will give notification of a meeting to deal with the matter.

J. L. COOMBE, Chief Executive Officer

## DISTRICT COUNCIL OF MOUNT REMARKABLE

*Adoption of Valuation and Declaration of Rates*

NOTICE is hereby given that at a meeting of the District Council of Mount Remarkable held on 12 August 2003, the council resolved that in exercise of the powers contained in Chapter 10 of the Local Government Act 1999 (the 'Act') in respect of the financial year ending 30 June 2004:

*Adoption of Valuation*

1. The Valuer-General's most recent valuation of land available to the council, being the site valuation of land totalling \$165 036 620 be adopted for rating purposes.

*Attributions of Land Uses*

2. (1) The numbers indicated against the various categories of land use prescribed by Regulation 10 of the Local Government (General) Regulations 1999, (the 'Regulations') be used to designate land uses in the Assessment Records;

(2) The use indicated by those numbers in respect of each separate assessment of land designated in the Assessment Records on this date (as laid before the council) be attributed to each such assessment respectively; and

(3) Reference in this resolution to land being of a certain category use means the use indicated by that category number in the Regulations.

*Declaration of Rates*

3. In order to raise the amount of \$1 442 397:

(1) Differential rates pursuant to section 156 (1) (c) of the Act be declared as follows:

(a) in respect of land situated outside of townships as follows:

(i) 0.7 cents in the dollar on rateable land of Category 1 use;

- (ii) 10.6 cents in the dollar on rateable land of Categories 2 and 3 use;
  - (iii) 8.009 cents in the dollar on rateable land of Category 4 use;
  - (iv) 9.5 cents in the dollar on rateable land of Categories 5, 6 and 9 use;
  - (v) 0.405 cents in the dollar on rateable land of Categories 7 and 8 use;
- (b) in respect of land uses within townships as follows:
- (i) in the township of Appila:
    - 2 cents in the dollar on rateable land of Categories 1, 2, 3, 5, 6, 7 and 8 use;
    - 9.5 cents in the dollar on rateable land of Categories 4 and 9 use;
  - (ii) in the township of Booleroo Centre:
    - 6 cents in the dollar on rateable land of Categories 1, 2, 3, 7 and 8 use;
    - 9.5 cents in the dollar on rateable land of Categories 4, 5, 6 and 9 use;
  - (iii) in the townships of Bruce, Hammond, Moockra and Willowie:
    - 0.7 cents in the dollar on rateable land of Category 1 use;
    - 10.6 cents in the dollar on rateable land of Categories 2 and 3 use;
    - 8.009 cents in the dollar on rateable land of Category 4 use;
    - 0.405 cents in the dollar on rateable land of Categories 7 and 8 use;
    - 9.5 cents in the dollar on rateable land of Categories 5, 6 and 9 use;
  - (iv) in the township of Melrose:
    - 3.6 cents in the dollar on rateable land of Categories 1, 3, 7 and 8 use;
    - 4 cents in the dollar on rateable land of Category 2 use;
    - 9.5 cents in the dollar on rateable land of Categories 4, 5, 6 and 9 use;
  - (v) in the township of Murraytown:
    - 2 cents in the dollar on rateable land of Categories 1, 2, 3, 5, 6, 7 and 8 use;
    - 9.5 cents in the dollar on rateable land of Categories 4 and 9 use;
  - (vi) in the township of Port Flinders—1.4 cents in the dollar on all rateable land;
  - (vii) in the township of Port Germein:
    - 3.6 cents in the dollar on rateable land of Categories 1, 3, 7 and 8 use;
    - 4 cents in the dollar on rateable land of Category 2 use;
    - 9.5 cents in the dollar on rateable land of Categories 4, 5, 6 and 9 use;
  - (viii) in the township of Wirrabara:
    - 4.3 cents in the dollar on rateable land of Categories 1, 3, 7 and 8 use;
    - 5 cents in the dollar on rateable land of Category 2 use;
    - 9.5 cents in the dollar on rateable land of Categories 4, 5, 6 and 9 use;
  - (ix) in the township of Wilmington:
    - 3.6 cents in the dollar on rateable land of Categories 1, 3, 7 and 8 use;
    - 4 cents in the dollar on rateable land of Category 2 use;

- 9.5 cents in the dollar on rateable land of Categories 4, 5, 6 and 9 use.
- (2) A fixed charge component of the general rate of \$200 be imposed upon each assessment in accordance with section 152 (1) (c) of the Local Government Act 1999.

*Payment*

4. Pursuant to section 181 (2) (a) of the Act all rates will be payable in four approximately equal instalments which will fall due on:

26 September 2003;  
4 December 2003;  
4 March 2004;  
4 June 2004.

*STED Service Charge*

5. Pursuant to section 155 of the Act, a Differential Service Charge for the collection, treatment and disposal of waste will be imposed on each assessment of land within the townships of Wilmington and Melrose to which council makes available a Septic Tank Effluent Disposal Service. The service charge shall be:

Wilmington:

\$171 per unit on each assessment of occupied land;  
\$166 per unit on each allotment of vacant land.

Melrose:

\$190 per unit on each assessment of occupied land;  
\$180 per unit on each allotment of vacant land,

('unit' being as set out in the document entitled Determination of Service Charges—Septic Tank Effluent Disposal Schemes issued by the STEDS Advisory Committee and dated 1 September 1992).

This service charge applies to non-rateable land to which this service is made available.

*Early Bird Payment Incentive*

6. Pursuant to section 181 (11) of the Act, council offers a 2% discount on the balance of general rates, payable to those ratepayers who pay the full year's rates on or before 26 September 2003.

P. J. MOORE, Chief Executive Officer

DISTRICT COUNCIL OF TATIARA

ROADS (OPENING AND CLOSING) ACT 1991

*Road Opening—Adjacent Dukes Highway, Brimbago*

NOTICE is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the District Council of Tatiara proposes to make a Road Process Order to open as road portion of section 153 (Railway Reserve) in the Hundred of Tatiara, more particularly delineated and numbered '1' on Preliminary Plan 03/0072.

*Road Opening—Adjacent Dukes Highway, north of Keith*

Notice is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the District Council of Tatiara proposes to make a Road Process Order to open as road portion of section 494 (Railway Reserve) in the Hundred of Tatiara, more particularly delineated and numbered '1' on Preliminary Plan 03/0073.

*Road Opening—Adjacent Dukes Highway, south of Keith*

Notice is hereby given, pursuant to section 10 of the Roads (Opening and Closing) Act 1991, that the District Council of Tatiara proposes to make a Road Process Order to open as road portions of section 495 (Railway Reserve) in the Hundred of Tatiara, more particularly delineated and numbered '1' and '2' on Preliminary Plan 03/0071.

A copy of all the abovementioned plans and statements of persons affected are available for public inspection at the office of the Council, 43 Woolshed Street, Bordertown and the Adelaide office of the Surveyor-General, 101 Grenfell Street, Adelaide, S.A. 5000 during normal office hours.

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

The objection must be made in writing to the Council, P.O. Box 346, Bordertown, S.A. 5268 within 28 days of this notice and a copy must be forwarded to the Surveyor-General, G.P.O. Box 1354, Adelaide, S.A. 5001.

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

R. J. HARKNESS, Chief Executive Officer

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

*Atkinson, Laurel Ethel*, late of 7A Wheaton Street, South Plympton, retired registered nurse, who died on 6 June 2003.

*Butler, Bessie Lenore*, late of 1 Steele Street, Campbelltown, of no occupation, who died on 5 July 2003.

*Campbell, Githa Ellen*, late of 5 Londonderry Crescent, Mansfield Park, home duties, who died on 21 January 2000.

*Leaney, Freda Beryl*, late of 156 Main North Road, Prospect, widow, who died on 2 July 2003.

*Lewis, Phillip John*, late of 142 Grange Road, Westbourne Park, leading hand, who died on 29 April 2003.

*Nason, Samuel John*, late of Shackleton Avenue, Ingle Farm, retired leading hand, who died on 23 June 2003.

*Ryan, Josephine Mary*, late of 84 Main Street, Beverley, home duties, who died on 11 July 2003.

*Saint, Ida Elsie*, late of 157 Beulah Road, Norwood, of no occupation, who died on 21 June 2003.

*Scarce, Mavis Constance*, late of 110 Strathfield Terrace, Largs North, of no occupation, who died on 3 July 2003.

*Storch, Matthew John*, late of 39 Byron Street, Elwood, Victoria, store manager, who died on 10 March 2003.

*Telfer, Doreen*, late of 1 Esmond Street, Hyde Park, home duties, who died on 15 June 2003.

*Willment, Beau Arthur*, late of 11 Ulwin Avenue, Evanston Park, retired sheet metal worker, who died on 28 August 2002.

*Yates, John Gordon*, late of 57 Francis Street, Clarence Park, retired salesman, who died on 9 June 2003.

Notice is hereby given pursuant to the Trustee Act 1936, as amended, the Inheritance (Family Provision) Act 1972, and the Family Relationships Act 1975, that all creditors, beneficiaries, and other persons having claims against the said estates are required to send, in writing, to the Public Trustee, 25 Franklin Street, Adelaide 5000, full particulars and proof of such claims, on or before 19 September 2003, otherwise they will be excluded from the distribution of the said estate; and notice is also hereby given that all persons who are indebted to the said estates are required to pay the amount of their debts to the Public Trustee or proceedings will be taken for the recovery thereof; and all persons having any property belonging to the said estates are forthwith to deliver the same to the Public Trustee.

Dated 21 August 2003.

C. J. O'LOUGHLIN, Public Trustee

SALE OF PROPERTY

Auction Date: Wednesday, 3 September 2003 at 10 a.m.

Location: Government Auctions SA  
47 Transport Avenue, Netley

NOTICE is hereby given that on the above date at the time and place stated, by virtue of Orders for Sale issued by the Fines Payment Unit of South Australia, Penalty No. EXREG-02-117989/1 and others, are directed to the Sheriff of South Australia in an action wherein Troy Neilson is the Defendant, I, Tim Goodes, Sheriff of the State of South Australia, will by my auctioneers, Government Auctions SA make sale of the following:

Holden VB Commodore  
Registration Number: STM 404

# ATTENTION

CUSTOMERS requiring a proof of their notice for inclusion in the *Government Gazette*, please note that the onus is on you to inform **Government Publishing SA** of any subsequent corrections by **10 a.m. on Thursday**, which is our publication deadline.

For any corrections to your notice please phone 8207 1045 or Fax 8207 1040 **before** 10 a.m. on Thursday.

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

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

**NOTE: Closing time for lodging new copy (electronically, fax or hard copy) is 4 p.m. on Tuesday preceding the day of publication. Phone 8207 1045—Fax 8207 1040.**

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